

dents to set Placement Center policy. We are arguing that such a power shift is justified and desirable in principle and believe that should be sufficient reason for carrying it out.

One would not expect that such a constitutional revolution in internal University governance would meet with universal acceptance. What we are recommending is analogous to a change from a monarchy to a democracy. The present system of internal University governance concentrates ultimate power in one individual, that individual surrounding himself with counselors and advisers, some of whom he delegates responsibility to. The American political tradition historically puts more trust in the mass of citizens than in a monarch. We believe that tradition could well be applied to the case at hand, and therefore urge that a student referendum conducted in the manner described establish recruitment policy at the formal placement facilities of Stanford University.

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VII. THE MINORITY OPINION: REFERENDUM

Members of the minority opinion resist referring the recruitment issues to the student body through referendum for the following reasons.

1. We believe that government by referendum is weaker than government by representation, and prefer that this issue be settled through the University's representative forms of government. We recognize that COSS does not have final authority on the decision, but believe that the committee, with a student majority, does have legitimate input.

Moreover, we believe that accepting the responsibility to make a clear recommendation to the President within the COSS structure strengthens the representative form of the decision-making process.

Referenda on Stanford's campus are shown primarily to reflect student sentiment which varies on a single issue over time. Policy is stronger when it is established on principles which are operative over a long period of time rather than opinion, which is both malleable and temporal.

Governance is further diluted by referendum when it shifts the responsibility from those who must carry out the policy to those without direct responsibility for policy.

2. Generally, the public is less well informed on an issue than its representatives. In this case we could not expect the student body to review the issues as completely as COSS has with its hearings and testimonies from spring 1971 and winter 1972 and could not, therefore, make as well educated a judgment.

3. In the case of the Placement Center, the service is predominantly but not entirely a student service. The Center serves other constituencies as well, including alumni and faculty or staff. In one sense, university teaching is a student service, yet we would not expect to decide on who teaches or what courses he would teach by student referendum—though we are quick to recognize that student sentiment and judgment should be seriously reviewed when such decisions are made.

VIII. THE MAJORITY OPINION: WAR-RELATED ISSUE

While we do not condone or endorse private industry's contractual arrangements with the military, we reject the proposal of limiting recruiters from such companies from several differing views:

Following is the text of a March 7 letter from President Lyman to: Members of the Committee on Services to Students:

I have received the report on recruitment policy of the Committee on Services to Students and I want to thank the members of COSS for their willingness to grapple with the difficult issues raised by policy in that area.

The fact that the Committee was, itself, closely divided on several of its key recommendations is evidence both of the difficulty of the issues and the extent to which they divide the University. It is also evidence, if more were needed, that these issues cannot be settled on the basis of a set of propositions that are so self-evidently true that all opposition will dissolve before them.

There are very real differences here, both of principle and of predictions about practical consequences. I hope that the steps taken to clarify and in some respects to modify recruitment policy can in some measure narrow those differences, or at the very least, make them less inflammatory. My reactions to the COSS recommendations follow.

1. The proposals having to do with obtaining more information about companies recruiting at the Placement Center and making that information more easily accessible to students are important steps in the right direction. That direction, as I have said many times, is to make students aware of the ethical and moral basis of their choices and of the likely practical consequences; to provide them information and analysis bearing on those choices; and then to permit them to choose. I believe that this approach is more compatible with the spirit of the University than is the exclusion of those of whom we disapprove. I am asking the Dean of Students and the Director of Placement to develop workable mechanisms toward that end, using the COSS recommendations as their point of departure, and to discuss their conclusions with COSS before putting them into effect.

2. COSS has recommended that military recruiters be barred from using the formal placement facilities of the University. In response to my question, the Committee indicated that this recommendation is intended to apply to recruitment to civilian positions in the Department of

tribute, for profit, to the committing of the crime and are therefore as culpable as a person who sells a gun to a known killer.

Those companies' use of placement facilities to recruit talented and trained people is the first act in a process that results in the illegal and immoral killing of people in Indochina. Stanford University, by allowing those companies to use its placement facilities, lends its services and the prestige of its name to that process. It should stop doing so, primarily because aiding a process that culminates in the illegal and immoral killing of people is itself immoral. Furthermore, barring those companies from the placement facilities would be a political gesture indicating that Stanford University has taken at least one step to extricate itself from its relationship with the companies that profit from the making of war—a gesture that may be imitated by other universities. Finally, making it more difficult to be recruited

Defense as well as to the uniformed services.

It is our present interpretation of the law which governs research support by NASA and DOD that to accept the COSS recommendation would mean the loss to Stanford of more than \$16 million annual research support on which about 1,000 faculty, staff, and students currently depend. To take such a step with knowledge of those consequences would be utterly irresponsible.

COSS has suggested first that the law is in some respects ambiguous and second that it should, in any case, be challenged in the Congress and in the courts. With respect to the former, I fully agree that we should be as certain as it is possible to be about the application of the law to various alternative arrangements. I am, therefore, taking steps to get as authoritative an interpretation as it is possible to have.

In contrast, the possibility of a successful challenge to the law is at best remote. However unwise they may be, the restrictions with which we are faced seem clearly within the authority of the Congress and in the courts. A successful challenge through the courts is unlikely. COSS's own legal advice reached the same conclusion.

I have no doubt that, eventually, the law, itself, will be changed. The best judgment I can find, though, is that it is not likely to be changed soon. We should, and will, be making efforts toward that end, but to suggest, as COSS appears to, that the restrictions "should be challenged regardless of the likelihood of success," and that the challenge should be accompanied or preceded by the elimination of military recruiting, is neither realistic nor useful advice.

3. Since a decision that could cost the University more than \$16 million a year would have profound consequences for the academic programs of the institution, I am asking the Steering Committee of the faculty Senate whether the Senate wishes to consider and give advice on military recruiting and on the broader issue of selective recruiting, generally. I am also asking the Provost to seek advice from the Deans of Schools on the effects and the desirability of changes in recruitment policy as seen from their vantage point.

4. I have said that student opinion about placement activities is an important element in decisions about the

nature, extent and, indeed, the very existence of those activities. There is more than one valid way to gauge that opinion. One obvious and important measure is the extent to which the service is actually used. That information is available and must be considered.

COSS has suggested a referendum as another way. Under the proper circumstances a referendum about student opinion that did earlier votes would be useful. We should not, however, underestimate the difficulty of devising a useful voting process. To cite but one example, COSS suggests the following question: "Should at least some companies which engage in research or production for the military services be denied the use of the formal placement facilities for recruiting purposes?" Another way of asking that same question might be, "Should Stanford students, as individuals, be able to choose freely those companies with which they wish to have employment interviews on campus?"

If, as I suspect, those two questions would produce different results, one is led to caution about the value of a process that solicits opinion about complicated issues by asking seemingly simple questions. For this reason, as well as for others I have already stated, I could not treat the result of any referendum on these issues as binding on policy.

In closing, I should perhaps make explicit what has been implicit in everything I have said so far. The issue of recruitment policy, unlike some other questions of educational policy and students or faculty affairs, is one which the President of the University has an inescapable responsibility to decide finally. There is no entity or set of entities on the campus to which I could delegate my own responsibilities for the consequences of a bad decision.

In reaching decisions on recruiting policy I want to have the best possible information on the likely effects of alternative course and on the views of members of the University community. The course of action I have outlined here is designed to provide that information as a necessary condition for decisions taken in the best interests of the University.

terize the university. Anyone, including the recruiters from the barred companies, should continue to be welcomed to give public statements of their views to the members of the University. The recruiters should, if they wish, have access to White Plaza to conduct their business transaction—which is the nature of recruitment—in the same way that everyone has access to White Plaza to conduct business transactions (such as the sale of candles). But the University should stop helping them do their work.

Finally, it has been argued that the University should be morally and politically neutral in the use of its facilities and talents. But in fact the University is not morally or politically neutral.

The desire of many of its faculty and administrators that the University grow in size and "quality" through the use of federal money has biased its research and

tion to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Armed Forces Appropriation Authorization Act
Pub. Law 91-441, 84 Stat. 914 adopted October 7, 1970, states "Sec. 510. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being