

**Testimony Continues:**

# Judge Denies Motion For Mistrial In Black Student Case

Separate motions for a mistrial verdict and a week's recess in the case were denied by Judge George E. Hill in Marquette District Court as the trial of the six Northern Michigan University black students, charged with creating a disturbance during a December sit-in at an NMU office, concluded its third day with a special two and one-half hour session Wednesday night.

Both motions were filed by J. Kent Bourland, Hancock attorney for the student defendants in the jury trial which opened Monday morning. The Marquette city police charge against the six stems from a 19-hour sit-in Dec. 17-18 in the office of Dr. Allan L. Niemi, vice president of student affairs at NMU.

The mistrial motion, made at the opening of the Wednesday morning session, was based by Bourland on the claim that Prosecutor Edward A. Quinnell, in his opening statement to the jury Tuesday, added a new charge—"aiding, counseling or abetting in the commission of

the crime"—to the original warrant. In denying the motion with an announcement at the opening of the Wednesday afternoon session, Judge Hill ruled that it was without support in any statute.

Bourland immediately filed another motion, requesting a week's recess in the court case to give him ample time to prepare a defense for the prosecutor's alleged new charge—"aiding, counseling or abetting." He also requested from the prosecutor a bill of particulars on the alleged new charge. That motion also was denied by Judge Hill.

After the judge denied the recess motion, Bourland then filed a complaint with the court that the defense had been overcharged by the court reporter transcripts of the court proceedings. Judge Hill reprimanded the attorney for bringing personal grievances into the case and told him to settle his differences with the court reporter.

Wednesday, Dr. Niemi, who earlier testified that he had been held a prisoner by the blacks in his office during the last 40 to 45 minutes of the sit-in on Dec. 18, occupied the witness stand most of the day and a part of the night session. Prosecutor Quinnell also called Dr. John X. Jamrich, president of NMU, to the stand during the Wednesday night session.

On questioning, Dr. Jamrich related his knowledge of the sit-in and events leading up to, and the sit-in. Cross-examination by Bourland started during the night session which was recessed at 9:30.

Dr. Jamrich was recalled to the witness stand when court reopened at 9:30 this morning with the jury of six women and two men present. Prior to the jury session this morning, Judge Hill at the request of Bourland, opened court at 9, without the jury present.

During that brief, but stormy session, accusations were hurled freely by the defense attorney. He accused Sheriff Adrian Pequet of ordering the defend-

ants out of the courtroom after the conclusion of the Wednesday afternoon session. The charge was denied by the sheriff from the witness stand. He stated he removed a spectator who refused to leave the courtroom.

Bourland then demanded that he be sworn in as a witness to take the stand and make an undisclosed statement a matter of court record. Judge Hill granted the request. On the stand, Bourland made a court record of the accusation he had made earlier—that the court reporter overcharged him for transcript copies of court proceedings necessary for the defense. Judge Hill again instructed him to take the matter up with the court reporter and assured him he would be reimbursed if there was an overcharge.

And, Bourland, after a heated exchange of words with the judge over court procedure, demanded an apology from the bench with the jury present. Judge Hill ignored the demand, called in the jury and Dr. Jamrich to the stand for the opening of this morning's session.

Wednesday, at the close of the afternoon session, Bourland was again threatened with contempt of court proceedings by Judge Hill. Bourland objected to and protested Judge Hill's decision to continue the trial with a special Wednesday night session. After Bourland refused to give a direct answer to his reasons for objecting to the night session, Judge Hill sharply recessed the afternoon session until evening and left Bourland standing and still talking.

During the exchange of words with the judge, Bourland noted that he had been threatened with contempt of court on a half dozen occasions since the trial opened. He called the threats "prejudicial to the defense."

Earlier in the Wednesday session, Bourland, who has consistently ignored the instructions and orders from the bench, had been threatened with contempt proceedings again. Judge Hill warned him with the remark, "I've had enough of your showboating."

During cross-examination in Wednesday morning, afternoon and evening sessions, Dr. Niemi was closely questioned by Bourland on all details of the sit-in and related incidents. Included were details on the damage done to the office shown in pictures submitted by Prosecutor Quinnell as evidence, conduct of the defendants during the sit-in and during the time he was an alleged captive and the judicial system of the NMU administration.

Dr. Niemi also testified that he recognized five of the defendants in or at the doorway of his office during the 40-45 minutes he was prevented from leaving. The defendant he did not see was David Williams. He

said he believed Williams was on the outside phone which was in constant contact with the phone inside the office.

On trial and charged with creating a disturbance during the 19-hour sit-in are Vernon Small, Marquette; David Williams, Detroit; Patrick Williams, Saginaw; Christopher Poole, Clarkston; Phillip Harper, Ingham; and Lon Lohan, New Rochelle, N. Y. During the sit-in the office was ransacked, windows were broken and office equipment damaged.

Interest in the case by NMU students dropped sharply today compared to the first three days of the trial. After capacity crowds of spectators the first three days, only a handful of students were in the seats when this morning's court session opened.

The eight members of the all-white jury are Barbara Ostwald and Ross E. Gamble, Negaunee; Paulette Denore, Stuart Sundblad and Jean M. Garrett, Ishpeming; Patricia Raatz and Carol Leming, Marquette, and Marion L. Benson, Champion. They were selected from a group of 60 prospective jurors who reported for the opening of the trial on Monday morning.

The Dec. 17-18 sit-in in Niemi's office was a black student protest of the Student Judiciary Committee's finding against a black student, Charles Griffis, a senior from Grand Rapids. He was accused of having a girl in his dormitory room after hours early in December and the committee recommended suspension for the remainder of the year.

The decision was overturned by the higher-level Faculty Student Judiciary Committee. That decision which was announced during the hours of 3 and 4 a.m. on Dec. 18, ended the sit-in. According to Niemi, the black students left his office, where he was held captive, after the decision was announced.

## Publisher To Seek Gubernatorial Bid

LANSING (AP) — James C. Turner, Howell magazine publisher, said today he is a Republican candidate for governor.

Turner, publisher of "Today" magazine, said he would make "shocking and awesome revelations" on May 7 about "the whole affair of Atty. Gen. Frank Kelley and the office of Governor Milliken."

# Jacobetti's Bill On Mining Land Reclamation Receives Endorsement Of Committee

State Rep. Dominic J. Jacobetti (D-10th District) of Negaunee said this morning that his bill on mining land reclamation was reported out of committee favorably late Wednesday.

Jacobetti introduced legislation which would require that land affected by mining be left in a satisfactory condition after mining operations are completed.

Late Wednesday, Jacobetti appeared before the House Committee on Economic Development in Lansing to discuss provisions of his bill.

Later, the committee, by a unanimous vote, reported

the bill (H.R. 4294) out, with a recommendation that it be passed. Several clarifying amendments which were added or deleted do not change the purpose of the bill, Jacobetti said.

"I believe there is an excellent chance of passage for this bill in the current session of the Legislature," Jacobetti said.

### Placed On Calendar

The bill was placed on the calendar of the floor for the house.

It covers all operations such as open pits excavated for iron, copper and other metallic minerals, and it would apply to

tailings basins and stockpiles of materials involved in mining operations.

Under provisions of the bill, the Michigan Department of Natural Resources' Geological Survey Division would conduct a complete survey of mining areas to determine the amount of reclamation necessary for the public interest, after completion of the mining operations.

This survey would take into consideration the protection of such natural resources as game, fish and aquatic life; the prevention of air and water pollution, and the protection of persons and property from possible land and rock slides. Consideration also would be given to future land uses.

Would Have Regulations Following the survey, regulations would be made for reclamation of unused mine sites, Jacobetti said.

The rules would cover such matters as sloping, terracing or other treatment of stockpiles and tailings basins where erosion may occur which would result in injury to fish and wildlife or result in pollution of public water, Jacobetti stated.

"These regulations also be designed to prevent conditions in abandoned stockpiles and tailings basins which might cause injury to persons or damage to property," he said.

# NMU Security Bill Passes Major Legislative Hurdle

By DON HOENSWELL  
Of The Panax Newspapers

LANSING — Powers for Northern Michigan University to control firearms owned by students and to curb unruly demonstrations cleared their major legislative hurdle today.

The bill was reported to the House floor for debate after an 11th hour hurdle made changes meeting state police objections. Rep. Dominic J. Jacobetti (D-Negaunee), sponsor of the bill, said he expected it to pass without trouble, giving NMU the same ordinance-making powers now enforced at Michigan State University, the University of Michigan, Michigan Technological University and Wayne State University.

Conference Arranged The House Committee on Colleges and Universities said a conference was arranged last night by President John X. Jamrich and Col. Fredrick E. Davids, commander of the Michigan State Police, which arrived at the final version of the bill.

Staff Sgt. William C. Voigt, representing Davids, this morning said, "Dr. Jamrich said he wasn't interested in creating a new police department, and

that was our primary objection. "With these amendments, we're for the bill 100 per cent."

Jacobetti's arguments before the committee were that about 500 students carry rifles and other equipment to their dormitory rooms during the deer hunting season and that an ordinance is sought to require them to check their rifles at a central location, allowing them to be taken out only when the students actually are hunting.

"We Have Regular War" If anything happened up there at that time (during the deer season) in the way of an unruly demonstration, we'd have a regular war on the campus," said Jacobetti.

Jacobetti said he wanted quick action on the bill to avoid it being bogged down in the rush to pass budget legislation and other last minute bills.

The changes written into the bill last night require that the majority of all of the NMU board members constitute a quorum for the purpose of passing an ordinance, restricts the penalties to those of all other misdemeanors and requires that the security force on the campus be deputized officers of Marquette County.

# U.P. Girl Killed By Glass Shard

BESSEMER (AP) — A 7-year-old Bessemer girl was fatally injured Tuesday when she crashed through a window during a children's game of

**AIRPORT**  
DRIVE-IN THEATRE

TONIGHT THRU SAT.

STARTS AT DUSK  
TRIPLE FEATURE  
CHILLS! THRILLS!

HIT No. 1

Chiller of the year!



WITH: DANA ANDREWS

HIT No. 2

Monster of the year!



## The Mining Journal



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