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JAMES H. LUKE
General Manager

KENNETH S. LOVE
Editor

NMU Hearings

There was a time not long ago when any student judged to have committed a serious violation of university regulations could be summarily dismissed from the institution by the university administration. The prevailing concept of student-college relationships then was that the institution stood in the place of the parents and could discipline students in any way it saw fit. In those days, higher education was regarded as a privilege.

In recent years, however, students have come to view higher education as a right. When they believed they had been unjustly dismissed, they took their cases to court, contending that their rights had been suppressed. In a number of cases, they successfully challenged the "in loco parentis" doctrine.

The principle of due process of law for students, especially in cases that might result in suspension from college, was established in a decision handed down in 1901 (Dixon vs. Alabama State Board of Education).

It is now accepted that a university can and must establish regulations but that it must also guarantee due process for students. Due process involves written notification of charges against them, sufficient time for them to prepare their case, an opportunity for a hearing and designation of one or more individuals to make a decision in the case based on evidence presented.

This is what the "Student Code of Conduct" for Northern Michigan University sets out to do. Adopted by the NMU Board of Control last September, it was drafted after much deliberation over its legal aspects. University regulations and procedure are spelled out in the code and guarantees of due process are incorporated in it. Provision for judiciary panels is made to carry out due process.

This is the document that was followed in the case involving 21 black students charged with taking part in the Dec. 17-18 sit-in demonstration in which the dean of students' office was occupied until after 3 in the morning; office property was destroyed and the university vice president for student affairs allegedly was held in his office against his will and threatened with physical harm. The demonstration grew out of charges that a black student was seen with a woman in his dormitory room after hours in violation of university regulations.

In three sessions of hearings, the Student-Faculty Judiciary acquitted 10 of the 21 black students, recommended dismissal of charges against five other students and delayed action in the case of the remaining six students who are scheduled to be arraigned in Marquette County District Court on March 3 on charges of creating a disturbance in the December sit-in.

The manner in which the cases have been handled on the campus has drawn wide criticism in the community. Citizens have protested that the accused students have been let off without any punishment even though it is obvious that university regulations were violated.

Some of the criticism has been directed at the university president, apparently on the grounds that he should have dismissed the accused students. Under the circumstances, he had no alternative but to follow the procedures set forth in the student code, and this was done.

The Student-Faculty Judiciary's decisions for acquittal have been highly unpopular with a large segment of the public locally, but so, no doubt, was the acquittal by a U. S. District Court jury of the "Chicago 7" last week on charges of conspiring to promote confrontations between police and anti-war demonstrators during the 1968 Democratic National Convention.

The point is that, in a democracy, we must live by a legal code. If there is something wrong with that code — and reports of what transpired during the Student-Faculty Judiciary hearings indicate that there is room for improvement — the code should be changed through legal channels.

If the democratic process is to survive, it has to stand the testing of its procedures.

The events of Dec. 17-18 are not and cannot be condoned. Public interest demands that law violators be prosecuted, but the prosecution must be in accordance with the processes of law and order.

"Don't Just Stand There—Do Something!"



Andrew Fuly:

Two Nagging Questions

WASHINGTON—Would President Nixon resume bombing of North Vietnam if the Communist enemy took advantage of U. S. troop withdrawals from the South to mount an all-out offensive?

Has Hanoi received any suggestion that the U. S. might consider retaliation by nuclear weapons under such circumstances?

Ambiguous Statement—These are two questions that have been bugging Washington in the wake of Nixon's warning to North Vietnam that massive Communist escalation would be met by whatever means are at our disposal. The President's statement that "We have the means" is ambiguous enough to cover any eventualities, especially in the minds of those who remember President Eisenhower's implied threat to employ nuclear power in the Korean conflict.

In this context, a Nixon message to Hanoi, delivered through Soviet Ambassador Anatoly Dobrynin, is of huge if not ominous significance.

"Implicit Understanding"—The President told Dobrynin that any attempt by Hanoi to take advantage of U. S. troop withdrawals would break an "implicit understanding" between the two governments. Thus, Nixon said, all bets would be off, and the U. S. would be free to take any military measures necessary to the safety of the remaining American troops and the South Vietnamese government.

Dobrynin, it is reported, inquired what form the measures would take. Nixon replied that he did not intend to "go into specifics," but that Hanoi should clearly understand that retaliation would be swift and massive. "They know our military potential," Nixon told Dobrynin.

Speculation by official sources on U. S. reaction to a "violation" of the "implicit understanding" between Washington and Hanoi mentions two possibilities:

- 1. Saturation bombing of North Vietnamese military and industrial centers and communications lines — after a 10-day warning to the civilian population.
- 2. An implied threat, a la

Business Mirror

Consumer Criticism Overstated?

By JOHN CUNIFF
AP Business Analyst

NEW YORK (AP)—There have always been critics who warn that "you wouldn't eat in that restaurant if you knew what went on in the kitchen," and some observers of our society say the attitude is spreading.

Now we are told that you wouldn't buy a certain car if you spent a day on the assembly line; you wouldn't swallow a pill if you read the technician's report; you wouldn't fly if you knew the private lives of pilots.

To some degree a cynical attitude exists in the consumer movement. But to what degree? And isn't it better to be forewarned than not warned at all?

Rounds Of Applause—Speaking to business executives here for a consumer symposium, the president of the New York Better Business Bureau won rounds of applause for suggesting that the consumer activists had overstated their case.

They have, said Woodrow Wirsig, used "harassment, hunch, prejudice and emotion" in their criticism of safety and quality, and they have helped push business into a deepening decline.

Study Findings—The attack was a distinct departure from the speech made recently by business spokesmen. Only last fall, a study made for the Chamber of Commerce of the United States produced a document that, among other things:

Accused business of tardiness in responding to consumer criticism; advocated a re-examination of business practices; advised sellers to provide more information on safety, performance and durability of products.

It recommended simpler warranties, speedier repairs of defective products, better training of sales personnel, voluntary safety standards, forthright action against deception, and more awareness of social consequences.

In other words, this broadly representative organization, which once at least was not known for its advocacy of new regulations, is recommending movement and even embraced many of its ideas.

Now the attitude of at least one respected business analyst suggests that the consumer movement may not be that popular among businessmen. Wirsig, in fact, said that an accepting consumerism among businessmen might be misguided.

His address suggests also that consumerism may have reached the point where some of its demands have become unbalanced, where opportunists might use the movement for personal goals, and where a critical reaction might be setting in.

If so, it is unfortunate for the consumer movement, because while some consumer attitudes may sound shrill at times, the need for marketplace improvements are so obvious as to be unarguable.

★
BACK WHERE WE STARTED—A mail-order house offers a lamp that gives "a gracious, intimate glow to your dinner table."
It comes complete with a wind-proof globe that keeps it

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EDITOR'S MAIL

The Mining Journal
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Contributions are invited. Letters should be limited to less than 300 words. Only signed letters will be considered for publication. Personal attacks on individuals will be omitted.

Hearings At University

Dear Sir:

The members of the Ishpeming American Legion Post wish to express our deep concern and thorough disgust with the so-called hearings at Northern Michigan University. The hearing is being maligned by a group of people who are constantly screaming about freedom and justice. It is well to note that only when they find themselves in a situation which they cannot handle do they scream for justice.

Where is this justice that allows the Student-Faculty Judiciary to take the word of a handful of students who cannot be prosecuted for lying against the word of a truthful man who is much respected but made to look like a liar? Is this the type of equity we are attempting to teach our youth? Do we want these people as future leaders of our nation?

We feel that if this is the type of justice that the NMU Student-Faculty Judiciary metes out, ROGER W. BERGMIDT will get without this "kangaroo court."

ROGER W. BERGMIDT
Commander
Ishpeming American Legion Post

Dec. 17-18 Incidents

Sir:

As Goethe once said, "the most terrible thing in the world is ignorance in action," and no finer example there ever was than what the taxpaying audience of Northern Michigan University has seen during the last two months.

To rationalize the incidents of Dec. 17 and 18 as legitimate protest is sheer folly. The criminal acts of persons engaging in destruction of public property and interruption of legal order cannot be condoned and must be punished. Those persons involved in the organized riots and carefully controlled violence that has taken place in the United States in the last 10 years have only one aim, and that is the deliberate destruction of the republic. Whether this violence is the bombing of a Negro church in Birmingham, Ala., or the looting and burning of the Negro section of Buffalo, N.Y., it must not go unpunished. Those guilty of the crime must be brought to justice. This violence has been carried out by a lot of immature minds, eased on by minds that are not so immature as they seem. They want — to overturn the very foundation principle of democracy, which is that you accept the will of the majority.

Eric Hoffer once stated that intellectuals are incapable of presiding over positions of power because of two reasons: they are incapable of organizing power and they are incapable of handling power. Thank you, the administration of Northern Michigan University, for proving him correct.

JAMES L. GOODMAN
510 West Hewitt Ave.
S.D. Marquette

Calls Hearings Farce

Editor:

Would someone please explain to us poor taxpayers what kind of nonsense is being perpetrated in the name of justice at Northern Michigan University?

A group occupied the office of Dr. Niemi on 17 December 1969, two months ago, and so far five have been found "not guilty" on the basis of "testimony" by a jury of "peers." To me, their offense was a breaking of the law, for which there is punishment due. With due respect, and I have very little respect for him as a disciplinarian, Dr. Jamrich has let this incident slide into what he may hope to be oblivion. A great administrator, yes — but why is he afraid to prosecute this hoodlumism in what it is? I've got news for you, sir, the people in the Upper Peninsula have not yet forgotten the basketball game "they" played during this disruption. Do you think we have been lulled to sleep about this last violation. How far are you going to permit them to go? When are you going to take a stand? Had these been white students, expulsion would have been automatic without the farce of a "trial."

Act, sir, and now. Sack it to 'em. Get tough!

A member of the not-to-stand majority.
JOSEPH W. McDONNELL
548 Poplar St.
Ishpeming

Courts And Gossip

Dear Sir:

I would question the "newsworthiness" of a recent item pertaining to the jail sentence given a Marquette resident in a downtown case.

Does this not relate more to the gossip category?
MRS. ERNEST PESOLA
1026 North Front St.
Marquette

(The Journal does not look upon court transactions as gossip. — Editor.)

Barbs

been discovered by our non-favorite eatery.
By PHIL PASTORET
Our neighbor, whose frau is

The Journal Files

60 Years Ago

—Marquette—

A special meeting of the Union City Commercial Club was held last evening to assist in the proposed new constitution and by-laws drafted by a committee appointed at an informal meeting of members several weeks ago. The name of the organization is changed to the Marquette Commercial Club.

—Shipping—
The services incident to dedication of the Methodist Episcopal Church in Gwinn this week, were by far the most

pleased with the interest shown. The services were conducted by Rev. J. E. Jacklin, D.D., of Detroit. Rev. James Pascoe, superintendent of the Huntington district, and Rev. Simon Hocking, the local pastor.

—Negatives—
Manager J. J. Shackelford of the Ishpeming Baseball team has opened negotiations with teams in Escanaba, Gladstone and Rapid River with a view to making a playing arrangement with those clubs and the three cities of this county. If the proposed plan is carried

Nightmarish Interpretation

"However, the South Vietnamese would have the support of massive American firepower, from both planes and artillery. For this reason, the U. S. — initially could be limited to guerrilla actions in an attempt to assess the chances of a major engagement."

Meanwhile, Hanoi has President Nixon's message reminding its leaders of America's virtually unlimited military power. The message may be ambiguous, but its implications are subject to nightmarish interpretation in the North Vietnamese capital. ★