

CHAPARRAL

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Photo by Don Ernst



Daily photo by Bill Cooke

Justice at Stanford????

See page two

The SJC --- It Makes Julius Hoffman Look Good

The current judicial system has its roots in what might be termed a popular uprising over the reversal by an all faculty appellate board (the Interim Judicial Body, or IJB) of a unanimous decision by the Student Judicial Council to acquit six students. They had been accused of violating university regulations during a demonstration against the CIA.

Having exhausted administrative procedures, but profoundly dissatisfied with what was passing for justice on campus, a large number of students occupied the Old Union building and demanded a redress of grievances as a condition of their leaving. As Philip Taubman, former editor of the *Daily* wrote: "The incident became an issue, the students were angry with (Howard) Williams (then chairman of the IJB) and he was pretty much discredited as the judicial head on campus."



"In the name of the State of California, I charge you..."

The faculty, forced into recognizing its responsibility, rose to the occasion. At an emergency Academic Council meeting, held while the sit-in was in progress, they backed the students by voting for a revision of the judicial mechanism over the strong objections of then-provost Richard Lyman. The result was the current Legislative and Judicial Charter—a tripartite agreement ratified by students in a referendum, by faculty through the Academic Council, and by the administration.

The Charter

The charter, written in mid-1968, was in force by January 1969. It created a single judicial hearing board, the Stanford Judicial Council (SJC), comprised of four faculty, four students, and a chairman to be chosen from

the Law School. The chairman was, presumably, to bring a knowledge of legal procedure and judicial precedent to bear on the proceedings.

The Dean of Students, who had acted in the past for the university in appealing the Student Judicial Council's verdict to the IJB, and who had argued cases before both bodies, was now specifically prohibited from entering proceedings, as an adversary, before the new SJC.

A procedure for amendment, requiring passage by the joint faculty-student-administration committee which drafted the Charter (the Committee of 15) and subsequent ratification by all constituencies, was also incorporated.

Political Trials

Things began smoothly enough, until the first "political" cases were heard. After trying students allegedly involved in the April 3 Movement's anti-war activities, Prof. Jack Friedenthal, the first chairman of the SJC, recommended in his closing report (June 4, 1969) that certain basic changes be made in the system. These were: the appointment of a prosecutor to try cases for the administration, a provision for the Dean of Student's office to aid student defendants (a public defender), and the authorizing of the chairman to impose immediate punitive sentences on anyone he felt was obstructing the court (summary contempt).

These suggested amendments were duly communicated to the Committee of 15 by the President, but were never voted on by C-15, and therefore were never proposed for ratification to the constituencies. Thus C-15, in its wisdom in protecting the concept of the original charter (or perhaps in its incompetence as a legislative committee, depending on one's point of view) effectively tabled the amendments.

Enter the Prosecutor

But President Pitzer thought the prosecutor was a good idea, so in January of 1970 he directed James Siena, his personal legal advisor, to offer additions to the operating rules of the SJC which would provide for one. Interestingly, he omitted the public defender, a companion recommendation in the original proposals.

Marc Franklin, chairman of the second SJC, waited until the May 1970 trials of anti-ROTC demonstrators before authorizing the appointment of Paul Valentine, a local attorney with Spaeth, Blase, Valentine and Klein to prosecute those cases. Later in 1970, Valentine was replaced by John Schwartz. As a newly appointed full-time assistant to the President, he was in charge of preparing and trying cases before the SJC.



John Schwartz confers with Howie Williams about Pooh

On the question of summary contempt, the President again took the amending of the charter into his own hands: he decided that the power of contempt rested with the chairman of the SJC. He did this with the concurrence of the SJC and Howard Williams, the third chairman of the council (and the same Howard Williams who had chaired the infamous IJB). According to the *Stanford Daily*, the decision to grant contempt authority to the chairman was a condition of Williams' acceptance of the chairmanship—a position which he currently holds. (See the accompanying article for further details.)

The IJB Returns

Thus, as was pointed out in an article in the *Stanford Daily* entitled "Old Wine in New Bottles," the old judicial system, which Lyman had so avidly defended three years ago, has come back to haunt us. Not only has the administration's prosecutor been installed, but we now find that the old IJB chairman is chairing again, and he has, in fact, one of his co-jurists from the IJB with him again. Where is the judicial reform that the community had worked so hard to bring into being?

In 1969, when Congress was demanding reports on students receiving federal funds who were possibly

HOW THE LEGISLATIVE AND JUDICIAL CHARTER IS SUPPOSED TO BE AMENDED:

I. Proposals for changing the Legislative Charter may be made by any one of these:

- President of the University
- Senate of the Academic Council
- Students (by referendum or petition)
- S.J.C.
- S.C.L.C.

II. These proposals are then considered by:

- The Committee of Fifteen (6 students, 6 faculty, 3 administrators)

III. If the Committee of 15 approves the proposals, they are submitted for ratification to these constituencies:

- Students
- Senate of the Academic Council
- President of the University

THIS IS THE ONLY LEGAL AND PRESENTLY AUTHORIZED WAY THAT THE CHARTER CAN BE AMENDED.

HOW THE LEGISLATIVE AND JUDICIAL CHARTER HAS BEEN "AMENDED" WITHOUT USING LEGAL OR AUTHORIZED PROCEDURES: (tracing one particular example: the development of the "summary contempt power" used by Chairman Howard Williams during the trial of the 'Lodge defendants')

1. Summary contempt first appears in a report of the SJC in June, 1969 as part of a list of recommended changes being presented to the Stanford community.

2. Summary contempt next appears in a letter from Friedenthal to Pitzer dated August 4, 1969 which again lists recommended changes in the charter. Included was a provision that the Council should be allowed, in some cases, the power to deal with all forms of non-cooperation immediately and without subsequent hearing.

3. The Committee of 15 discussed the recommendations, but did not approve any of them.

4. Summary contempt next appeared in a *Daily* story on February 4, 1971 which reported that Williams and Lyman had agreed that Williams would have contempt power as a condition for his accepting chairmanship of the SJC. Further information on this special arrangement is not readily available.

5. Finally, in a letter to the C-15 on February 10, 1971 Lyman asked for new Charter amendments which he considered "pressing," including summary contempt.

THIS IS HOW THE ADMINISTRATION SUCCEEDED IN CIRCUMVENTING THE ESTABLISHED PROCEDURES FOR AMENDMENT.

involved in disruptions, Lyman, then provost, warned us we must put our 'house in order' before someone from outside came and did the job for us. He might have warned the Committee of 15 similarly, for when they refused to legally adopt the amendments to the Charter which the President thought were necessary, he proceeded to implement them himself.

Proposals Withdrawn

As a final *coup de grace*, on February 10, 1971, after the prosecutor and summary contempt had become de facto institutions of the SJC, Lyman attempted to solidify his position by withdrawing the previous proposals for amendment of the Charter, giving as his only reason the need for the passage of two new amendments: one which expands the summary contempt power and the other a change in the degree to which the SJC may publicize information about a case—which the Charter currently protects as part of the rights of a defendant. If history has any predictive value, and should the C-15 proceed to table these amendments, they soon will be in force anyway.

The above arguments have probably justified the thesis that the power to determine the course of administrative events at Stanford lies largely with the President and that, stripped of a legitimizing front, he will use that power openly when he deems it necessary to the performance of his office.

* * *

So far the emphasis has been on the examples of how the student judicial system has been changed into a more effective tool of the administration. But one should not think that all the activities of the rulers of Stanford have been in this one area. They have not hesitated to use the outside courts whenever possible or convenient, and they have been most willing to cooperate with federal, state, and local investigators.

Criminal Courts Used

Examples of the use of the criminal courts include the several prosecutions of Jim Johnson, and the attempt to prosecute Mike Sweeney. Complaints that normally would have been sent to the SJC about Johnson were instead sent to the District Attorney in more than one instance of alleged malicious mischief. A similar attempt was made with Sweeney, but a student and faculty uproar resulted in a reversal of that attempt.

In another instance the university turned over their tapes of Leo Bazile addressing a crowd outside the Old Union last year to the D.A.'s office. Although the university sought a complaint, the D.A. decided that any prosecution would be "messy" because of possible First Amendment implications.

Several explanations are possible for the behavior described above, but it seems clear that the administration is reluctant in the extreme to have the SJC hear cases

involving black students. To date the only "political" cases involving blacks have been when one was in a large group of radical students who were also charged.

Odious Injunctions

A still more odious tactic is the use of temporary restraining orders and injunctions. These legal devices present a ripe opportunity for selective prosecution by university officials and enable prosecution in the courts without the cooperation of the police or D.A. When one student openly attended meetings of a university committee on campus in defiance of the 1969 T.R.O. nothing was done. But a year later, five students were

charged with "crimes" ranging from squeaking a chair to describing the Academic Council as a "rubber stamp" before one of their meetings.

* * *

The modern history of the president's role in student discipline dates from 1963 when the Board of Trustees officially delegated their power in this area to President Sterling. In spite of proclamations and agreements which ostensibly gave students and faculty greater control over their own affairs, nothing that has happened since that time has in any way been successful in diminishing or modifying the authority of the President.

Lyman's Amendments

In his February 10, 1971 letter to the Committee of 15, President Lyman withdrew all previous recommendations that the previous president had submitted to amend the Legislative and Judicial Charter. Instead, he urged the Committee to act on two new proposed changes which he described as "particularly pressing" for a "fair and effective judicial system."

These proposed changes are especially interesting in light of the current controversy regarding the jurisdiction of the SJC and regarding the Chairman's explicit powers "under the Charter" and the Chairman's claim of "implicit" powers. In addition, Lyman asks that the Committee of Fifteen address itself to the problem of what shall constitute an open hearing of the SJC and the circumstances in which SJC action may be publicized to the community.

The first change, dealing with "Community Cooperation," attempts to legitimize summary contempt power for the SJC chairman. That is, if anyone refuses to cooperate with the Council and does so in the presence of the Council, "sanctions may be imposed immediately and without subsequent hearing." This is fondly known as the Judge Hoffmann Amendment, and clearly enlarges the powers of the SJC Chairman far beyond anything ever envisaged by the Charter.

Second, Lyman wants to change some of the rules regarding the confidentiality of hearings and the facts brought out during those hearings. Section II, F in the original charter enumerates the defendant's rights before the SJC, and the sixth is that unless the defendant asks for an open hearing, "any matters of facts which would tend to identify the person or persons involved in a case would be kept confidential." Lyman wants to add the following qualification: The defendant has the right to request such confidentiality, but "The Council shall grant this request when the

Council deems it to be practical, convenient, and otherwise in the interests of justice." In effect, the Council may release any information it chooses if it feels *inconvenienced* by keeping that information confidential. The defendant is no longer protected against outside agencies collecting the facts of his hearing for later prosecution. It remains unclear what matters of practicality would prevent a closed hearing from remaining closed.

However, Lyman does not stop there. Under the Charter, a defendant may request a hearing before the Dean of Students instead of the SJC. Under Lyman's new changes, in a case heard before the Dean of Students, "any matters of fact which would tend to identify the person or persons involved shall be kept confidential."

Thus, by blackmailing defendants with the implied threat of revealing information at an SJC hearing but not at a Dean of Students hearing, the Administration seeks to force defendants who desire closed hearings to choose the Dean of Students.

What Lyman is saying, in essence, is that no one will guarantee privacy in a closed hearing unless the defendant allows the Dean of Students to hear it. In addition, these changes establish separate standards and criteria when the SJC and the Dean of Students hear cases because the Dean of Students is not provided with the loopholes of "convenience" or "interests of justice" to invoke in order to publicize the results of his hearing.

Finally, the change allows the Administration to intimidate students by seeing to it that punishments and the facts of cases not otherwise in the public's attention will henceforth be proclaimed wherever and whenever the SJC deems it in the interests of justice. Thus, if a particularly exemplary case is brought up and the student chooses to have a closed hearing, the SJC can still make hay with its decision to teach everyone the lesson it wants to enforce.



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People of Plenty

By ROGER BOESCHE

There is some sort of revolution around—I feel sure of it. However, like most words today, this one seems meaningless because of its over use, its bankruptcy cemented by Nixon's use of the term. More than that, this revolution doesn't resemble that of 18th-century France, nor Russia in 1917, nor China in 1949.

Though it is clear that students are rebelling in America in a serious way, it seems neither clear nor fully understood that it is in an historically unique way. In the past almost all revolutionary movements could have, at one time or another, been bought off and stopped by material or social rewards. This revolt, however, is led by the elite of the system, who have material and social privileges. Therefore, the crucial question we have to ask is: Why are the most privileged leading a revolution?

Clearly, students are not engaging in revolution *because* workers in this country are oppressed. First of all, the oppression of the working class (and Marx's definition of this term just does not fit in this century) has existed for a long time without the young members of the elite becoming morally outraged. Where were the children of the wealthy in 19th-century England or America in the early part of this century?

Uniqueness

Something is unique about a privileged class becoming collectively outraged to the point of wanting to carry on a revolution in behalf of those oppressed.

Secondly, workers in this country just are not oppressed in anything more than a relative sense. Unemployment does hit the blue collar worker hardest, hard and tiring work is a prerequisite for a modicum of luxury, his children do have to bear the brunt of wars and poor education, his family has to suffer from lack of medical and social privileges, and in the most damning parts of our society, migrant workers and Appalachian whites live in poverty and disease while blacks in the Deep South suffer from near starvation.

But, if there is something called a "working class" in America, it certainly isn't, at this time, revolutionary, simply because America is a society with an abundance of material wealth (no matter how unequally this wealth is shared and controlled).

System Delivers

As Ernst Mandel (the Marxist economist from Belgium who wasn't permitted by the State Department to speak at Stanford) states, the system has "delivered the goods." "The system has been capable of giving (the working class) higher wages and a higher degree of social security," and this gives the workers a conservative attitude.

However, even in the past when oppression has been real, no sustained revolution (especially one founded on the moral outrage of privileged youth) has come forth. Anyone who reads through Engels' study on working conditions in England or glances at *Das Kapital* should realize that, if material oppression did not produce revolution at that time, it certainly is not the *cause* of a student-led worker revolution in America today.

Even further, all the rhetoric about "worker oppression" and a "revolution in behalf of the working class," comes from accepting Marxist analysis as a religious faith, and in turn obscures the *real* reasons for a student attempt at revolution. When these reasons are obscured, students cannot understand where they are, cannot organize around their real needs, and as Marx would say, they cannot face their situation *consciously*. To say workers are "oppressed" is to imply that you are not; to try to organize a revolution with the goal of giving workers more affluence is to misunderstand that that very affluence is an underlying cause of student revolt.

Foreign Policy

A second important thing to realize is that students are not revolting against the system *because* of American

foreign policy. I'm not saying that American foreign policy isn't murderous. Nonetheless, though there have been colonial governments, imperialistic policies, and murderously unjust wars in the past, historically there has never been a young elite that has collectively shown such moral outrage over its country's policies. I am aware of American interventions in the popular governments of Guatemala, the Dominican Republic, and Cuba; I am aware that the United States has destroyed northern Laos, killing 200,000 people (Senate Report); I am aware of political, economic, and often military support of such oppressive regimes as Portugal, Indonesia, Thailand, Brazil, Greece, Spain, South Africa, and—perhaps most oppressive of all—the Portuguese colonies of Angola and Mozambique.

I know that the richest country in the world is at times directly and at times indirectly, at times partially and at times completely responsible for death, disease, ignorance, poverty, and perpetuation of oligarchic regimes through the world who dictatorially prevent structuring a political system that answers basic human needs. But students in America are not rebelling *because* of these policies.

Still, the revolution is not 'for the hell of it' either. Racism in Oakland, unemployment in San Jose, and a child dying from malnutrition and improper medical care in Mississippi are real problems. People tortured in Greece and Brazil, black people dying in South African mines or napalmed by Portuguese troops in Angola, and a murderous air war in Southeast Asia are very real oppressions, but whereas the ending of such oppression is a goal of the student revolution, it is even more a *symbol* for a rebelling student population. These symbols are a tangible focus for rebellion against a system whose hypocrisy, whose historical obsolescence, and yes, whose contradictions have become apparent to more and more people. Given any demonstration at Berkeley, one notices that neither the information given by speakers nor the particular, concrete issue is important—the goal and the concern of the demonstration is merely mobilization for action against a symbol of a system that denies people something: something very real, even though these people are not materially oppressed. This is one reason the student revolt is so unpredictable; people do not commit themselves to one issue so much as daily confronting an ensemble of personal, economic, and political symbols. What can we say about this revolt?

Victory

As I indicated above, this revolution cannot be stopped by a greater abundance of material goods and in this sense it is historically unique. That doesn't mean "victory" is inevitable (indeed failure seems probable), but it won't fail because it has been "bought off."

More than this, this revolution is led by the first generation in the history of the world to not know material want, to live in luxury, and to have large amounts of free time—all of Marx's prerequisites for freedom. As Jurgen Habermas, a radical German philosopher, says, it is the first bourgeois revolt against a bourgeois system.

Ours is a generation that has to come to grips with the absurdities of this nation of wealth. Why is there a housing shortage in the Oakland ghetto, why is there malnutrition in Mississippi while a Senator from that state is paid not to grow food? Why does our wealth lead to murdering Asians, supporting regimes which perpetuate oppression and poverty, and intervening in small countries who want to solve social problems in ways different from ours.

The common question underlying all of this is why the social norms of a bourgeois system—the social norms of a society historically set up to produce wealth (and Marx emphatically demonstrated the energy and efficiency in the production of wealth which characterizes capitalism)—the social norms of a society of SCARCITY,

are uncritically worshipped and accepted by a society of ABUNDANCE.

Why does an outmoded social ethic and an outmoded ideology of efficiency remain fundamentally unquestioned? If the efficiency of possessive individualism and competition is historically a success, but now obsolete, why is it now not publicly discussed, criticized, and replaced? If our real needs are no longer physical and material (because these have been satisfied), why is the accumulation of objects considered progress and satisfaction? (As Marx said, the production of too many useful things produces too many useless people.) And why at the moment of history when the satisfaction of physical wants could allow men to have the free time to democratically control their lives, discuss their needs, and cooperate in making decisions about alternative styles of life, does the social structure perpetuate hierarchal modes of organization that are designed only for the running of an efficient and expanding economy, instead of addressing itself to the fact that people within the economy have needs that often cannot be met by the production of more goods?

As Habermas says, this bourgeois system is operating perfectly. Curiously, it is for precisely this reason that there is a revolt against it: "What is in question is not the system's productivity and efficiency, but rather the way the system's achievements have taken on a life of their own and become independent of the needs of the people who live it."

More importantly, science, technology, and an expanding economy through efficient production do not constitute an ideology that masks the material privileges of class interest (since we all have material privileges), nearly as much as it perpetuates, unquestioned, a system that prohibits the appearance on the historical stage of a really free, potentially creative, and historically emancipated man.

Marx's creative person—who expresses himself and his needs in social action, a man not crippled and narrowed by the division of labor, a person possessive not about his goods but about his potential for intelligent self-expression within a community, a person not finding satisfaction in domination (or being dominated) but in democratic and cooperative organization, and finally a person of the ideals of Marcuse, Rousseau, and Marx who is an individual social artist—is not even recognized as either an alternative or a possibility in this system. It is hidden by the ideological concern for efficiency.

What the ideology of this society does is make the means of production (efficiency, competition, accumulation of wealth, etc.) the normative goals of society, and it leaves the potentials of man and the potentials of man's society unreflected upon, unquestioned, and unrecognized.

All those tools that man developed over history for the efficient production and reproduction of material needs have become ends in themselves; value considerations (ethics) about alternative satisfactions have become subordinated to technical considerations. Engels might be proud because man's own human will is making history, but Marx at least would see the absurdity—human will without human consciousness. Man's needs become manipulated by society and created by advertising; even his satisfactions, to the extent they are socially decreed, become repressive. Rather than controlling society, man becomes a ward of society; his aspirations, his needs, his action and even his gratifications are societally fed.

Don't mistake me; this is a revolutionary situation. For the system *necessarily, inevitably* cannot differentiate between progress in a technical sense and progress in a liberating sense. To make this distinction is to threaten the foundation of society, and to endanger the position of the elite that controls the political economy. As students feel the absurdity ever more clearly, and as societal

satisfactions become increasingly insufficient, then a real contradiction develops between the societally offered needs with their corresponding satisfactions and the real needs which must be gratified. Society can fill material needs; wealth, luxury, and successful competition become the system's panacea—a minimum national income and national health insurance is no threat to the system, only a bother. But one cannot ask for real democracy (participation in the institutions of politics, economics, and administration that effect and affect our lives), for satisfaction of the real needs (such as community cooperation, meaningful work, and expressive leisure), and for public reflection upon alternative ways of living without becoming a subverter of the system. In other words, once one makes the distinction between progress in a technical sense and progress in a normative, liberating sense, one stands in opposition to society. "Publically administered definitions extend to *what* we want for our lives, but not to *how* we would like to live if we could find out, with regard to attainable potentials, how we *could* live."

But if this "revolution" is historically unique, will it resemble any revolution in the past? Clearly the old pattern of seizing power and administering the state to transform the society in the interests of the working people (the proletariat) does not hold. The goals of that historical pattern and the goals of the student revolt in the United States today are not the same. (The *only* justification for such a seizure of power would be to administer the state and the wealthy economy of this country in the interests of fulfilling social needs in the underdeveloped nations. In that case, the working class as well as the ruling class would lose material privileges.)

In this sense the word "revolution" becomes outmoded. Perhaps, as Habermas says, the distinction between radical reform (which has a threatening but limited character) and revolution no longer holds. Don't mistake me; reform is not getting some minor change by having the ASSU Council of Presidents organize a congressman-writing campaign—that only perpetuates,

props up, and rationalizes the system. Real reform can only occur when real democracy decides some issue (like the Superblock) to meet real and newly recognized needs of a community; real reforms only come about in dealing with an issue that confronts and brings about public reflection upon alternatives about how one can live and cooperate. In this sense, reform becomes a threat to the system, whereas an old style "revolution" (change of power-holders to administer the state) *might* only be a perpetuation of the system. Perhaps "revolution" in Lenin's sense of the word is today reactionary. (Certainly the Soviet Union is.)



Oh, there is a revolution of sorts. But every time we say we are rebelling *because* of "worker oppression" or "United States imperialism" the real causes (and as a consequence, the real needs) of this revolution become obscured. Every time that rhetoric is believed, it allows the movement itself to hide behind a mask of outmoded 19th-century Marxist dogma (not Marx!) taken on religious faith. Then mobilization appears to be the only issue left; the goals, the causes, the purposes, the limits, and the needs of the movement go unquestioned and uncriticized.

Stanford's complicity with the war and with racism is very real. But at the same time it is only a symbol for a moral response from a student population asking for the opportunity to choose an alternative and qualitatively different (hence threatening) life that involves cooperative community, real democracy, the satisfaction of real needs, the elimination of a set of social norms designed for a scarcity society, and the elimination of authoritarian institutions. As Marx himself said in regard to the Paris Commune, we cannot simply transfer the bureaucracy and military from one set of hands to another in order to relieve one group of material oppression—we must "*smash* it," something he felt essential for "every real people's revolution."

The real causes of this revolt do not jump from narrow reading of Marxist dogma; they lie in an insoluble contradiction between bourgeois social norms designed for a scarcity society and the longing for a qualitatively different society with different social norms and satisfactions. This is an insoluble contradiction caused by an ideology that perpetuates the pursuit of technical progress and inevitably denies both the opportunity to reflect upon the value of this goal for the individual and the opportunity to pursue progress in a liberating sense. Rhetoric about the reasons for revolt can only obscure what needs to be made so much more clear. Not an end to worker oppression, but the longing for conscious participation in artistically building a new society on a foundation of abundance causes this revolt by the youth of the privileged class. Perhaps Jefferson's comments on democratic participation would answer more of our questions than an unquestioned belief in the authoritarianism of Lenin's elite bureaucracy and the scientism of Engels.

* * *

Editor's Note: The editorial staff considers the above essay important, but finds it inadequate in certain respects. Thoughtful criticisms are invited.

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Green, Green, It's Green They Say

By ALLAN CHRISTELOW

A veritable crisis is sweeping the living rooms of upper middle mass suburbia. This crisis is embodied in the book prominently displayed on the Danish modern coffee table: *The Greening of America*, by Charles A. Reich, Yale Law School Professor. The crisis is that those who aspire to dignity and sophistication have bestowed a position of honor upon one of the most plodding and unimaginative books to appear in quite some time. Seem anomalous? Ah well, as always, there's an explanation.

This book has awesome medicinal qualities which can miraculously cure what ails upper middle mass men and women. First, a word about the illness: they have kids away at college. All the time, they have tormented visions that their kids are either (a) screwing, (b) tripping on drugs, (c) bombing the ROTC building, (d) getting busted for b or c, or (e) flunking out of school because they waste too much time at either a, b, c or d or any combination thereof. These horrible visions keep parents tossing and turning all night trying to budget out the abortion or the bail or the psychiatric treatment.

The Greening of America is a many-levelled remedy. To begin with, it has such a boring style that it's bound to set the worst of insomniacs slipping gently off to slumberland in no time at all. It's kind of hard to describe: high school newspaper editorial style comes pretty close - and 395 pages of it. By comparison, telephone books are chock full of variety and are infinitely better organized.

Upper-Middle Masses

But let us imagine special circumstances, say for instance that Mr. or Mrs. Upper-Middle-Mass-America is extraordinarily worried and brews up a couple of buckets of espresso to stay awake and reads this book from cover to cover. It turns out to be a rehash of a conventional plot about the three generations made popular by Thomas Mann in *Buddenbrooks*. In this case we are told of the three generations of the Consciousness family. Consciousness I is a hard working, individualistic entrepreneur type. Being rather aristocratic and snobbish, he names his son Consciousness II, rather than the more pedestrian sounding Consciousness, Jr. Well, Consciousness II, like the old man, scents out the trends of the times and becomes an "organization man," and decides maybe Social Security is an all right thing if it keeps the proletariat fat and happy. Then Consciousness II has a son whom he of course names Consciousness III. Consciousness III continues the fine tradition of this oh-so-normal family by latching on to the newest thing which is, of course, Woodstock Nationalism.

The motor of the plot is the intergenerational crisis. When Consciousness II voted for FDR, Consciousness I thought his son was a Bolshie. After a thrilling denouement, it turns out that he's really only making this thing called the Coporate State that has lots of hierarchy and administration and status and stuff like that. So the family name is saved. In the next exciting episode, Consciousness III is sprouting long hair and smoking dope and wearing bell bottom pants. Consciousness II is at first afraid that his son has become a Bolshie, or worse yet has become such a softie that he'll let the Red Chinese take over and make us all work in rice paddies.

Revolutionary Nationalism

But once again, the instincts of youth prevail, for as it turns out, the Woodstock Nationalism of Consciousness III shores up the sagging power structure and staves off the revolution. He finally swings a deal with his old man in which he agrees to stay out of politics and finance in return for free access to drugs, nature and music for himself and all of his brothers and sisters in the Woodstock Nation. So everything works out happily ever after. The honor of the Consciousness family is preserved. (A revealing historico-biological note: the Consciousnesses are descended from an old noble family whose coat of arms depicts a sailing ship in a turbulent sea surrounded

by fire-breathing dragons. The family motto is: "You don't need a helmsman to know which way the sea rolls.")

There is a third level of meaning for those too discerning for just another one of those family soap operas. For *The Greening of America* is not just the story of the Consciousness family: it is a new myth about all the families in upper middle mass America. As a myth, it provides a new interpretation of what constitutes normalcy - it provides a new tribal identity for the third generation, the Woodstock Nationalists. It explains that they are not a deviation, but part of the normal course of events. By accepting this healthy and natural mutation, upper middle mass America can stave off all sorts of injurious conflicts. This acceptance is in fact a simple operation: legalization of drugs, toleration of long hair and communal living, etc. Thus Reich has created a clever device for preserving the upper middle mass by which practically nothing is changed except the definition of "chic"-ness.

The Greening of America

Reich's ingeniously simple logic runs something like this: without an identity, a social group is bound to disappear. In the traditional unchanging feudal fiefdom, the aristocracy could hold on more or less indefinitely to the same identity, since it was relatively easy for them to maintain a monopoly on such items as crowns, and castles, and horses, and fair damsels. But in this age of mass production and affluence it requires considerable social agility to stay on top: thus the styles and behavior codes of the upper middle mass have to periodically change as soon as it seems like too many people from the middle lower mass have caught on to the game plan. With A No. 1 schmuks like Nixon and Agnew occupying the highest offices of the land, such a change is obviously overdue.

Old Switcheroo

Reich hints at times that this switcheroo might get fouled up somehow. Too many people might get some signals crossed or miss part of the message. For instance, one of Consciousness III's Woodstock Nationalist friends might be happy to know that it's now-officially cool to wear bell bottoms and blow grass, but he might miss the repeated hints that he's supposed to go out and get a respectable job where he can make the system run better. As a precaution, Reich suggests all sorts of jobs which might appeal to Consciousness III and his generation. For instance, one of them might some day put on his bell bottoms and truck on down to his job as exec. vice prez of Skippy Peanut Butter, where he decides to improve the Corporate State by manufacturing real peanut butter. Or

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he could be an industrial consultant in charge of devising "spiritual incentives" to improve the lives of all the working slob. Evidently Mr. Reich hasn't checked the latest job openings for quite some time though. Co-op makes real peanut butter, for what that's worth. There are thousands of industrial consultants already racking their brains to devise "normative incentives" for the workers. And if Mr. Reich thinks the workers have forgotten all about medieval spirituality, he might try watching the Mummies Day Parade in Philadelphia some time.

Bubble Gum

Maybe Mr. Reich will come up with enough intellectual bubble gum from somewhere to make his system stick together. No doubt he will deliver it to us in a second national best seller. But those who are sufficiently turned off with *The Greening of America* by this point might well enjoy another more modest sized book of a somewhat different nature: Richard Sennett's *The Uses of Disorder*. In Sennett's terms, Reich shows a typically American and adolescent concern with maintaining a "purified identity." Consciousness III, like his parents lives in a radically simplified social environment which seems virtually conflict free. One might even venture to say that Consciousness III seems to spend most of his time relating to things (like lakes, oceans and mountains) rather than dealing with people. Consciousness III seems able to blissfully avoid situations in which he might be "put down," or else, in the midst of his drugged stupor, he is simply impervious to them. This fear of the put down, or a painful social encounter, is the very force which drove the upper middle mass to the suburbs in the first place. Consciousness III, whether Woodstock Nationalist or Weatherpopulist (Reich tries unconvincingly to exclude the Weatherpeople from the ethereal realms of Consciousness III) is simply a replication of this social exclusiveness. In fleeing from social conflict into the suburbs, people suffered a deterioration in their ability to cope with different social types - and thus turned to violence, the simplest and most universal way of dealing with upsetting social conflicts.

Value of Conflict

Sennett advocates something unusual in a society dedicated to the purity of adolescence: honest middle-mindedness and confusion and a willingness to confront conflicts in our individual social existence rather than shunting them off to some bureaucracy or professional authority to resolve it for us. Sennett's ideal is not an overwhelmingly joyous one and makes few pretenses of being such. Instead it reaffirms a thesis popular at the end of World War II - that all visions of joy wind up sooner or later in a totalitarian realities; that the desire to be eternally happy is the lust for total control.

But he carries the totalitarianism thesis one giant step farther by suggesting that the professional classes of the Western democracies are often just as much devoted to a vision of joy which has gone sour as any Russian commissar. That vision is one of a world in which social conflict can be scientifically controlled and managed. The Consciousness III in *Greening of America* is a legitimate offspring of this mentality. Hopefully it is a last gasp. So while we wait for its passing, we might as well busy ourselves working out some more details of the New Anarchism, a task begun by Sennett in the last section of *The Uses of Disorder*.

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Peddling Tears For \$29 Million

By TODD McCARTHY

According to writers at *Time* and other pervasive cultural commentators, "Love Story" heralds the cinema's return to unashamed romanticism and to the importance of personal relations as opposed to social causes. I would be the first to champion such a trend, as most of the ultimate glories of the cinema have been intensely romantic and Hollywood has certainly failed miserably in its attempt to be socially and politically relevant during the late sixties. There is no doubt that "Love Story" specifically is a huge commercial success, but the question remains as to whether the film either revives what was best in the romantic traditions of Hollywood's halcyon days or supplies any valid new notions about screen romanticism. The answer, from this corner at any rate, is a distinct and dry-eyed "no."

"Love Story" is a flat, shallow sketch of a movie operating strictly on the narrative level—none of the characters are really fleshed out and inner motivations are scarcely mentioned, much less explored. Indeed, much of the popularity of the project, both as a book and a film, may be due to the unspecific natures of the supposed protagonists, which force the spectator to color the characters with his own dreams and fantasies, making identification easier. Technically the film is rather tacky and the acting personas are wildly divergent, with John Marley quite adequate as an Old World father but Ray Milland shocking with his sagging features and *sans* toupee.

Ali MacGraw gives an offensively snotty, uppity performance and intolerably calls her mate "Preppy" even when they're married. Fortunately she is too old to reign as screen siren supreme for more than a few years. About half way through the movie, Ryan O'Neal tells Ali, "Sometimes you can really be a bitch." I thought she was a bitch all the time and only regretted that it took her two hours of screen time to die, thus preventing Jacqueline Bisset or Claudia Jennings or anyone more desirable to come into Ryan's life. Ultimately, the film's only redeeming quality lies in O'Neal's performance, for he suggests a very real vulnerability in his jock strap character which, in its depth, is far beyond anything evident elsewhere in the picture.

The entire "Love Story" phenomenon smacks of the most opportunistic merchandising and manipulation imaginable. Though I must acknowledge that I have never before witnessed one thousand people weeping uncontrollable en masse, the fact that everyone had their handkerchiefs ready for their tears beforehand revealed most clearly the manipulative magnitude of Yale Classics professor Erich Segal's mastery of mass communications. By contrast, the couple of hundred blacks in the audience at the Chicago Theatre were laughing their asses off at the poor but nouveau riche, Italian but white girl who died too young but told her widower-to-be to find a young widow to cavort around with. I guess Segal didn't make his characters quite unspecific enough, but I'm sure he'll make up for that by casting a black girl in the projected Broadway musical of the story.

Ultimately, "Love Story" emerges more as denegrating propaganda for love than what it should be: glorification. During the thirties and forties, the most memorable romantic films seemed to fall into two categories: those which ostensibly dealt with pointedly common people, as in the work of Frank Capra and Leo McCarey, and those which made romance resonate by way of lush, florid techniques and grand passions, as in the work of Josef von Sternberg and Max Ophuls. The latter approach has unfortunately, completely disappeared from the cinema in recent years.

of exchange. Today, I suspect, there are few, if any, directors who have simply lived enough to be able to express anything approaching the profound.

Bittersweet Romanticism

In the most successfully romantic films of the early sixties (which were mostly French), romanticism existed in curious tandem with existentialism and a sense of defeatism, the result being, in some cases, almost overwhelmingly bittersweet. The films of Francois Truffaut (especially "Shoot the Piano Player," "The Soft Skin" and "Jules and Jim") synthesize this dualism most gloriously, and the films of Jacques Demy, Philippe de Broca and even Godard's early work with Anna Karina express an innate romanticism at odds with the creeping existentialism in their French souls.

Over the past year the only films released which successfully treated romance with feeling, flavor and maturity were Claude Lelouch's "Love Is a Funny Thing," Francois Truffaut's "Mississippi Mermaid" and, surprisingly, Billy Wilder's "The Private Life of Sherlock Holmes" (and, in its own esoteric, philosophical way, Eric Rohmer's "My Night at Maud's"). Lelouch's case is one of an unabashed romantic who has produced his best film to date. Truffaut, himself the spiritual disciple of Jean Renoir, suffered somewhat from gimmicky dramatics but here dwelled on his ideas about love at more length and with more maturity than ever before (and, in the best tradition of von Sternberg, Vincente Minnelli, Roberto Rossellini and others, was in the midst of an affair with his leading lady at the time). Both directors had the services of the imperishable Jean-Paul Belmondo and had as their respective female stars Annie Girardot and Catherine Deneuve.

Wilder's film is especially interesting and almost as touching, for he brings Fate into the proceedings as the force which prevents romance from entering Sherlock's celebrated but loveless life. Thus, the pervading tone at the end of the film is one of great melancholy, as Sherlock retreats behind closed doors with his cocaine in an attempt to wash away the inner remnants of this desirable threat to his professionalism.

Ends and Means

While I agree totally with the ends "Love Story" attempts to achieve, I find its means totally unsatisfactory; and, after all, the cinema is just as much concerned with the *how* of the matter as with the *what*. If there are still people around who believe that films are better today than they have been before, a simple viewing of the films themselves will prove that a thirties romance like "Morocco" and a forties romance like "Casablanca" are infinitely more sophisticated than a seventies romance like "Love Story." I hate having to continually retreat to old films to find emotional satisfaction in the cinema, for I sometimes feel that I'm becoming lost in a dream world of the irretrievable past, but there may be no other choice.

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Successful romances in films depend largely on the appeal of the personalities involved. In this respect the decline and fall of the Hollywood star system is to be greatly bemoaned, for today we simply don't have personalities of the strength of Bogart or Gable, Dietrich or Lombard. In the thirties, the real stars could do much more than photograph nicely. Though stars could make a picture appealing and entertaining, the most profound films were those which unobtrusively but sublimely expressed the personal views of their directors, and with the greatest directors, these views were irrevocably linked to their philosophies of love. Even though I feel deeply attached to many on-screen personalities, my affection for directors such as von Sternberg, Ophuls and Renoir runs much deeper because of the feelings they were able to express to me through an admittedly commercial means

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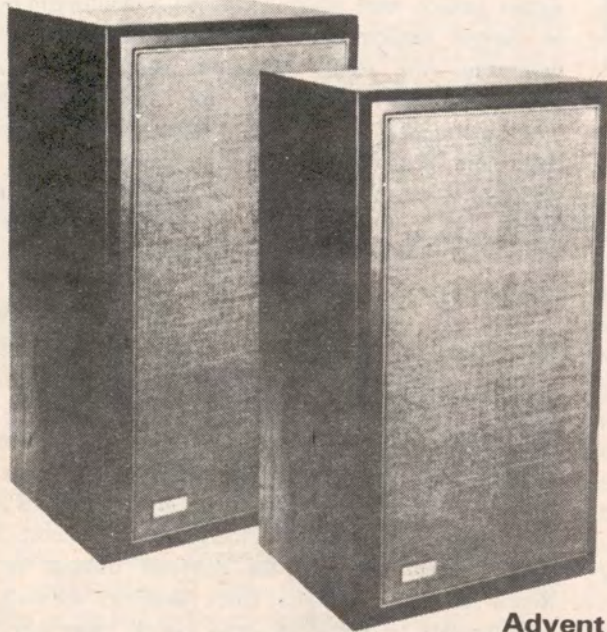
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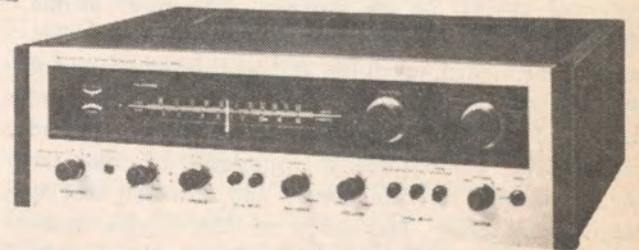
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REASON 2: Pioneer has reduced the cost of amplifier power.

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