

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
MEETING AS A COMMITTEE OF THE WHOLE**

February 18, 1999

A Special Meeting of the Regents of the University of California was held on the above date at UCSF-Laurel Heights, San Francisco.

Present: Regents Atkinson, Bagley, Bustamante, Davies, Eastin, Espinoza, Johnson, Khachigian, Kozberg, Miura, Montoya, Nakashima, Parsky, Preuss, and Willmon

In attendance: Regents-designate Taylor and Vining, Faculty Representatives Coleman and Dorr, Secretary Trivette, General Counsel Holst, Treasurer Small, Provost King, Senior Vice President Kennedy, Vice Presidents Broome, Darling, Gomes, and Gurtner, Chancellors Berdahl, Bishop, Carnesale, Cicerone, Dynes, Orbach, and Vanderhoef, Executive Vice Chancellor Simpson representing Chancellor Greenwood, Laboratory Director Shank, and Recording Secretary Nietfeld

The meeting convened at 2:00 p.m. with Committee Chair Davies presiding.

**PUBLIC COMMENT**

Chairman Davies explained that the Board had been convened as a Committee of the Whole in order to permit members of the public an opportunity to address matters on the afternoon's agendas. The following persons addressed the Board concerning the items noted:

1. ***Item 202, Committee on Oversight of the Department of Energy Laboratories: Annual Report of the President's Council on the National Laboratories***
  - A. Mr. Hisham Zerriffi of the Institute for Energy & Environmental Research read a letter signed by over one hundred individuals and organizations which had been mailed to the Regents. In this letter, the Regents were urged to declare a moratorium on construction of the National Ignition Facility at the Lawrence Livermore National Laboratory. The facility is designed to create and test thermonuclear explosions, experiments which may be considered illegal under the Comprehensive Test Ban Treaty. Research at the National Ignition Facility would establish the scientific feasibility of creating fusion explosions without a primary fission trigger, which would be the first step towards establishing the feasibility of pure fusion weapons. As a result, a new class of weapons could emerge that would increase the nuclear threat.
  - B. Ms. Marylia Kelley, Executive Director of Tri-Valley Cares, reported that her organization strongly urged the Regents to declare a moratorium on construction of the National Ignition Facility while the questions that have been raised regarding its

illegality under the Comprehensive Test Ban Treaty are resolved. She referred to a recent book on this subject, **Nuclear Confusion: The National Ignition Facility-- Flawed Rationale, High Cost, and Security Risks**. She questioned the statement by the Department of Energy that the National Ignition Facility would be used to help to maintain the safety and reliability of existing nuclear weapons and suggested that it presents a threat to U.S. nonproliferation goals, including international acceptance of the test ban treaty. She reported that her organization had been monitoring the use of tritium at Lawrence Livermore for the past 16 years; the laboratory proposes to use tritium in experiments at the National Ignition Facility. According to analyses by the laboratory, this isotope is released into the atmosphere in Livermore and its surroundings.

- C. Ms. Jacqueline Cabasso, Executive Director of the Western States Legal Foundation, reported that the Comprehensive Test Ban Treaty was completed in September 1996 and has been signed by the five declared nuclear weapons states and more than 150 other nations. However, the treaty fails to define a nuclear test, and the nuclear weapons states have undertaken new programs to replace underground nuclear test explosions through technological means. In the United States, the centerpiece of the Stockpile Stewardship program is the National Ignition Facility. She charged that the construction of such a facility is incompatible with the goal of the treaty to reduce nuclear weapons globally. She suggested that the nuclear weapons laboratories would accept a ban on full-scale underground nuclear explosions in exchange for a nuclear weapons research and testing program of Cold War proportions. This upgraded nuclear weapons infrastructure will provide design capabilities greater than those available during the Cold War and will encompass a test site capable of rapid resumption of full-scale underground testing and a substantial nuclear warhead production capacity intended to allow warhead production, computer integrated with new experimental facilities, including the National Ignition Facility. Ms. Cabasso believed that such programs represent the antithesis of the test ban treaty.
  - D. Ms. Pamela Sihvola, co-chair of the Committee to Minimize Toxic Waste, asked the Regents to initiate a broad public debate on the role of the University in nuclear weapons research. She urged the President's Council to give immediate attention to the National Tritium Labeling Facility at the Lawrence Berkeley National Laboratory, noting that in 1998 the Environmental Protection Agency made LBNL eligible to become a superfund site due to the fact that tritium air emissions exceeded the EPA's cancer-risk screening concentration.
2. *Item 701XB, Committee on Finance: Report of New Litigation: RIOS, et al. v. REGENTS, et al. - Discrimination in Undergraduate Admissions - Berkeley*
- A. Ms. Tayna Kappner stated that The Regents are facing lawsuits due to the rescinding of affirmative action and suggested that in order to have an equitable situation at the

University's campuses the Regents would need to rescind SP-1 and SP-2 of July 1995. She asked the Governor to appoint five new Regents who would be in favor of re-instituting affirmative action.

- B. Ms. Heather Bergman suggested that the Regents could have credibility only by rescinding SP-1 and SP-2. She charged that *Rios v. Regents* had been filed as a result of discrimination in admissions across the University. She added that the four percent plan would not lead to an increase in Black and Latino students because of tracking in the high schools.

The meeting adjourned at 2:26 p.m.

Attest:

Secretary