

Lift Suspensions

Dear Dr. Pitzer:

I urge you to immediately lift the "temporary" suspensions which you imposed on approximately 35 students some three weeks ago. I am a member of the Stanford Judicial Council, and have so far unsuccessfully attempted to persuade the other members of that body to recommend that you lift the suspensions. The latest decision of the SJC is in my opinion irresponsible, as you will be able to read in my dissent. I am prompted to write you now to express the depth and substance of my concern, and to appeal to you as a sort of last desperate resort.

You have said, "... at this point in time, we face a clear test of the university's capacity to govern its own affairs. It is a real test, in the final balance, as to whether we can continue as a community that claims dedication to the examined life." And further, "Universities will have to work out a set of rules which are acceptable to their respective communities, enforceable by the university, and understandable to the general public. These rules must reject coercion as a means to an end; they must reject actions which obstruct and disrupt orderly education processes, including the process of reform."

I agree with you. The question is how your and the SJC's actions relate to these goals. Are we to assume that the university must govern itself by any means necessary, regardless of the consequences? What has the university gained by proving that, even if it can't seem to coerce some members of the community to do what it thinks is right, or to stop what it thinks is wrong, at least it can impose penalties on some members of the community without trial? The suspensions and the civil injunction speak louder than your words to the alumni. The suspensions say: at Stanford, we may not be able to ensure due process, but we sure as hell can screw people. And the injunction shouts: we need outside force to help us govern ourselves. No amount of rhetoric or even rational dialogue concerning the "examined life" can drown out those facts.

Injustice

The "temporary" suspensions constitute a clear violation of the spirit of due process which is a fundamental tradition of American judicial process. The

right of due process is one of the basic aspects of American judicial process, which supposedly differentiates it from the hated and feared totalitarian and dictatorial systems in effect elsewhere in the world. To short-circuit it here, in a university, is to do the community a grave injustice.

The suspensions you have imposed are certainly coercive. They are coercive means to an end. And they are achieving neither their specific intended ends nor helping the SJC to function. They were designed by the SJC to coerce students to leave an occupied building: they have failed, as the events of May 1 show. They were also designed by the SJC to coerce students into cooperating with the SJC: again, they have failed. All that they have clearly done is to prevent registered students from going to class and taking tests. Again I quote you: "These rules must reject coercion as a means to an end; they must reject actions which obstruct and disrupt orderly education processes, including the process of reform."

When you brought police onto campus to clear Encina Hall, you obviated the need for the summary suspensions. The students were already out of the building before any of them were suspended. At that point you should have sent the names of those accused to the SJC and let us try to adjudicate the case. To impose the suspensions after the occupation of Encina was over was unnecessary and counterproductive.

Misleading

The "temporary" suspensions—perhaps here I should note that a suspension is a suspension. To use the word "temporary" is to imply that there must be such a thing as a "permanent" suspension. I submit that a permanent suspension is an expulsion, and that to use the term "temporary suspension" is misleading—the suspensions are counterproductive not only in the sense that they prove that due process is a secondary concern in Stanford's judicial process, but also because they have increased resistance to the SJC by those on whom they are imposed and because, rather than calling in students for hearings scheduled by the SJC and sanctioning those who refuse to cooperate, as would be normal procedure, the SJC has waited for people to come in and request hearings. Many have not. Now we are in the untenable position of having students

suspended in the current quarter for nothing more than non-cooperation with the SJC. The Charter is specific on the punishment for non-cooperation: holding of graduation or registration until the accused cooperates. And worse, we have assumed non-cooperation, rather than found it.

You may object that I should address my concerns to the SJC, that it was their idea in the first place to have summary suspensions, that they are the ones who should determine what non-cooperation is, and that you have merely followed their suggestions. I have brought my objections before the Council, and without success. And I do not mean here to dissociate myself from all of the blunders the SJC may have made. Indeed, though I dissented on the original SJC decision (of April 17) which illegally suggested you summarily suspend students, I was a party to the blunders since then. I am most at fault for not speaking out sooner. For your part, you have not followed the SJC suggestions to the letter: the injunction you sought and received was not considered by the SJC, and more importantly, the SJC considered one of the main reasons for the summary suspensions was to clear a building: calling police to do that was what the SJC wanted to avoid by granting you emergency powers.

The present judicial crisis—and though it may not be clear to all at Stanford yet, there is one—is only in part due to the actions of you and the SJC. But the point here is that, just as you have the power to help precipitate a crisis, so you have in this case the power to help mitigate one. Your failure to lift the suspensions will almost certainly hamper future attempts of the university to govern itself. Stanford gains nothing by "governing itself" if the normal judicial process includes civil injunctions and summary action by you, and if the SJC, overburdened as it is, is unable to adequately and fairly adjudicate alleged violations of university policy. Have we really made progress toward a "reasoned approach" or should we concede that our "reasoned approach" to the judicial process is to preserve the judicial structure at the expense of its reason for existing? If the "temporary" suspensions are not lifted, I am forced to the latter concession.

(Richard J. Lee is a senior majoring in sociology—Ed.)