

## No New Evidence: Judiciary

# BLACK HEARINGS END

## Procedure Changes Sought



A recommendation by the University's Student-Faculty Judiciary to dismiss the remaining cases against five black students charged with taking part in the December sit-in demonstration on NMU's campus was approved by Northern Michigan University's President John X. Jamrich.

Jamrich approved the recommendation after discussing the matter with members of the university staff and faculty.

Specifically, the Student-Faculty Judiciary recommended that "in the best interests of the University community and the student-faculty judicial process in particular," the five remaining cases dealing with the sit-in demonstration "be dismissed unless significant new evidence can be brought before us."

The recommendation by the Student-Faculty Judiciary followed the acquittal of eight black students and finding two others not guilty in hearings during the last week and a half.

After hearing basic evidence in ten cases thus far and having spent some 33 hours in hearings and deliberations it was the feeling of the Student-Faculty Judiciary that nothing positive would be accomplished by hearing the other five cases because of what it felt were inconclusive issues surrounding all the cases.

Cited by the judicial body as inconclusive were:

1-The question of whether the black students were under the impression that they had authorization to remain in the Dean of Students' offices after the normal closing hour of 5 p.m.

2-The identification of the participants involved in all aspects of the sit-in.

3-The importance of the time element of admitted presence in the offices in relationship to the charges.

4-The communication channels and chains of command among all involved parties.

5-The procedures followed in relationship to the Student Codes of Conduct.

In addition, the Student-Faculty Judiciary said that it "has found that there are certain inadequacies in the hearing procedures including presentation of evidence and charges and the elimination of irrelevant discussion."

Jamrich said that the University is addressing itself to the inadequacies.

• Cont'd on page 2 •

Charles Griffis, NEWS photographer, managed to sneak this photo during the Student-Faculty Judiciary hearing last week which saw Jesse Allen acquitted of charges of being present in the University Dean's Office without authorization after regularly scheduled hours and being present at the time that property was damaged by the occupants and/or at the time

when Dr. Allen Niemi, Northern's Vice President for Student Affairs, was forcibly held within the office. The charges were levied following a 19-hour sit-in in the Dean's office by Black students on December 17 and 18. Allen and 21 other students similarly charged were acquitted by the Judiciary as a result of insufficient evidence.

### IN MARQUETTE DISTRICT COURT

## Blacks Get 2-Week Delay

Arraignment for six NMU black students charged with creating a disturbance was delayed two weeks Tuesday by Marquette District Court Judge George E. Hill.

The disturbance charge, levied in a Marquette Police Department warrant, is the result of a sit-in in the NMU Deans' Office on December 19.

The arraignment delay was granted by Hill after the attorney for the six defendants, Kent Bourland of Houghton, requested time to prepare his case.

Bourland told the court that he had only come into contact with the case a matter of hours before Tuesday's scheduled arraignment. In separate oral motions, Bourland also requested:

- A more detailed account of the charges against his clients on the part of the prosecution;

- The return of fingerprints of the six defendants which Bourland claims were illegally taken by Marquette police;

- Separate trials for each of the six defendants.

Bourland told the court that each oral motion he made would be followed by a written motion. Each motion is expected to be ruled on by Judge Hill sometime next week.

Five defendants were in court Tuesday morning, including Patrick Williams, Vernon Smalls, Christopher Poole, Phillip Harper and Loren Lobban.

The sixth defendant, David Wil-

liams, was not present. Williams is reportedly on a student teaching assignment.

The six retained Kent Bourland as their attorney after collecting over \$1000 last week at a table set up in the University Center.

## Art Students' Feature Film Tonight At 7

The Arts Student League will present the film *No More Excuses* by Robert Downey tonight and tomorrow night at 7 and 9 in Olson 1.

The film is a social and political satire.

Reduced rates on student tickets for the upcoming musical, "Little Mary Sunshine," will be granted on Tues., Feb. 25; Wed., Feb. 26 and Thurs., Feb. 27 at the Forest Roberts Theater ticket office from 4 - 8 p.m. Students who wish to attend the March 17, 18, and 19 shows may obtain a dollar reduction and have full choice of seats. This reduction brings the ticket price down to \$2.00.

Sun., Feb. 22  
Catholic Student  
Spaghetti Dinner  
St. Michael's  
Multi-Purpose Rooms

## HEARINGS

# 'Should Select Referee'

• Cont'd from page 1 •

"Your further recommendation that the procedures of the Judiciary be refined is immediately being presented for consideration to the Task Force Implementation Committee with the understanding that an appropriate working committee undertake the full consideration of the Student Code of Conduct," Jamrich said. "This consideration is to involve the faculty through the Academic Senate and the student body through the ASNMU Governing Board," Jamrich said.

The Student-Faculty Judiciary made the following recommendations for procedural clarification and change in the University judicial process:

- A referee should be selected by the Office of the President from outside the University community at the request of either the Student-Faculty Judiciary or the All-University Student Judiciary.

- The judiciary should have the authorization to recess at its own convenience for continuation at a later date.

- The judiciary should have the authorization to dismiss cases where there is proof of insufficient evidence.

- A pre-trial hearing should be held in those situations where it is questionable as to whether or not there is sufficient evidence for a formal hearing.

- In the event of a conflict of interest, responsibility should be shifted to a neutral party.

- The secretary to the judicial body should not hold the tie-breaking vote.

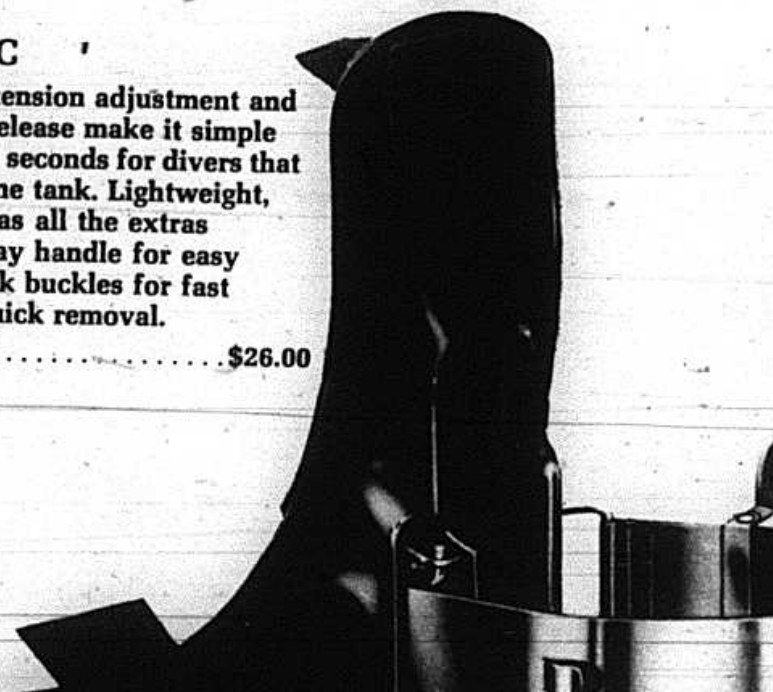
Student members of the Student-Faculty Judiciary are William Lake, Linda Edmondson and Harold Heathman. Faculty members are David Haggens, Mrs. Roberta Verley, and Thomas Buchl with Keith Forsberg and Neil Carlson serving alternately as secretary.

Lake is chairman of the Student-Faculty Judiciary.

### KAM E-Z PAC

Both quick band-tension adjustment and cam-action tank release make it simple to change tanks in seconds for divers that have more than one tank. Lightweight, form-fitting pac has all the extras including fold-away handle for easy carrying; slip quick buckles for fast adjustment and quick removal.

0818 ..... \$26.00



# Revise Judiciary

What has been dubbed by one campus wag as "the Spanish Inquisition" now appears to be over. We are referring, of course, to the University disciplinary hearings for several black students charged with infractions of the Student Code of Conduct as a result of last semester's "sit-in" in the Deans' Office.

In being critical of how the "trials" of the Blacks were conducted, though, we must be careful not to impugn the integrity or ability of any member of the Student-Faculty Judiciary, the body before which the hearings were conducted. At all time, it was abundantly clear to us that the student and faculty justices were interested only in the learning of facts and the dispensing of justice.

It is difficult to blame anyone, really, for the complete breakdown of the University judicial process during the hearings of the past two weeks. It is relatively easy, however, for even the non-legal eye to detect several faults which are bogging down the machinery of what could be an excellent system.

- The inexcusable lack of "legal reference person" is perhaps the most notable defect in the present system. The chairman of the Judiciary does not, and should not be expected to, rule on questions of order, relevancy of material presented, etc. An outside legal advisor must be present at each hearing to provide the legal expertise needed to prevent the session from turning into a three-ring circus. A volunteer lawyer from the community might be sought out to perform this function.

- Both the University and the defendant should be represented by counsel from within the University structure. Defense of the University position should not rest solely on the shoulders of the Dean of Students or his associates.

- A body of rules regarding hearing procedure should be drawn up and enforced by the legal advisor. When any person refuses to abide by those rules, he should be removed from the hearing room or the trial should be recessed.

- All hearings should be open to the public, i.e., as many persons as can be seated comfortably in the hearing room, excluding, of course, the principals in the trial. If the student does not want his misdeeds published, let him consider the fact that his hearing will be public before he performs the misdeed. Also, all Judiciary records should be open to public inspection.

- As is the case in a court of law, a hearing to determine whether or not a trial is warranted should be held in *all* cases. This hearing should be closed, thus avoiding unnecessary embarrassment to those unjustly charged with a violation of regulations.

The fact that we have outlined only five proposals for the judiciary in this editorial should by no means indicate to the reader that these are the only revisions needed. We do believe, however, that these five proposals must be implemented as soon as possible if the Judiciary is to retain the respect of the NMU academic community and remain a useful, functioning body.

## Conduct Improper

A member of the Associated Students of Northern Michigan University Governing Board, Fred Pentz, testified last week for the Deans' Office in University hearings for a number of black students allegedly involved in the December 17-18 sit-in. ASNMU Vice President Jack LaSalle also testified for the administration.

As he was leaving the hearing room after his testimony, Pentz reports that he was asked by NMU history instructor, Dr. Robert McClellan how much he was paid by the administration for his testimony. When McClellan was mistakenly referred to as an aide of University President John X. Jamrich by Jack LaSalle, he became very upset. At what could only be described as a ridiculous grandstand play, McClellan demanded that the word "aide" be stricken from the record of the hearing.

At one time in the course of the hearings, McClellan shouted from the visitor's gallery that a certain statement made by a witness for the Deans' Office was, in his words, "irrelevant."

The cause of justice is not served by such conduct on the part of a leader in the University community. McClellan's actions serve only to destroy a concept he reportedly claims to support.