

# CJP: a mighty Tall Tale

The Campus Judicial Panel (CJP) is a totalitarian, unrepresentative mockery of every basic principle of law. Our arguments:

## I. BACKGROUND

Where did the CJP come from?

The old judicial system, the SJC, was set up in 1968 after a student sit-in for judicial rights. Last March, the ASSU Senate refused to appoint students to the committee which selects students to serve on the SJC, thus leaving student positions on the SJC vacant. Lyman then established the CJP.

Why did the Senate refuse to cooperate with the SJC?

The Senate believes that the following three reforms, all of which were approved in a student referendum in April of last year by a vote of 1929 to 1186, are needed to make the SJC a fair system:

1) The SJC should be able to try faculty as well as students, or the SJC should consist entirely of students, trying only student cases. The CJP, with three students and four faculty, and the SJC, with four students and five faculty, violate a fundamental precept of the American legal system: right to a jury of your peers.

2) "No proceedings (shall) be undertaken which contravene in any way the guarantee of individual rights contained in the Constitutions of the United States and the State of California." (from referendum)  
Student judicial bodies have often tried students who are already involved in legal proceedings outside

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,

and a former fund-raiser for Stanford University.

The hearing officer, alone, decides all questions of fact - that is, she decides what happened. No student members of the CJP are allowed to participate in this fact-finding, and there is no appeal. John Kaplan has said that students are not permitted to help in the fact-finding because they are too favorable toward other students. The hearing officer alone is the university's "equivalent" of a 12-man jury of peers.

What is the point of the rest of the panel, i.e. the CJP proper?

They obtain the "facts" from the hearing officer and decide whether the student broke University rules, and what the punishment will be. When the defendants appear before the CJP, they cannot question whether this one person's perceptions of the facts are accurate. They cannot question the structure of the hearing and present its inadequacies. All they can do is argue that the "facts" are not in violation of University policy, and plead for leniency in sentencing.

Are any other student legal rights taken away from us by this new system?

Yes. SJC rules provide that both defendants and their witnesses have the right against self-incrimination. CJP rules say only that defendants have that right. This means that witnesses cannot testify for a student without the threat of prosecution.

The subpoena power of the prosecution is apparently increased. In the CJP trial against Rafas Robles, a student was threatened with disciplinary action for refusal to testify.

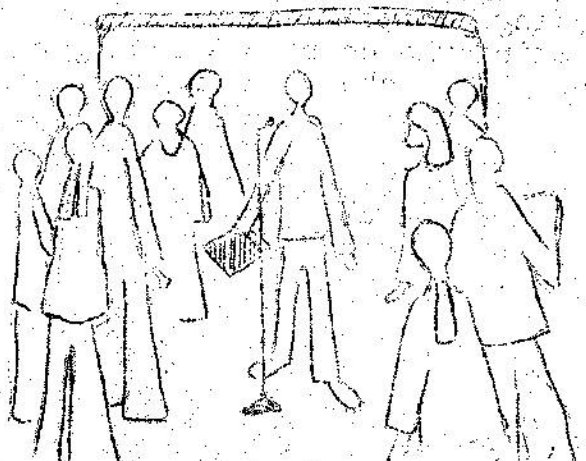
Also, the right to a public hearing, guaranteed by the SJC, the LJC, and the Constitution of the United States, was taken away when the four defendants now

before the CJP moved for an open hearing and were denied one.

### III. PRESENT PROSECUTIONS

What are the students being tried for?

They were involved in a large demonstration against recruiting by war profiteers. Students went in and talked with recruiters about the effects of their weapons on the people of Vietnam.



\* How many people participated in the demonstration?

More than 200.

How many people were charged?

Four. All are known leaders of the anti-war movement.

Did anyone break any laws?

It is unlikely. Whenever there is any chance that laws were broken, the Administration has charges brought by the District Attorney in Santa Clara County courts. None of the defendants have been so charged.

Were any campus regulations broken?

The Administration is charging students with violation of the

campus policy on disruption. The Administration wrote the campus policy on disruption in 1968 without consulting students. This violated the LJC rules, which require that that new regulations regarding student conduct be drafted only by the Student Conduct Legislative Council. Interim emergency legislation can be written by the President, but it expires in 90 days; the disruption policy has been in effect for over three years (see LJC, article I, D, 1-2)

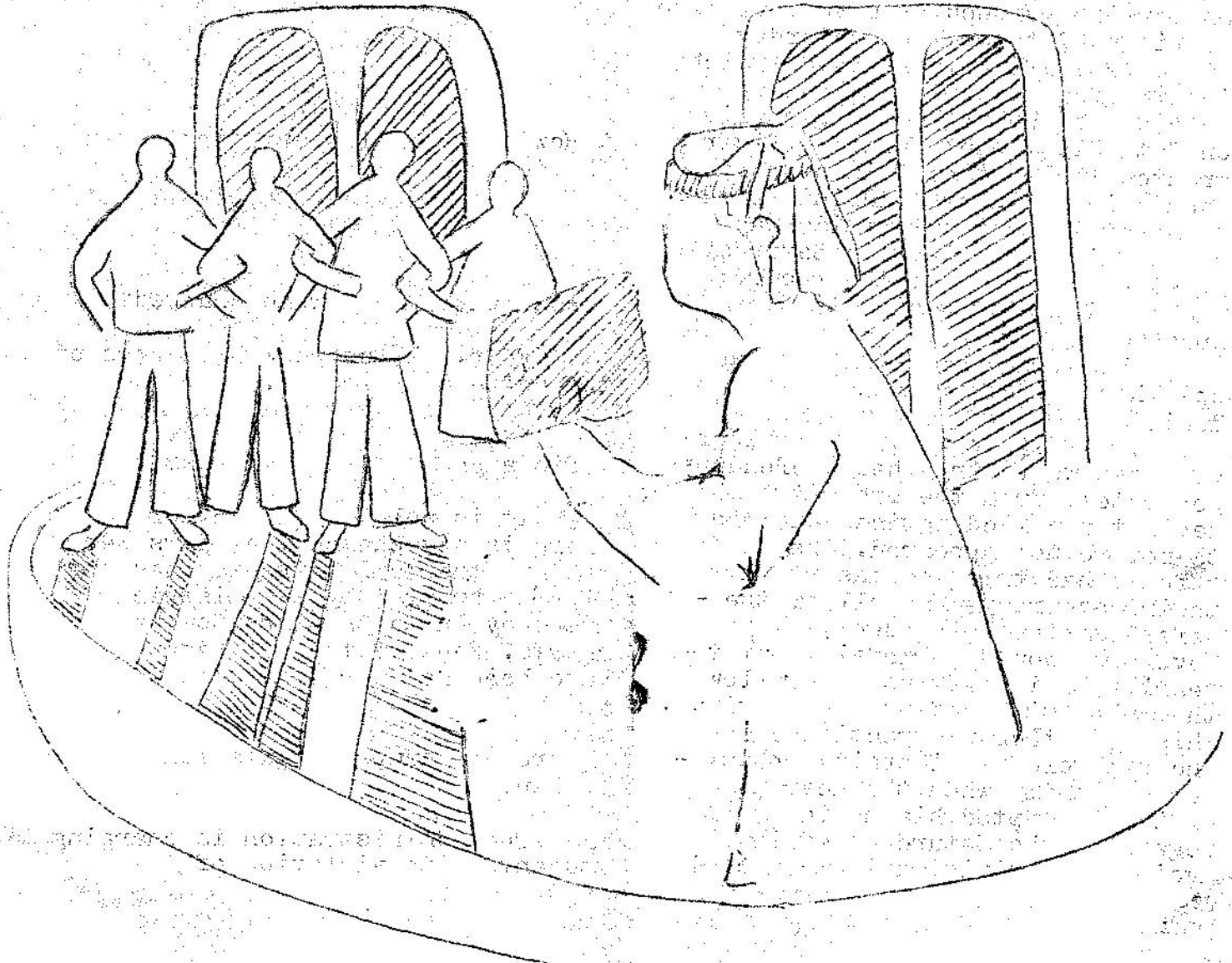
What happened at the first appearance before the hearing officer?

The four students could not enter the hearing room on Friday morning because students were blocking the entrances in anger over this mockery of justice.

When was the next hearing?

The hearing was rescheduled for Saturday morning at 8:00 am. The time and the date were decided by Schwartz and Kaplan, so the scheduling was at the prosecution's convenience. None of the defendants or the defendants' counsel were allowed to consult on the time for the new hearing. Even the SJC used to find a time both parties could agree to.

Many of the lawyers and one defendant are Jewish, so the hearing gave Jews no choice but to work on their holy day. No university functions are held on Sunday, in respect for Christian beliefs, even though most Christians do not attend church. Yet no respect is being shown for this religious minority.



What happened at the second hearing?

Only two students had received notices to appear on Saturday. They appeared with three of their lawyers and tried to enter the hearing room, but the Stanford Police would at first only allow one lawyer per defendant. It took intervention by the University Prosecutor before the police let the lawyers in.

The defendants asked whether the Administration would have proceeded with the hearing if Schwartz had not had the time to produce his witnesses. They received no answer. The students had not found 20 hours enough time in which to find their witnesses and ask them to attend this early Saturday morning hearing, so they moved to continue the trial (re-schedule it for a later day). The motion was denied. At the following hearing, however, when the University Prosecutor moved that the testimony delivered on Saturday be stricken from the record (which is in effect exactly what the defendants had tried to accomplish on Saturday), the hearing officer granted the motion. This sort of maneuvering helps the Administration say that it went out of its way to be fair by having the Saturday session removed from the record; the reality of the situation speaks differently.

The defendants moved for an open hearing. That motion was denied.

Finally, the hearing officer said she would try these defendants separately from the other two who had not received notices and had therefore not appeared. The defense had tried to assert that their case rested on all of the defendants being present, and a severance would be unfair, but the hearing officer refused to allow the collective defense to continue. This injustice was rectified by the benevolent University Prosecutor on Monday when the hearing officer accepted his motion regarding the Saturday hearing. Again the Administration can claim

fairness, after initially denying the defendants' motions.

After protesting proved useless, the defendants left the room.

What was happening outside at the Saturday hearing?

About 80 students chanted, sang, and banged on the doors to express their outrage at the unjust judicial system. A pane of glass on an outside fire extinguisher cabinet was accidentally broken by an over-zealous noise-maker. Eighteen members of the police tactical squad surrounded the demonstrators and refused to let them leave, on the orders of Police Lt. Tamm. Tamm admitted that nothing illegal had occurred and that the demonstrators were not illegally assembled, but he did not immediately let the people leave. After several minutes of denying the protestors the right to leave, Tamm said people could leave in one particular channel through the circle of police. When John Dolly tried to walk out of the circle between two policemen, he was grabbed by the policemen after being shoved back five feet into the circle by the officers with their four foot long clubs, and was charged with interfering with a police officer. Later the absurd charge of felonious assault on a police officer was added. Over thirty persons signed a list as witnesses for John.

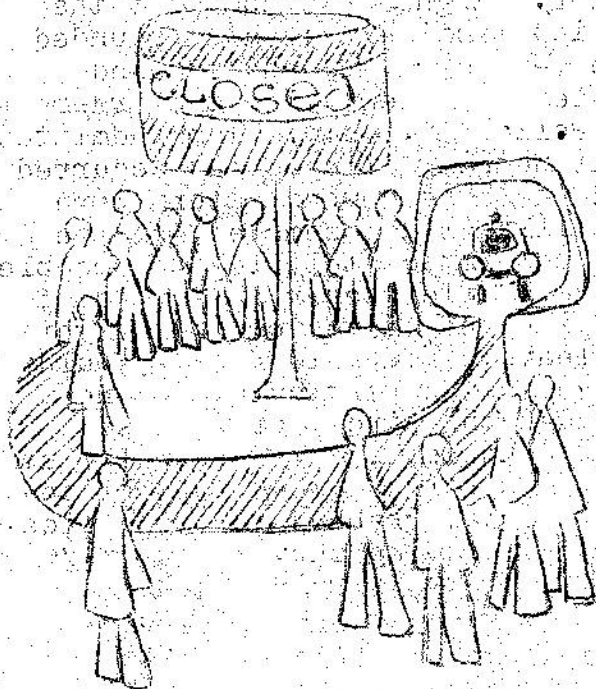
What did the Prosecutor and the hearing officer do after the defendants walked out.

They went ahead with the trial anyway. It seems that the presence of the defendants at their own trial is not necessary; the right to face one's accusers and cross-examine witnesses is a technicality to be brushed aside at the Administration's whim. Schwartz prosecuted the absent defendants for over three hours on Saturday. The hearing officer and John Schwartz coincidentally

changed their minds simultaneously about the fairness of the Saturday hearing when they cooperated to dismiss its findings at the Monday session.

When was the next hearing?

8:00 am. under armed guard next to the police station, in Maples Pavilion. It was a closed hearing, held the following Monday, February 7.

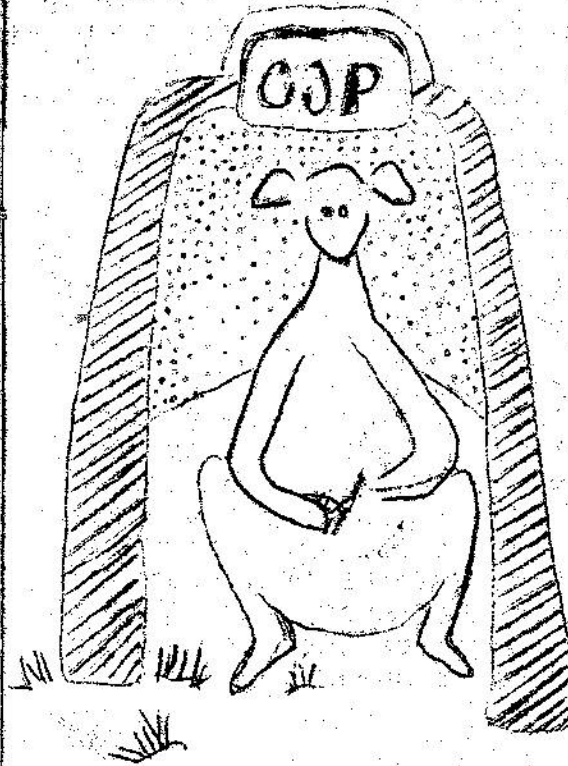


Who else is to be tried by the CJP?

Kwon-ping Ho, a student from Singapore, will be tried for a number of radical actions he participated in. If he is suspended or expelled, he will be immediately deported home and drafted into the army.

On Monday, Feb. 14, students charged with disrupting William Shockley's class will be tried. The students tried to ask Shockley how a man who believes in the genetic inferiority of black peoples' minds and advocates the sterilization of black women can claim not to be racist. They wondered how Shockley can teach

black Stanford students fairly if he believes that they belong to an inferior race.



What can I do to stop the CJP?

The most important way to stop the CJP is to show that we are not intimidated by the prospect of being tried by this kangaroo court. Demonstrations at the placement center must continue so long as the military and those companies that supply the technology that makes the killing possible are allowed to recruit here.

On Wednesday and Thursday, Feb. 9 - 10, there were militant non-violent demonstrations at the Placement Center to protest:

- 1) Naval Aviation, which is looking for new pilots to bomb Vietnam and kill Vietnamese;
- 2) General Electric, which makes machine guns, engines, and armaments for those planes the pilots fly. GE was the third largest DoD contractor in the country in 1970, with over one billion dollars worth of contracts for the military.

## What is SRM?

The Stanford Rehabilitation Movement is a coalition of many people, including persons from the dorms, Young Crows, Columbae House, Veneceremos, the Third World Liberation Front, and the Faculty Political Action Group. Everyone is welcome in SRM; you join by starting to work to change this university from an institution which cooperates with killing human beings into a center for fundamental social change aimed at helping create a society without violence. The University claims to not be involved in taking sides in society's arena, to be an oasis of neutrality. If we can make Stanford University live up to that statement, then it will no longer be involved in the destruction of human life.

by

- Placement Center  
Defense Collective
- Rich Simons
- Kathy Deriemer (good graphics)