

OBSERVATION *OP* POST

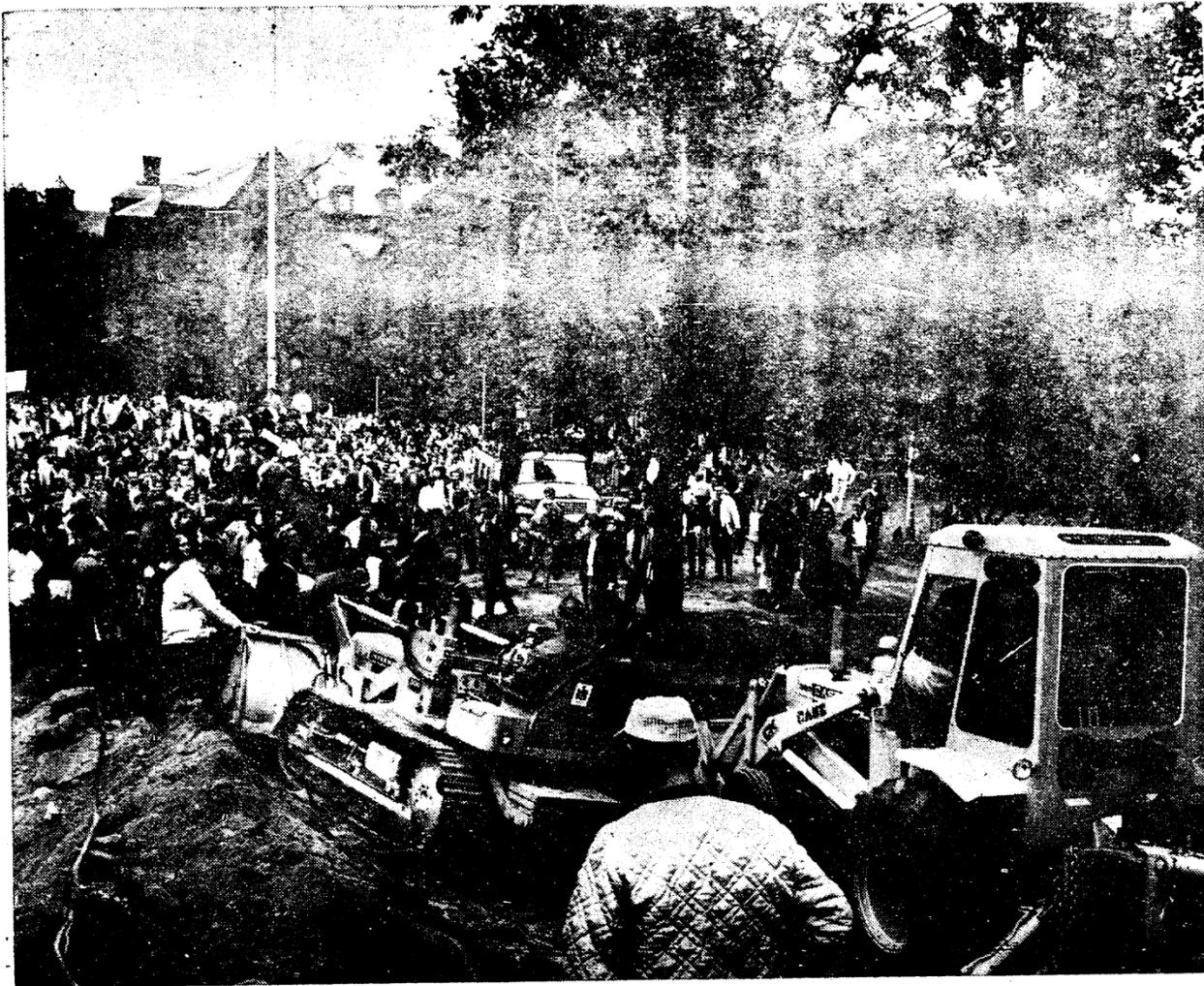
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FRIDAY, SEPTEMBER 20, 1968

CITY COLLEGE



Discipline Suit Gains! BHE Motion Denied

Must Defend 46 Suspensions; 14th Amendment Cited

Gallagher Is Silent, Students Ecstatic

By HOWARD REIS

A suit brought against the Board of Higher Education (BHE) by 46 students at the College disciplined last January for their actions in last November's "hut" crisis has cleared its first stumbling block.

Judge John M. Cannella (U.S. District Court, Southern District) denied a BHE motion for dismissal of the suit. The suit, "Ron McGuire, et al vs. the Board of Higher Education, Buell G. Gallagher, et al," charges that the plaintiffs were not allowed to have counsel present at the disciplinary hearings, that they were not permitted to call witnesses, and that they were assumed guilty unless they could prove their innocence—all of which, the students contend, is a violation of their right to due process. Three students were found innocent; the remainder received suspensions of two to five weeks.

Observe Due Process

In his brief, filed August 28, denying the motion, Judge Cannella wrote: "The courts have held that when the government affects the private interests of individuals, it may not proceed arbitrarily, but must observe due process of law. . . . They have further held that in matters of disciplinary action a student attending a tax-supported institution of higher learning is entitled to certain minimal procedural safeguards."

He added that the 14th Amendment, which guarantees the right of due process in all legal procedures involving state and local governments, applies to students in tax-supported institutions.

Judge Cannella also held that the right to due process under the law applies not only to expulsions, but also to suspensions.

The BHE, which is represented by the City of New York's Corporate Counsel, Leo Rankin, has until today to answer the students' suit. According to General Counsel Arthur Kahn of the BHE, the reply will be a "general denial" of the students' charge of lack of due process.

The reply will set the stage for a trial (if no reply is forthcoming, the students will win by default), according to Eric Schmidt, lawyer for the students. The suit demands that all records of actions arising out of the arrests in the students files be expunged, and that the students be collectively given \$1,000,000 in damages.

"We can say we have won. We defeated the Board of Higher Education's motion to dismiss," said Schmidt. A similar suit brought by students at Columbia University has not gotten as far, he added, though Judge Cannella had cited the case in his decision.

National Implications

This case has national implications. If the court rules in favor of the 46, procedures followed at disciplinary hearings not only here, but at most public institutions will have to be changed, in order to meet the "minimal procedural safeguards." Unfortunately no legal decision has ever been rendered as to just what these "safeguards" are. The courts, in this case, will have to lay down guidelines for public institutions to follow in disciplinary hearings.

President Gallagher, one of the suits' defendants, said: "The courts have not ruled on the merits of the charges. . . . The courts will now entertain the suit on its merits." He refused to comment on possible improvements on procedures of the discipline committee.

One of the plaintiffs, Ken Kessler, associate editor of *Observation Post*, said, "I feel like Santa Claus just died and left me all his toys."

Cade: Pre-Bac Program Challenging The System

By JONATHAN PENZNER

"I would rather unleash 20 mad, caged Pre-Bac students onto the system than have the Pre-Bac teachers in the regular classes. It's more meaningful."

This term Miss Toni Cade became the first instructor in the Pre-Baccalaureate program's English department to teach a regular English 1 section at the College.

"That's not why I came here," she noted this week. "I was attracted to the Program, the students. . . . But I thought I'd learn something so I took the opportunity as it came."

The Pre-Bac Program, or Search for Education, Elevation and Knowledge (SEEK), gives students from deprived educational backgrounds a chance to make up for lost education. By giving the students special counseling, classes designed to fill in the gaps, and stipends, SEEK prepares them for entry into the regular college system.

Miss Cade does not consider her assignment to a regular English class as an "advancement."

Having joined the first SEEK instructional staff in September, 1965, she feels that the best way to change the system here is for the Pre-Bac students to challenge it.

Pre-Bac students "challenge the teachers of a course — they challenge the courses," she said. In Pre-Bac courses as well as in the regular courses, the students demand a certain kind of attention, and demand the course be relevant to their lives. The result, Miss Cade believes, will be a change in the College's educational process, due to the pressure generated by the SEEK students.

"Regular students play games, make the safe remark, because, after all," she continued, "the student is going to get a mark from the teacher." The Pre-Bac student is free of that kind of game — he just doesn't play games." According to her, the Pre-Bac student is less apt to be caught up in accepting, or being beaten into accepting the system.

"I was avoiding the regular classes. Those classes that I did sit in on usually put me to sleep."

But she is not sure whether this seeming atmosphere in a regular class is produced by the students, the instructor or the curricula. In the Pre-Bac courses, she

noted, teachers and students, perhaps due to the size of the classes, are more involved with the courses. Pre-Bac teachers "really kill themselves," Miss Cade said, to keep up with their students' demands. A great deal of individual attention is paid the students. As a result, an esprit de corps has grown up with the program among all — faculty, students and administrators.

Pre-Bac courses are far smaller than the regular courses at the College; 10 or 12 students is usual. Teachers in the program are also more intimate and involved with their students than most teachers on the campus.

Essentially, the reason the Pre-Bac classes can be so small is that the money allocated per student is greater for the program than for the rest of the College. As a result, there are more opportunities for student-teacher cooperation in structuring a course.

Pre-Bac teachers, said Miss Cade, are teaching because they are excited about the idea of the program, and because they feel the program is a "tremendous experiment, and a tremendous chance to change things."

Having been conditioned by teachers like Miss Cade to expect a certain commitment to the students and the material, Pre-Bac students are generally less enthusiastic about and are very critical of the regular College courses and teachers.

Miss Cade's approach to her English 1 course will not be too different from her approach to the two Pre-Bac courses she will be teaching this term.

With an emphasis on "the usage and manipulation of language," Miss Cade will be using basically current literature, relying heavily on magazine and newspaper articles.

"It seems foolhardy to dig up a booklist before I meet the class. . . . Ideally we have no book list in a course," said Miss Cade. "In a summer session course on colonialization and liberation we fell into the books as we went along: Franz Fanon, Eldridge Cleaver, LeRoi Jones."

Yet Miss Cade feels that she may be cheating the Pre-Bac students by not teaching them exclusively.

"I feel like I've postponed something. . . . I still owe them."

Her first impressions of her regular class are favorable, despite the fact that "I'm working blind; I don't know anyone in there. . . ."

"They're a remarkable group, sharp. But I'm not sure if this is usual."

OBSERVATION POST

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Columbia Tranquil, SDS Uncertain In Wake of Protest at Registration

By JONNY NEUMANN

Neat, worried, slightly lost, the freshman loosens his tie and strolls over the mall to the Low Library steps. The clinging, overdressed mother leads a pretty girl into Ferris Booth Hall. A smiling upperclassman gives out banners and yellow balloons. The Columbia campus is dead.

At noon there's a rally at the sundial. At one PM there's a demonstration at the gym to block registration. By three the small crowds break up. And at five, the TV cameras are packed up, the films are rushed to NBC for the 6 o'clock news, and the campus is quiet.

There is no news at Columbia

and there is very little action. The radical movement is in trouble.

In its first major action of the year, Students for a Democratic Society (SDS) failed to stop reg-

and FBI men awaiting Wednesday night's first meeting of the International Revolutionary Assembly.

Registration was postponed until Thursday, but those who



"Comrade Mike" addresses international revolutionary caucus, Wednesday night in Schermerhorn Hall, Columbia.

istration Wednesday. It was saved only by extensive press coverage.

Few people from the campus participated in the Wednesday demonstration. Many of those present were on-lookers, curious freshmen, their parents, the press

wanted to register had free access to a back door of the gym, where the all-important process takes place.

Wednesday evening, an hour and-a-half before the Revolutionary Assembly, the administration announced that "permission for the use of university facilities" for the meeting was withdrawn because of "a violation of University rules by SDS members this afternoon."

Last spring, this kind of capricious act by the Administration would have been protested immediately and forcefully by SDS and much of the student body.

But Wednesday night the four hundred students turned away from McMillan Theater, quietly searched for an available auditorium, and when they found Schermerhorn Hall, they entered and held the meeting, undisturbed.

After the meeting, rumors spread that the Administration

(Continued on Page 3)

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Columbia . . .

(Continued from Page 2)

and revoked SDS's charter. Students were angry, but nothing happened.

Students met yesterday again and plan meetings for today, but action is not imminent. The spirit of the spring revolt is not there. At neither are the students.

All but the 700 freshman are still on vacation. The upperclassmen will return to their dormitories Sunday, and until then Columbia will be quiet.

After Sunday, though, anything can happen. One issue, one incident, one foolish action by the administration could explode a silent campus.

But until the explosion comes, any student action will be important and meaningless.

SDS has little coherence, little support and no issues. Only the

remaining 31 suspended students and a few supporters are active, and even they are unsure of what to do.

The leadership of the radical movement at Columbia is breaking into factions. Mark Rudd, the SDS chapter president, has lost much of the campus-wide support he had last term. In fact, many SDS members suspect Rudd's ambitions, including Howard Coval, a junior in SDS, who calls Rudd "an anarchist who doesn't care at all about the college or reforms."

All SDS members are arguing over what this term's issue should be. And the biggest long-range issues so far have been the abolition of the Naval Reserve Officers Training Corps group on campus and the existence of the School of International Affairs, "where they teach you to be an imperialist."

The gym in Morningside Park and the Institute for Defense Analyses, have become forgotten issues.

"Wait till next week when they (the students) get bored and find there's nothing to do," reasoned Rudd. "We'll give them something to do."

Columbia students don't know what to believe, who to believe, or whether anything is worth believing. Most are too busy adjusting to their new campus to get involved in any action now.

150 Rally To Support Huey Newton

Approximately 150 students rallied yesterday in Cohen Library plaza to organize support and raise funds to aid Huey Newton, convicted defense minister of the Black Panther Party.

The rally, sponsored by the Students for a Democratic Society (SDS) and the W.E.B. DuBois Club, featured speakers from both groups and representatives of the Black Panther Party and the Freedom and Peace Party.

Ron Taber of SDS called for "honesty in education as opposed to the system where we are only allowed to learn what is useful to our jobs."

He called for Newton's release on the ground that "Newton's only crime was educating black people honestly, so they could know something about the oppressive society."

Jarvis Tyner, National Chairman of the Dubois Clubs, called



for a realization of the "fascist trends in America society. If we let them suppress and harass Black Panthers — we will allow our country to go in that direction.

"If racist pigs get killed—

that's too bad," explained Tyner. "Black people in this country have been treated so poorly, and have been oppressed to such a great degree, that they are justified to fight back, and protect their honor and integrity."

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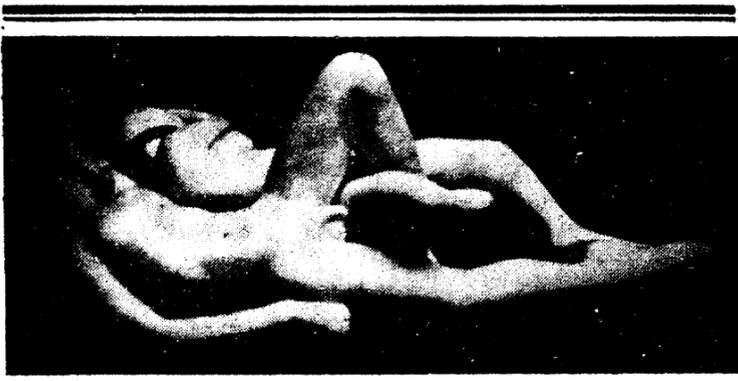
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This is why Nelson Rockefeller and Gene McCarthy did not receive their party's nomination despite strong popular support. If we do not make our local government a popular one, we can never expect representative government on any other level.

We, the Collegians for Political Action, were organized with this in mind. Our purpose is to bring about popular government on the local scene. For popular government is good government.

Mayor John V. Lindsay has said, "I know what this generation can accomplish. When I ran for Mayor in the Democratic stronghold of New York City, 95% of my campaign staff consisted of volunteers, and the great majority of them were students. There were 30,000 of them and they ran a campaign . . . that New Yorkers had never seen before. But when those New Yorkers saw the lights in those headquarters burning late into the night, and they were canvassed at home and in the street by volunteers, they thought, 'If they're willing to work that hard for this Lindsay, maybe he can get something done in this town.'

"And that's how I got elected."

The phrase "Political Action" is a very significant one. We in Collegians feel there has been far too little action for far too long. We

do not call a stagnated state legislature one of action. We do not only realize the need for change but our entire function is geared towards initiating this change. We aim to elect popular qualified candidates. Our primary work is in campaigns. Thus "Political Action" is not merely political discussion but political movement.

For discussion is not enough. In order that discussion be effective and constructive, a progressive, moderate, government must lend a concerned ear and a will to move. Much of today's elected government is not progressive, not moderate, and just not listening.

The solution is not a simple or a swift one. It is a complex problem with a complex solution. We cannot promise a new government within a week, a month, or even a year. We cannot promise that every inequity in our system will be gone in that same time. However, we CAN promise a constructive effort towards making good government possible.

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