Attorney For NMU’s Board Comments On McClellan Dispute

Signing of a petition in support by Dr. Robert F. McClellan of 140 of his fellow faculty members at Northern Michigan University “speaks well for the climate of academic freedom that exists at the university,” according to an attorney for the NMU Board of Control.

George Bushnell, of Detroit, secretary of Miller, Canfield, Paddock & Stone, said, “The report that 140 faculty members have signed this petition reflects only credit on the present administration and board of control. It is a rare situation where employees can act with such freedom and indeed such lack of knowledge of the true facts with the consent and approval of their employers.”

Dismissed Last Summer

The Committee for Defense of Academic Freedom at NMU said Friday that the petition made the faculty members joint complainers with McClellan in a threatened suit against the NMU Board of Control. An assistant professor of history, McClellan was dismissed last summer on charges that he interfered with university policies and practices.

Bushnell questioned whether the petition made the faculty members parties of the threatened suit.

“There is no question but what, in the pursuit of the exercise of individual rights, any member of the NMU faculty may sign any statement he chooses to sign,” the attorney said. “I cannot agree, however, that the mere signing of a petition by anyone automatically makes him a party to a lawsuit. This is particularly true when the lawsuit has not yet been commenced and specifically because the court must rule as to whether or not these volunteers have any standing in a court of law.”

Not Filed Yet

John Frey, CDAF president, said Friday the lawsuit would be filed Monday in federal court in Detroit.

However, Bushnell said today that the suit has not yet been filed and that “when and if it is filed, I anticipate that it will be commenced in Marquette and not Detroit.”

Ku Klux Klan Act

McClellan will sue under the Ku Klux Klan Act of 1871. O’Hare said this, he explained, forbade state officials from interfering with the exercise of constitutional rights by individuals.

Under the KKK act, McClellan will sue Dr. Edgar L. Harden, president of NMU at the time of the professor’s dismissal; Ogden E. Johnson, Harden’s successor as president, and the individual members of the board of control, O’Hare said.

O’Hare and Erwin Eilman, also of Detroit, will represent McClellan through the American Civil Liberties Union. A Marquette attorney also will be registered with the suit.

Charge Rights ‘Imperiled’

O’Hare said the faculty members who signed the petition charge that their constitutional right have been “imperiled” because of the “arbitrary actions against Dr. McClellan.”

McClellan’s attorneys say that the action against the university “violated its own rules in the manner (in which they discharged McClellan).” In the university’s manual, O’Hare added, there is a provision that faculty members will not be fired by June 1 of their dismissal. Harden did not notify McClellan until the end of July, O’Hare said.

NMU Board Eyes Future Of Job Corps

Future of the Women’s Job Corps Center at Northern Michigan University will be a prime topic for discussion at this week’s meeting of the NMU Board of Control.

Board members will meet on campus Wednesday for their February session. A tour of the Job Corps Center, starting at 2, will precede the dinner at 6. The board session will follow.

Also on the agenda are the following items: report on second semester enrollment; report on meeting of Michigan Council of State College Presidents; discussion of revised academic leave policy; status reports on construction and land acquisition; and report on planned meeting with key committees of Northern and Michigan Technological University, regarding institutional cooperation in public services.

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