

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:

One view holds that the very act of judging, especially on a moral basis, who may and may not have access to the University and its facilities is potentially a very dangerous act which seems antithetical to the very nature of a University. Morality, in particular, changes from generation to generation; witness the current approaches to some of the very accepted and cherished values of generations of students who graduated but a few short years ago.

Another view recognizes that most objections to war-related industrial recruitment stems from the fact that weapons and profits from weapons are made.

The proposal would not ban all such companies but only those which make substantial profits or those which make products which can only be used for killing, as opposed to products which indirectly support war, such as food, clothes, or trucks. Most large corporations are extremely diversified and the University, therefore, is forced to make some judgment as to the tolerance level for companies producing material designed to kill. There seems to be no domestic legal principles or cases which can justify the policy barring companies from the campus. The economic consequences to the University, unlike the probable consequences of barring the military, are not clear in that companies may or may not cease contributing to the University. The strength of the socio-political impact of such a policy is dubious, particularly as that impact may relate to national attitudes relating to the war and industrial profits made from war. No one can predict with confidence if such a policy would have any impact at all.

We believe that students should be fully informed of the war-related activities of the companies, but that attempts to develop a policy which relates to certain dollar amounts of DOD contracts (or types of products which support war) are basically arbitrary and uneasy to live with.

The military's influence on the campus is more than we would like it to be. This is true on many levels of the University and has had a deleterious effect. However, to deal with that issue will take a considerable amount of soul searching, hard work, and reevaluation of the University within our society rather than an impulsive, finger-waving symbolic gesture directed at a very minor symptom.

IX. MINORITY STATEMENT ON RECRUITING BY WAR-RELATED INDUSTRIES

We recommend that those companies which produce weapons of the kind used in the Indochina war and components used primarily in such weapons be barred from using the formal placement facilities of Stanford University. The term "weapons" includes weapons delivery systems, electronic surveillance equipment, and target acquisition equipment. We recommend that an exception be made in the case of those companies' divisions which do not produce such weapons.

The crucial strategies of the United States armed forces in the Indochina war clearly violate international law and make that war a criminal act. Even if there were no international law, the wanton and indiscriminate taking of life in the Indochina war would violate the moral sense of any civilized person. The companies which make and supply weapons for the conduct of the war, while perhaps not accessories to the crime in the strict construction of international law, willingly con-

tributed to the war. It is 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 by a representative from one of those companies might effectively channel students away from those who trade in death.

In the course of the Committee's hearings and discussions, several arguments have been advanced against barring any companies from the use of formal placement facilities. We do not ultimately find them persuasive, but we do think they deserve serious consideration.

First, it is true that the university community must be very careful about making legislation on the basis of the moral views of the majority lest the rights of minorities be trampled. But we insist on the classical distinction between acts which are considered immoral by the majority but which do no harm to others (such as various sexual acts between consenting adults or the smoking of marijuana) and should therefore not be prohibited by legislation, and acts which are considered immoral by the majority, in fact harm others, and might therefore be prohibited by legislation. We think that recruitment by companies which make weapons of the kind used in the Indochina war falls into the latter category because it is an act which has as one of its consequences the killing of people.

Furthermore, we do not see that the "rights" of any students are being abridged. Since the use of the placement facilities is a service to students, and since the university does not have an "obligation" to make all possible services available to all students, denial of easy access to certain recruiters does not constitute a denial of a "right."

On the other hand it is true that in this case a service would be denied to some students—those that want particularly to be recruited by the barred companies—on moral grounds. But the university has already established the precedent for such an action by denying the placement facilities to Goldman, Sachs because the company admitted that it discriminated on the basis of race.

It has been argued that the restriction in this case is not analogous to the one proposed because Goldman, Sachs committed an illegal act in discriminating and because the restriction was made in the interest of increasing opportunities for students, not narrowing them. But the fact that Goldman, Sachs had not been prosecuted for, much less found guilty of discrimination indicates that the university's opposition to discrimination in hiring rests finally on moral grounds.

Also, denying access to companies like Goldman, Sachs does not in fact increase job opportunities; more white students would have had a chance to be recruited if Goldman, Sachs had access to the placement facilities, and its being denied access did not increase recruitment opportunities for students from minority races.

A further precedent has been established in the university's refusal to play Brigham Young University in basketball on the grounds that Mormon theology discriminates against black people; those students that particularly want to watch or play BYU have been denied that opportunity on moral grounds.

In our view the University's responses to Goldman, Sachs and BYU were proper limitations on services to or opportunities for students, as would be barring from placement facilities those companies that produce weapons of the kind used in the Indochina war.

Barring some companies from placement facilities does not in our view constitute an abridgement of the openness and the freedom to speak that should charac-

terize our University, 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 teaching toward the interests of the federal government, leaving many possible issues unresearched and untaught because of the unavailability of federal support. That bias may be the result of moral or immoral attitudes, but it is not amoral or apolitical.

However desirable neutrality might be as an institutional position, it can never be achieved by Stanford University unless it chooses to become a small liberal arts and sciences college supported by tuition and endowment income.

Since neutrality is impossible, the best alternative is to use the University's facilities and talents on behalf of life—or at least not on behalf of death.

Neil S. Bernstein
Ronald A. Rebholz

Fernando Sanchez
Peter Van Petten

APPENDIX A: LIST OF SPEAKERS HEARD BY THE COMMITTEE

May Meetings:
Mrs. Rachelle Marshall, Stanford Community Women for Peace
Dr. Ralph W. Keller, director, Career Planning and Placement Center
John Kerns, director, humanities placement, Career Planning and Placement Center
David Josephson
January Meetings:
Hubert Marshall, Department of Political Science
James Douglas, Department of Civil Engineering
Jackie Dowles, student
Larry Diamond, Council of Presidents
Mrs. Frank Bonilla, faculty wife
Gerald Arnold, Stanford Veterans Club
Dan Higgins, Stanford Veterans for Peace
Dwain Fullerton, General Secretary's Office
Jim Lee, General Secretary's Office
Robert Barkan, alumnus
Earl Martin, Concerned Asian Scholars
Dean Joe Pettit, School of Engineering
Howard Alford, graduate student in education
Dr. Ralph W. Keller, director, Placement Center
Peter Munk, student
Jim Robinson, student
Ron Miller, graduate student in education
Bill Munselle, graduate student in political science
Paula Johnson, student
David Josephson, ASSU guest professor
Ed Jackson, student
Pierre Noyes, SLAC
Halsted Holman, School of Medicine
Mick Goldstein, student, Law School

APPENDIX B: DOCUMENTS RELATING TO ECONOMIC CONSEQUENCES OF A RESTRICTIVE POLICY (Editor's note: these have been excerpted in the interests of brevity.)

NASA Authorization Act of 1971
Pub. Law 91-303, 84 Stat. 370 (h) adopted July 2, 1970, states "No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribu-

ated 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 barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

The College Clearing House, Inc., *College and University Reporter*, Volume 2, Section 337, 15,628, entitled "Fiscal 1972 Military Procurement Authorization Measure Signed" states that "a provision of the new law would deny funds to any college or university which bars military recruiters from their campus." As of Dec. 1, the Government Section of the University Libraries had not yet received the Public Law 92-156 including this provision.

During the fiscal year ending Aug. 31, 1971, the University received \$11,963,690 from the Department of Defense and \$3,888,661 from NASA in total direct and reimbursed indirect expenditures.

Following is a memo to Neil Bernstein of COSS from James V. Siena, legal adviser to the President:

This is in response to your request for my views on the impact on NASA and DOD funding for the University of a proposal which would bar military recruiters from the use of the Placement Center facilities. The answer to that I think depends on the details of such a policy.

As I recited in an earlier memorandum on this subject, if we were to bar recruiters from the use of any facilities on campus we would I think be violating the spirit of the statute if not the letter.

On the other hand, I think one can reasonably argue that the prohibition of military recruiting in a particular space on campus, so long as that recruiting is permitted to go on elsewhere on campus with the University providing the same services as are provided to recruiters at the Placement Center, would not violate the statute.

If the denial of the use of the Placement Center were coupled with limits on University cooperation in the provision and use of other space, I am sure that there is a point where those agencies would conclude that we have made recruiting on campus so difficult that we have effectively "barred" those recruiters and therefore a cutoff of funds would be called for.

CORPORATE GIVING AND RECRUITING

1. In 1970-71, 270 companies requested scheduling for on-campus interviews through the Placement Service. In 1971-72, 199 companies have requested on-campus interviews.
2. About half of these companies are donors to Stanford.
1969-70 - 51% (of which 86% gave \$1,000 or more)
1970-71 - 55% (of which 93% gave \$1,000 or more)
Amount given by companies recruiting, 1970-71: \$1,641,000

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