

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

Inquiry Concerning a Judge,

NO. 47

NOTICE OF FORMAL PROCEEDINGS

TO: JUDGE CHARLES S. STEVENS, JR.

It appearing that from April 30, 1971, to the present, and at all times herein, you have been a judge of the Superior Court, County of Santa Barbara, and that you served as Presiding Judge of the Superior Court, County of Santa Barbara, from July 1, 1979 to June 30, 1980; and

Preliminary investigation having been made pursuant to Rule 904 of the California Rules of Court concerning censure, removal, retirement or private admonishment of judges, during the course of which preliminary investigation you were afforded a reasonable opportunity to present such matters as you chose, and Commission as a result of said preliminary investigation having concluded that formal proceedings to inquire into the charges against you shall be instituted pursuant to section 18 of article VI of the California Constitution and in accordance with rules 901-922 of the California Rules of Court;

NOW, THEREFORE, you are hereby charged with wilful misconduct in office, conduct prejudicial to the administration

of justice that brings the judicial office into disrepute, and persistent inability to perform a judge's duties. The particulars of the charges are as follows:

COUNT ONE

You are charged in Count One with wilful misconduct in office:

A. You have made offensive and unjudicial remarks about black people, to wit:

1. On or about May 13, 1980, you told a joke in your chambers defining the word "renegade" as the U.S.C. football team changing its backfield.

2. On or about July 1979, during a settlement discussion in your chambers in Superior Court case number 121511, you stated that blacks from Santa Barbara are of a higher quality than ghetto blacks from an area like Los Angeles.

3. On or about February 1975, in a settlement discussion in the case of People v. David and Canley, you stated that black people have to learn to live in their own neighborhoods.

4. In the 1979 case of People v. Aquino, which involved a Filipino defendant, you stated that Filipinos were clean, unlike some black animals who come into contact with the courts.

5. During football seasons, you stated in or around your chambers or the courtroom that when the going gets rough in football, the niggers always bob their tails.

6. During your current term in office you have used the following terms when referring to black people: , jig, jigaboo, jungle bunny, dark boy, black boy, colored boy, nigger, coon, and Amos and Andy.

B. You have made offensive and unjudicial remarks about people with Spanish surnames, to wit:

1. On or about May 14, 1980, you told a joke in or around your chambers or the courtroom defining a Mexican fortune cookie as a taco with a food stamp in it. You prefaced this remark by stating that you probably should not be telling such a joke.

2. On or about January 30, 1980, during a settlement discussion in the case of People v. Perez, you stated that the Spanish will never live by our standards, that they just live by different rules than we do, that child abuse is more common in Spanish culture, and that it is more acceptable for a Spanish man to abuse his wife which causes child abuse to be more likely. You stopped your remarks upon being informed that the defendant, although having a Spanish surname, was in fact Caucasian.

3. On or about December 1979 or January 1980, in People v. Chavez, wherein the defendant was accused of assault with a deadly weapon, you stated that Mexican

people have a code of honor, that they have to defend themselves and that this is the way they settle their disputes.

4. On or about December 17, 1979, in a settlement discussion in your chambers in the case of Stewart v. Thomas, you referred to Alejandro Gonzales as being a Mexican jumping bean.

5. On or about August 1979, you stated with reference to a civil paternity suit, in which the defendant was a 14 year old Spanish-surname male, that those beans get it up easy and let it down hard.

6. On June 12, 1972, in the case of Reyes v. Cobb, Superior Court case number SMI0032, during a settlement conference you stated that Spanishers reach a point where they just don't want to work anymore and they look for an easy way out.

7. During your current term in office in or around your chambers or the courtroom you have referred to women with Hispanic surnames as taco bells and have used the following terms when referring to persons with Hispanic surnames: hot tamale, spic, bean, and greaser.

C. You have made offensive and unjudicial remarks about Jewish people, to wit:

1. On or about February 1980, at a settlement discussion in your chambers in the case of People v. Shapiro, you stated that with a name like that the defendant was no dummy and that Jews are pretty smart people.

2. On or about July 1979, you stated in chambers regarding a former court administrator that you knew he was Jewish but he did a good job.

3. During your current term in office you have referred to Jewish people as kikes.

D. You have made offensive and unjudicial remarks about persons of Chinese ancestry, to wit:

1. In or about October 1979, and during the period of the trial, you referred to the case of People v. Yu, otherwise known as the Golden Dragon case, as the chop suey case and the Chink case.

2. At a luncheon speech to a group of lawyers during the trial of People v. Yu, otherwise known as the Golden Dragon case, you stated that the Chinese invented gunpowder but did not learn how to use it and could not shoot straight.

3. During your current term in office in or around your chambers or the courtroom you referred to persons of Chinese ancestry as Chinamen and Chinks.

E. You have made offensive and unjudicial remarks about persons of Filipino ancestry, to wit: In the 1979 case of People v. Aquino, you stated in your chambers that it is difficult to find an honest Filipino, because most of them will steal anything that is not tied down but that if one can find honest Filipinos, they can be clean, very good hard-working people.

F. You have made offensive and unjudicial remarks in or around your chambers or the courtroom about persons of Danish ancestry, to wit: During your current term of office you have referred to persons of Danish ancestry as square-heads.

G. You have made offensive and unjudicial remarks about persons of Arabic ancestry, to wit: In January 1980, while discussing a case in which one of the parties was Iranian, you stated to the opposing attorney that Arabs are wheeler dealers, that the attorney would have press coverage and loss of time, and that the Iranian probably would not have any money anyway.

H. You have made offensive and unjudicial remarks about persons of Hungarian ancestry, to wit: On or about January 14, 1980, in your chambers in reference to the Terez Derka conservatorship case, you referred to a person of Hungarian ancestry as a Hunky.

I. You have made offensive and unjudicial remarks in or around your chambers or the courtroom about persons of Italian ancestry, to wit: During your current term in office you have referred to a person of Italian ancestry as a wop.

J. You have made offensive and unjudicial remarks about women, to wit:

1. On numerous occasions during your current term in office you have stated in or around your chambers or the courtroom, and over the telephone, that women were too emotional to be in court. On one occasion you stated that it must be related to women's plumbing and machinery.

2. After Assistant District Attorney Nancy Sieh assumed her supervisory position in the Santa Barbara County District Attorney's Office, you declined to speak with her in the District Attorney's absence, stating that you were not going to talk to some gum chewing secretary, and instead asked to speak with Deputy District Attorney Pat McKinley, a subordinate to Nancy Sieh.

K. You have made other offensive and unjudicial remarks, to wit:

1. You have repeatedly, including in August 1979 and November 1979, referred in open court to unconvicted criminal defendants as criminals, as when stating bring in the criminals.

2. You have commented improperly on race, ethnicity or sex while discussing witnesses, attorneys, defendants and cases, and while telling jokes in chambers.

COUNT TWO

For a further and separate cause of action, you are charged in Count Two with conduct prejudicial to the administration of justice that brings the judicial office into disrepute. In support of this cause of action, paragraphs A through K of Count One are hereby incorporated by this reference as though fully set forth herein.

COUNT THREE

For a further and separate cause of action, you are charged in Count Three with persistent inability to perform a

judge's duties. In support of this cause of action, paragraphs A through K of Count One are hereby incorporated by this reference as though fully set forth herein.

You have the right to file a written answer to the charges against you within 15 days after service of this notice upon you with the Commission on Judicial Performance, Room 2232, State Building, 350 McAllister Street, San Francisco, California 94102. Such answer must be verified, must conform in style to subdivision (c) of rule 15 of the Rules on Appeal, and must consist of an original and 11 legible copies.

By Order of the Commission on Judicial Performance.

DATED: Dec 12, 1980

Howard L. Schwartz
Chairman