

the university, which is double jeopardy. Students, including the four defendants presently before the CJP, have been tried in absentia, when they were not present. Students at Stanford have never been tried by a jury of their peers. All three of these are instances of violations of Constitutionally guaranteed rights.

3) "The President (should) be strictly limited to granting amnesty or commuting sentences" (from the referendum). All decisions of the SJC or CJP are recommendations to the President. Effectively it is Lyman who makes the decision in all student judicial cases. Students should not have to appeal a conviction prosecuted by John Schwartz to his employer, Richard Lyman, the person who authorized bringing charges in the first place.

Was Lyman justified in setting up the CJP without consulting students?

No, for three reasons.

First, it is clearly unfair to set up a student judicial system without talking to student representatives. Apparently Lyman, who says he believes in democracy, does not consider students legitimate members of society; we have no right to participate in the decisions that directly affect our lives.

Second, Lyman is required by the basic legal document covering student behavior, the Legislative and Judicial Charter of 1968 (LJC), to put all suggestions for changes in the legal system through the Committee of Fifteen (C-15). The changes take place only after being proposed by a majority of the C-15, then approved by the Student Senate, the Academic Council, and the President (see LJC, article III). Lyman ignored this rule when he set up the CJP. He did this because of "Catch-22," article IV of the LJC, which says "nothing in these articles shall be deemed to contravene or limit the authority and power of the President to promulgate and enforce regulations governing student conduct." When article IV was written it was said to be a

formality, but it has been used time and again when the judicial system did not produce what Lyman wanted. We have our own legal system, so long as it rules the way Lyman wants it to rule.

Third, Lyman did not have the right to amend the LJC, which is in effect what he did by eliminating the SJC. The only power he legally had was to appoint students to fill temporarily the student vacancies on the SJC - not to set up a completely new system.

How has the Student Senate reacted to the CJP?

By a 19 to 7 vote it encouraged all students not to participate in Lyman's new judicial system until the recommended reforms are implemented.

## II. THE NEW SYSTEM

How is the CJP set up?

Three faculty (Richard Brody, Political Science; David Nivison, Philosophy; Robert White, Electrical Engineering) were appointed by the faculty.

The Chairman (John Kaplan, Law School) was appointed by Lyman. Kaplan eats lunch at the Faculty Club with University Prosecutor John Schwartz.

The three students (and two alternates) were chosen at random by computer. The SJC allowed for challenging panel members for bias; there is no such provision under the CJP.

Who brings charges against students in this new system?

The Administration.

Who hears the charges?

A hearing officer picked by the Administration. Presently the hearing officer is Ms. Lillian Alt, a graduate of Stanford Law School.