Old judicial proposal valid six years later

By William Lasser

Last spring's Thursday controversy and the more recent Group inci-
dents have raised basic questions concerning the integrity and legiti-
macy of the judicial process.

Such doubts are not new: in fact, they became so intense during the
early 1930s that a report was produced by the Working Group on the Judicial Process, a committee of students and faculty set up by and responsible to the MIT Commission on Student
Affairs. The Working Group's report, which is reproduced in its entirety
below, contains a number of valuable insights and conclusions that are still
valid today. The proposal, which required ratification by both the student
body and the faculty, was not adopted.

The core of the proposal revision of the judicial process lay in two
fundamental innovations. First, the entire scheme was based on an explicit "Statement of Rights and Responsibilities" that guaranteed every student and faculty member the right to bring charges against any other member.

The Statement, which was presented along with the previous report
published by the Group, recognized the fundamental right of anyone
to "refrain from: the use or threat of force against any person:" and other such actions which infringe the rights of students, teachers and staff.

For example, the Statement asserts that the following rights derive from the very nature of an academic institution:

- Freedom from interference with another person's; freedom from the press; freedom of religion; freedom of political belief and affilia-
tion, freedom of personal assembly, and freedom to petition for redressed grievances.

These rights do not derive from the Constitution of the United States or the laws of the Commonwealth of Massachusetts. They are intended to apply in cases where Constitutional guarantees are doubtful, and in no way to impinge on the rights of citizens in their capacity as citizens of the U.S. or of Massachusetts.

The document guarantees the rights of privacy, and of protection from unreasonable search and seizure. The right to due process, and the right of appeal from unfavorable decisions.

In several places, the Statement describes the responsibilities of members. They are intended to apply even in cases where Constitutional guarantees are doubtful, and in no way to impinge on the rights of citizens in their capacity as citizens of the U.S. or of Massachusetts.

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