"C.U. after"

Faculty Legal Assistance and Information Committee

Trials of Columbia students on charges resulting from the police actions on April 30 and May 22 have come to a brief pause, for two reasons. First, negotiations involving the courts, the District Attorney's office, lawyers defending the students, and members of the Columbia School of Law faculty are going forward concerning legal mechanisms for action on President Cordier's appeal for dismissal of charges for single instances of criminal trespass. Second, a collateral action in higher court seeking jury trials for misdemeanor charges is postponed at least until October 3rd. The Faculty Legal Assistance and Information Committee wishes to take advantage of this pause to review the legal situation, especially for those who have only recently returned to the campus and who may not have followed developments over the summer.

The figures which follow are derived both from the university administration and the lawyers defending the students. Both sources emphasize that they may be only approximately correct.

On April 30, 711 arrests were made, including 420 students from Columbia, 118 from Barnard and Teachers College, and 173 others. On May 22, 177 arrests were made, 90 from Columbia, 25 from Barnard and Teachers College, and 62 others. As of August 30, 391 students were eligible for President Cordier's leniency appeal, and 154 were not. Of the latter, 12 sustained multiple charges, and 30 were arrested more than once. The figure of 391 eligibles should grow as charges are dismissed. Thus, if a person is charged with criminal trespass and resisting arrest, and the resisting arrest charge is dismissed, he will become eligible for the leniency appeal. Some 51 Columbia cases, 10 Barnard and Teachers College, and 25 others have been dismissed so far, most on grounds of insufficient evidence. There have been 12 pleas of guilty from Columbia, 5 from Barnard and Teachers College, and 2 others. Most guilty pleas have involved a reduction of charge from criminal trespass in the second to the third degree. For the April 30 action, charges were restricted to criminal trespass in the second degree, resisting arrest, and a few charges of loitering, made chiefly against non-students. For May 22, the charges ... include? criminal trespass in the second degree, resisting arrest, incitement to riot, riot, assault, criminal solicitation, arson, conspiracy to murder, and one or two others. Some six of these are felony cases. These are currently under investigation by grand jury, and no indictments have as yet been handed down.

Although the action of May 18th, involving events at 114th Street, is not covered by President Cordier's appeal, its obvious relevance to the campus situation at that time may make it of interest as well. Figure are somewhat more difficult to obtain for this action than the other two, but it appears that some 130 arrests were made, including 61 Columbia students, 14 from Barnard and Teachers College, and 55 others. Some 34 charges of criminal trespass in the first degree were made, for the most part against non-students, and some 93 charges of disorderly condust. 48 disorderly conduct charges were made against Columbia students, 13 against Barnard and Teachers College students. 5 Columbia students were charged with criminal trespass in the first degree, and 8 in the second degree. One non-Columbia case has been dismissed, 3 students have pleaded guilty, and 126 cases are pending.

Four other collateral legal actions are of direct relevance to the police actions at Columbia. On July 9, federal judge Marvin Frankel rejected a request for a preliminary injunction against disciplinary action by the university on grounds of abridgment of rights guaranteed under the First and Fourteenth Amendments. Decision on a motion by the university's attorneys for immediate dismissal of this suit was postponed. An action in the State Supreme Court concerning the disqualification of District Attorney Hogan because of his dual role as prosecutor and trustee has been argued but not decided, as has another action in the same court concerning jury trials for the misdemeanor charges, a heading covering most of the Columbia cases. The latter action has profound consequences for criminal law in the State of New York, and involves the question of the applicability of a recent decision of the United States Supreme Court, Duncan vs State of Louisiana, to the New York Courts. On or about July 16, two women students from the School of General Studies who pleaded guilty to reduced charges of criminal trespass in the third degree were given maximum sentences of fifteen days in jail plus $250 fines by Judge Amos Basel. After spending a period of time in the Women's House of

Detention, the students were released on a Certificate of Reasonable Doubt a procedure whereby defendants are released pending appeal in cases where sentences may have been served before appeals have been decided. These sentences have been appealed, and the cases are still pending.

In some cases, charges have been dismissed on grounds of insufficient evidence, but lawyers have reported that in others, similar pleas on similar grounds have been rejected. Some students who pleaded guilty have been given minimum sentences, and others, maximum sentences. In some cases students report courteous treatment by judges; in others, they report that they have been insulted and harrassed. Some developments in court are sufficiently serious to be brought to public attention. Two other women students appeared for preliminary hearings on July 16 and were told by the judge that because the Columbia cases were clogging the calendar, final hearings would be held right then. The students claim that they were informed by a policeman that a recess until 1:00 P.M. would be continued to 2:00. Upon returning at that time, they found that court had been in session for 45 minutes. Bail was immediately demanded, the judge is alleged to have remarked that they could not play with him the way they played with Columbia, and they were sent to the Women's House of Detention where they were detained until 7:30 P.M. Report has also been received of three cases in which, when dismissal of charges was obtained at preliminary hearings, the students were immediately summoned to the witness stand and required to identify other students arrested with them. The lawyers for the students do not believe that this last procedure will be used again.

It is also worth bringing to public attention the fact that some students who have NDEA Title IV fellowships have been informed by the Department of Health, Education, and Welfare that they must report the outcome of charges pending against them, because Section 907 of Public Law 90-132 requires that funds shall not be awarded to anyone convicted of riot and parallel charges. Lawyers for the Department will consider action to be taken when outcomes are reported. More severe legislation of this order appears about to be enacted by Congress. Strong objections to this type of legislation have been made by the university administration.

In somewhat happier vein, it is also worth noting that at the Faculty meeting of September 12, an amendment sponsored by Prof. A. G. Hart recommending that the President and Trustees "consider how far the University's request to the courts to dismiss criminal charges should be extended to include charges of resisting arrest and multiple charges of trespass, with a request for lenient treatment of such cases if they cannot be dismissed" was overwhelmingly adopted.

Even though President Cordier has made his appeal, members of the Columbia Community should not be under any illusion that the legal situation arising fromthe events of last spring is resolved. District Attorney Hogan's attitude to this appeal has not been stated, nor has the response of the courts. In the opinion of some faculty members, this attitude and response will depend to a certain extent on conditions in the next few days or weeks. Even if President Cordier's appeal is implemented more than 150 student cases will remain untouched, some of them involving very serious penalties, and the entire range of cases stemming from the action of May 18 is also untouched. The lawyers representing most of the students are serving without fee, but each case that proceeds from preliminary hearing to actual trial requires the use of an expensive transcript of testimony at the preliminary hearing, and each appeal from trial sentence involves another such transcript of trial testimony. Secretarial and administrative costs run especially high in coordinating such a large number of cases. A preliminary estimate is that some $75,000 will be needed for such expenses.

On Sept. 6, the Faculty Legal Assistance and Information Committee handed over 29 checks, totaling $984, to the Columbia Concerned Parents Legal Defense Fund, on the understanding that the money would be spent for this type of expense. Recent contributions bring this figure over $1000. There is a serious and genuine need for a much greater sum than this. Contributions should be made out to James J. Walsh, Chairman, Faculty Legal Assistance and Information Committee, and sent to Room 712 Philosophy Hall In the words of Prof. Polykarp Kusch, a major contributor to the fund, it will be interesting to see how many of those eager to sign petitions are equally eager to sign checks. Students may wish to contribute to the Columbia Students Defense Fund, Mr. Michael Greenberg, Treasurer, Box 215, Washington Bridge Station, New York, New York.