

COLUMBIA DAILY SPECTATOR

FOUNDED 1877

VOL. CX—No. 3

NEW YORK, N.Y., TUESDAY, SEPTEMBER 3, 1985

Copyright 1985
Spectator Publishing Co.

FIFTEEN CENTS

Trustees' group: Divest now!

Columbia will divest its \$39 million worth of South Africa-related holdings within two years if the Board of Trustees accepts a recommendation made Wednesday by its ad-hoc committee on investments.

University President Michael Sovern, who is also a trustee, said last week he was "confident" the full Board would approve the recommendation at its next meeting on October 7.

"There's no doubt the trustees will vote this [divestment] in October," said Dean of Columbia College Robert Pollack, who last year headed an ad-hoc University Senate committee on South Africa-related investments.

Wednesday's announcement made Columbia the first private university to move towards total divestment. A meeting this summer among the Ivy League presidents to discuss their South African policies resulted in no specific actions by the universities. Meanwhile, other Ivy League universities had mixed reactions last week to Columbia's decision [see related story].

Sovern said yesterday that right now he "very strongly" supports divestment. "I feel very good. It's the right thing to do," he said.

He said he did not think divestment would financially harm the University in the short-run. But he said he concurred with the committee's recommendation that the trustees continue to evaluate Columbia's South African investment policy, "having in mind potential costs to the University, further developments in South Africa, and other relevant factors."

The call for divestment came "in view of recent developments in South Africa," according to a statement by the trustees' Ad Hoc Committee Regarding Investment in Companies with Operations in South Africa.

"After raising hopes for significant reforms in the apartheid structure, the South African government has dashed them. It has moved ruthlessly to buttress the existing system, and has

accelerated its brutal repression of public opposition to apartheid with mass arrests, new restraints on free expression and public assembly and attendant violence and killing," Fred Knobel, director of public relations, said last week.

Pollack speculated that the declining South African economy also forced the six-member committee to re-evaluate the University's South Africa-related investments. "With the turn around with the rand [South African currency], who in their right mind would be there?" Pollack queried.

Last Tuesday, the South African government closed its stock market after the rand continued to slip and foreign investment in that country slowed in reaction to the recent unrest.

See DIVEST, 14▶

Ivies disagree on effects of CU's intention to divest

By STEVE WEST

Like Columbia, most Ivy League schools have been re-evaluating their policy regarding investment in South African-related stocks recently, but officials disagree over how Columbia's divestment will affect their schools.

Vice President for University Relations at Brown Bob Reichley said that Columbia's action would have an "inevitable effect" on the other Ivies. Brown holds \$18.3 million in South African-related stocks.

"Action by any of the major private universities with large endowments will put immense pressure on everybody else," Reichley said.

This summer, the Ivy League presidents met to discuss their

See IVY REACT, 3▶



Hamilton protestors get light sentence

By IRENE TUCKER

Fifty four students who participated in last spring's blockade of Hamilton Hall were given one semester of disciplinary warning in a ruling handed down Friday by the Hearing Officer Lewis Kaden.

The protestors were found to be in violation of the University rule that prohibits short-term interference with the use of University facilities. But Kaden did not find the students guilty of the more serious charge of substantially disrupting the University's function. The University had initially charged the protestors with ten rules violations.

John Mason Harding, general counsel disagreed with Kaden's view that the blockade did not substantially disrupt the University. But, he said, "My reaction initially is that is [the ruling] is a good development for the institution for establishing since 1968 that there are minimal rules that have to be obeyed."

According to Harding, the University might consider an appeal of the ruling. The decision to appeal must be made within 10 days of the initial ruling.

Associate Professor of Law Gerard Lynch, a legal advisor to the respondents, said the decision was "as close to a victory as you can expect in legal proceedings," although Kaden

rejected the defendants' call for amnesty based on "the justice of the cause."

In sentencing the students to one semester of disciplinary warning, Kaden also suggested that any note of the disciplinary violation be removed from students' transcripts that are sent to prospective employers or graduate schools.

Dean of Columbia College Robert Pollack said he was not certain whether members of the Columbia College administration would accept Kaden's non-binding request to have the disciplinary mark expunged from transcripts sent outside the University.

According to Pollack, the students who opted for deans' discipline in Columbia College have already agreed to probation, a sentence which is more serious than disciplinary warning and is equivalent to censure within the University disciplinary system.

If students placed on probation seek to abrogate the agreement in the face of the lighter sentence imposed by the University-wide process, Pollack said he and Columbia College Dean of Students Roger Lehecka would reconsider the probation decision.

The ruling marked the culmination of the in-

See DISCIPLINE, 3▶

BC sells S. Africa stock

By JACQUELINE SHEA MURPHY with Alison Craiglow

Barnard President Ellen Futter announced yesterday that Barnard has completely divested its South Africa-related holdings.

The Barnard Board of Trustees voted last May to sell these stocks, according to Futter.

The school did not announce its move to divest for three months because it wished to hold the news until students returned to campus, said Sallie Slate, Barnard Director of Public Relations. She said Columbia University's announcement of total divestment yesterday had no bearing on the timing of Barnard's statement.

At the time of the May trustee meeting, Barnard owned \$945,000 worth of stock in IBM and General Motors, which both maintain operations in South Africa. This figure represented 3.1 percent of the col-

lege's \$31 million endowment and approximately 9.5 percent if its securities investments.

"As a result of transactions by our investment manager since the May Board meeting, the College no longer holds stocks or bonds in any company with operations in South Africa," Futter wrote in a letter distributed yesterday.

Barnard trustee chair Helene Kaplan said Barnard had been considering divestment since the beginning of this year. According to Kaplan, the decision took into account both ethical and practical factors.

"We'd been looking at the situation [in South Africa] very closely," she said. "The ethical issues were paramount."

Slate said that pro-divestment sentiment of some students and faculty members at Barnard had influenced the decision. Earlier this year, a majority of Barnard

See BC DIVEST, 14▶

Morningside tenants say they will return to renovate building

By JACQUELINE SHEA MURPHY

Protestors occupying a largely vacant University-owned apartment building at 130 Morningside Drive last week left the site without incident after 24 hours, but said they plan to return to renovate the uninhabitable building.

Columbia did not move to arrest any of those occupying an apartment in the building or participating in the vigil outside the building's doors.

"People have a right to state their cause. It wasn't any big deal, they didn't do anything so terrible," said Director of Institutional Real Estate Bill Scott.

"They keep pushing to have some kind of confrontation," he added. "I thought it [the occupation of the building] was kind of a dud."

Tenant organizer Jane Hammond said the

tenants will stage similar actions at other buildings if Columbia evicts any long-term tenants it claims are no longer classified as University.

"We went out saying that for every eviction we'll take another building," she said.

Hammond said the Morningside Tenants Federation (MTF) is planning to return to the building at the corner of Amsterdam Avenue and 112nd Street, to renovate some of its now-vacant apartments.

Three-quarters of the building has been vacant for years, with the empty apartments lacking plumbing and electricity, and filled with fallen plaster, destroyed plumbing and kitchen fixtures amongst other debris.

Scott said Columbia has no immediate plans for the building or the site. "The long-range plan is to demolish the building," he said.

See TENANTS, 3▶

Attention:

Come to the Columbia Spectator Open House tonight from 8-9:30 in the Lion's Den on the 1st floor of Ferris Booth Hall. You should attend this meeting if you want to write news, features, sports, or op-ed columns. Be there, too, if you want to take photographs or draw cartoons. Make yourself known to us, as well, if you want to join our business or production staffs. For more info. call us at x4771.

A fair ruling

There were fears that Hearing Officer Lewis Kaden, an adjunct professor at Columbia, and a colleague of University President Michael Sovern's, might not be able to render a fair decision in the case of the Hamilton Hall blockaders vs. the University.

But Kaden put those fears to rest last Friday in an admirable decision that not only gave the protestors the lightest sentence possible under the rules, but that also demonstrated a heartfelt understanding of the frustrations that students have faced in their long fight for divestment on campus.

Having participated in what has been called one of the most civil acts of civil disobedience by journalists and administrators alike, these protestors, were pursuing a moral cause with minimal disruption to the campus. Is this the kind of act that deserves a strict reprimand, as the University would have liked?

The blockaders knowingly broke the University Rules of Conduct and said they were willing to take the punishment. Not to acknowledge their open breach of these rules would be to minimize their act of conscience.

But punishment should always be appropriate to the "crime." And, in this case, the "crime" was so small — the blocking and chaining of one access to a University building — that a punishment more severe than a disciplinary warning would be ludicrous.

Some in the Columbia community have suggested that the outcome of these proceedings shows that the rules are too lenient. Not so.

The rules are far from perfect. But if they can encourage a fair and thorough examination by an impartial hearing officer and distinguish between a peaceful, well-meaning demonstration and a truly disruptive one, then they have the right aim.

Divestment at last

Full divestment.

After three years of committees, protests, and "temporary freezes," they finally did it. Columbia is the first major private university to announce that it will totally divest its holdings in companies that maintain operations in South Africa. We are proud to be at such a university.

The decision on whether to divest will not officially be made until the Board of Trustees meets on October 7. But University officials have given every indication that the trustees will accept their committee's recommendation to divest within two years.

The trustees said in 1978 that if the situation deteriorated in South Africa, the University would divest itself of all investments—\$39 million worth—in companies that do business there.

The unrest in South Africa today gives the trustees little choice. With a government-imposed "state of emergency," the wholesale suspension of civil rights, and Pretoria's increasingly strident attacks on foreign opponents of apartheid, things could not get much worse.

To the students and faculty who in recent years have called attention to the atrocities in South Africa, this is your victory. And to University President Michael Sovern and the trustees, if you follow through on your recommendation, this is your victory too.

Ivy React

continued from page one

university's policies toward South Africa. But officials would not comment on whether a collective decision about divestment was reached at that meeting.

A spokesperson for Yale University said Wednesday that the university was "looking intently" at Columbia's decision.

Officials at both Harvard and Princeton, however, predicted that their policy on South African-related investments will not be influenced by Columbia's divestment.

"I think that Princeton will do what it thinks is right, regardless of what Columbia or Rutgers does," George Eager, Princeton's director of communications, said.

Alan Fein, secretary to Harvard's Corporate Committee on Shareholder Responsibility agreed.

"I think that Columbia's action is not going to in and of itself pressure us," Fein said. "We are reconsidering our policy and there may be changes - not because of what Columbia did, although perhaps for some of the same reasons."

The size of Harvard's holdings in South African-related

stocks - \$400 million - makes divestment there "very unlikely," according to Jane Sherwin, secretary to a joint committee of faculty, alumni and students that makes recommendations to the CCIR.

Official at Harvard and most of the other Ivy League schools said they expect official reviews of their policy on South African-related investments to be completed before the end of the year. Fein said that the CCIR will issue its report before the end of September, and at Cornell, a trustee committee will announce policy recommendations this fall on the \$110 million worth of South African-related stocks the university currently holds.

This summer, Princeton's Board of Trustees charged its Policy and Budget Subcommittee with studying the University's policy on South African-related investments. According to Eager, 23 percent of Princeton's \$1.5 billion endowment is invested in such stocks.

Tenants

continued from page one

"There's no plan right now to proceed directly."

Hammond said the MTF renovations would begin as soon as possible, and that tenant organization had received "enormous support" from businesses and housing agencies about rehabilitating the building. She would not say how the project would be financed.

Last Monday night's rally, which ended in the 24-hour occupation of a third-floor apartment, protested the University's housing policies and the eviction of long-term tenants that MTF fears the University is planning.

The University this summer issued 72-hour notices to two

tenants living in Columbia-owned apartments for non-affiliation.

An affiliation clause in University leases mandates that tenants need be affiliated with the University without specifying that the affiliation need be full-time.

Columbia did not move to evict the two tenants, although one has since moved out of her apartment voluntarily.

Tenant leaders fear the University may move to evict several dozen "non-affiliated" long-term tenants this fall, as the tenants' court appeals process runs out.

Discipline

continued from page one

ternal disciplinary process that began in May and continued throughout the early part of the summer. Although 61 students were initially charged with the rules violations, charges against seven of them were dismissed, in most cases for lack of evidence.

Thirty-nine additional students charged with rules violations chose to be disciplined by the deans of their divisions.

As many as 300 students blockaded Hamilton Hall last spring, calling on the University to divest its \$39 million of holdings in South Africa-related companies. The protestors who were discipline were the ones that deans were able to identify.

Respondent David Goldiner, a member of the steering committee of the Columbia Coalition for a free Southern Africa, recently called last week's recommendation of total divestment by the Columbia Board of Trustees Subcommittee on Investments "a vindication of everything we did last spring."

I accept—indeed, I respect—both the students' passionate commitment to their cause and the dignity of the action they took to support it," Kaden said in his 46-page decision. "I agree with the faculty members and public officials who hailed the students' acts of conscience, but with the reservation that nothing excuses the bolt they placed on the door."

The Rules of University Conduct were adopted in 1969 in response to the student protests of the previous years, and were revised in 1982. These hearings marked the first occasion that they have been applied.

The students, most of whom were identified as participants in the action by deans who viewed videotapes taken of the blockade by University security, were initially charged with 10 rules violations, four serious and six simple offenses.

The focus of the conflict centered around whether the blockade seriously disrupted the function of the University. The two sides differed on how the rule defining substantial disruption (Section 8, Rule 413) should be interpreted.

The rules classify as a serious violation action that "continues for more than a very short period of time to physically prevent, or clearly attempt to prevent, passage within, or unimpeded use of, a University facility, thus substantially disrupting a University function."

While University lawyers maintained that the length of the protest and its interference constituted substantial disruption of the University's operations, lawyers for the defendants held that the existence of substantial disruption had to be established.

Kaden upheld the defense's interpretation of the clause. "If preventing access to a University facility for an extended period of time were sufficient to constitute a violation of the rule, the 'disruption' in Section 8 would be superfluous," Kaden said.

"There is no reason to assume that the draftsmen of the Rules included a clause which added nothing to the meaning

of the Rule," he concluded.

Furthermore, Kaden ruled, the University counsel did not adequately prove that significant disruption had occurred. Because students could enter Hamilton Hall through a tunnel from the adjacent Kent Hall, anyone who wished to have access to Hamilton was not prevented by the demonstration, according to the ruling.

Faculty members were able to hold classes in Hamilton throughout the demonstration without meaningful adverse effects and though the blockade placed additional burdens upon the members of the registrar and security offices, the University counsel did not prove that adverse effects that resulted were substantial, the ruling said.

Kaden also agreed with the defense that the blockade at times enhanced education at Columbia. "Professors in such diverse courses as Italian, Art, Humanities, Constitutional Law and Urban Planning devoted class time to discussion of issues raised by the national debate over the effectiveness of divestiture policies and economic sanctions against South Africa, he said."

"The University community gained from the exchange of ideas generated by the demonstration: the students forced all of us to re-examine our beliefs about the South African system and the best means by which to oppose it."

Because proof of violations of the remaining charges was dependent upon sufficient proof of a violation of Section 8, Kaden dismissed the other eight charges on grounds of insufficient evidence, finding the blockaders guilty only of impeding short-term access to University facilities, as prohibited by Section 7 of Rule 413.

Under a simple violation such as Section 7, violators can be sentenced to penalties ranging from a disciplinary warning imposed for one to three semesters, to censure, a disciplinary mark that remains on the offenders records for the remainder of their academic tenures and requires more strict measures for subsequent disciplinary violations.

Kaden said that the particulars of the Hamilton blockade demanded leniency in sentencing.

"The circumstances of the offense and the offenders show that the students acted on the courage of their convictions. They conducted themselves in a dignified and orderly manner."

In addition, Kaden maintained that Section 7 was among the least damaging of the simple violations enumerated in the Rules of University Conduct.

Tanaquil Jones, a member of the Coalition steering committee, said she was pleased by the outcome of the disciplinary procedure. "I'm happy about the decision," Jones said. "It's been a learning experience for me. I could have been wrong about the level of impartiality Kaden could maintain."

"Still, it's not going to change my political outlook about the function of the administration in a university," she continued. "I don't feel like the administration is my friend now."

THE COLUMBIA DAILY SPECTATOR. Managing Board: Tom FitzSimmons, Publisher • Anne Kornhauser, Editor-in-Chief • William Teichner, Managing Editor • Chris Dwyer, Ted Kenney, Editorial Page Editors • Jeffrey Craig, News Editor • Michael Gat, Rachel Schwartz, Features Editors • Eric Fusfield, Shepard Long, Sports Editors • Divonne Jarecki, Photography Editor • Chris Tahbaz, Special Projects Editor • Rose Marie Arce, Broadway Editor • Associate Board: Alton Y. Chung (Assignments Editor) • Ben Shykind (Production Manager) • Jennifer Abrams (Photography). Spectator's offices are located at 1125 Amsterdam Avenue, New York, NY 10025. Telephone: (212) 280-4771 (Editorial), (212) 280-3634 (Business). The advertising office is open from 9 a.m. to 5 p.m. weekdays. Letters to the editor must be typed, less than 200 words, and are printed or shortened at our discretion.