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Wooster Voice Editors

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EDITORIALS

With the help of a strict interpretation of the Ohio Revised Code 2909.21 statute, Attorney Eberhart's case was open and shut. With a looser interpretation coming from Wertz, it still would have been hard to contest. For when the co-owner of a building, an agent of the building's federal lessee, and an officer of the local police ask a citizen to leave the lessee's premises and that citizen refuses, the charge of trespass can hardly be said to be inappropriate.

Kent Weeks also had an open-and-shut case, not so much in the defense of his student-clients, but in the indictment he has made of the local draft board, the field supervisor of which is also responsible for the functioning of 11 other draft boards throughout eight counties in this state. In a period of this nation's history when conscription and violent death are easily associated by the live wire of Vietnam, it is sad and criminal that a local draft board employee is unable to explain to a potential draftee what justificatory content rests in the concept of the involuntary draft. Is this too much to require of a local functionary? Not when the draft system carries with it the seeds of so many disastrous consequences as it does in this decade.

Looking at this issue in quite another way, like it or not, it has brought us to a high-point in the aggravation of town-gown relations. The instant relationship drawn by a certain segment of our population between the "gook" and the "hippie" and the "lizard" is also the kind of relationship drawn by many townspeople. Consequently, the vigil begun Tuesday night has been received with an attitude which ranges broadly from indifference to hostility.

There are two ways by which academic people can be progressive nowadays. One is to pursue their activist concerns within the framework of the institution to which they are tied; another is to enlarge their perspective and begin to take into their sights the town in which their institution is located. (Thirds and fourths go beyond the town, but let's skip them for a moment.) The College of Wooster and the town have not been getting along with each other (in spite of mutual friends in high places) for the most part because one community has, in the past, kept itself at an arm's length from the other. Businesses in town simply do not cater to the large market which most college towns recognize to exist in their colleges' student bodies.

Ironically, the draft board incident, which has aroused such a furor, revolved around the involvement of students in town affairs. May we suggest that this is because such involvement is so rare? It is done so little that the only inference that townspeople can make is that it is a manifestation of the student rioting that they read about so often in bread-and-butter publications like *The Daily Record*. The job of Wooster students should be to acquaint the town with the variety of representatives of their generation and, to put it frankly, to not be restrained by the *in loco parentis* fiat or protectionism of a "residential" college.

Review Of Last Week's Incidents

(Editor's Note: Following is a chronological record of the events leading up to and including the arrest of four students last Thursday and Friday.)

SUNDAY, DECEMBER 3

At a full meeting of the Social Action Committee, a decision was made that some students would go down to the local selective service office (in the 345 Building on North Market St.) each day to get information and advice on the Selective Service Laws from the staff. It was also agreed that some students would go to Cleveland the following Friday to participate in a demonstration at the Induction Center.

MONDAY, DECEMBER 4

Two students, Pat Kelly and David Wright talked with a woman employee of the Local Board No. 124. They stayed about one hour and left when the office closed for the night. Among the topics discussed was the discrepancies in the status of Conscientious Objectors.

TUESDAY, DECEMBER 5

Kevin Gray and Ellie Rogers went down and talked with the Field Clerk Supervisor, Mrs. Rex McSweeney. She was reported to be "belligerent and angered."

FACULTY TENURE

On Nov. 28 the Faculty Committee on Teaching Staff and Tenure, consisting of F. W. Cropp, chairman, John R. Carruth, Clayton S. Ellsworth, Winford B. Logan and Charles B. Moke, decided upon a number of cases concerned with contract renewal and possible promotion. Among these cases were Burton Cooper (Religion), Floyd B. Lawrence (English), and Hayden Schilling (History). These decisions became the Committee's recommendations to the Administration Committee of the Board of Trustees, which met last weekend. The final decisions, according to Cropp, will be announced tomorrow.

WEDNESDAY, DECEMBER 6

John Dineen and Mark McCullough spent 15 minutes at the office—described as "uneventful."

THURSDAY, DECEMBER 7

Bill Barrie and Lily Hom have stated that they entered the office at about 3:15. (The *Daily Record* account, Dec. 8, gave the time as 3:30.) Barrie was asked to fill out a "Request of Oral Information" form. He stated that he would fill out his name and address but not his Selective Service number. He said he was refusing to cooperate with Selective Service Procedures at that time.

He wrote this on the Oral Information form.

They then followed the clerk, Myrtle Smith, into the inner office, where Mrs. McSweeney has her office. Barrie began asking questions about the Selective Service system, describing it as an "impersonal machine." McSweeney replied that the system was not impersonal; that it was operated on a local board system, and was thus quite personal. To most of Barrie's questions, the response was that she does not make the law, but is merely instructed to give information and advice to citizens concerning the law.

After the questioning had reached the edge of Mrs. McSweeney's tolerance, she left the office and returned with Wesley Shank, who is co-owner of the building. The building is also owned by Clarence Shank, Robert Critchfield and Lincoln Oviatt. After asking the two students to leave the premises ("coldly" according to Barrie) and being told by them that they would not, Shank called Capt.

(Continued on Back)

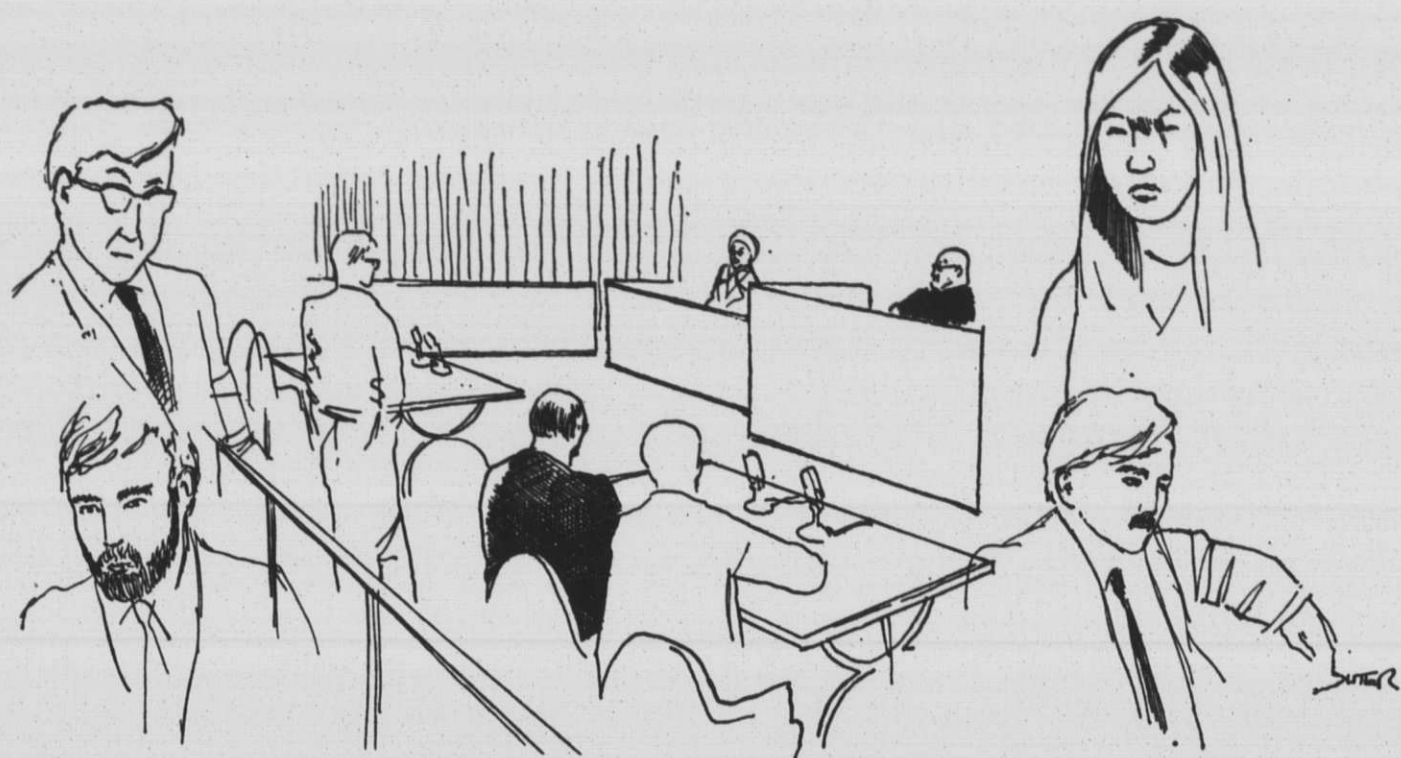
VOICE

PUBLISHED BY THE STUDENTS OF THE COLLEGE OF WOOSTER

Volume LXXXIV

Wooster, Ohio, Thursday, December 14, 1967

Number 10-B



Wertz Finds Students Guilty

"And if you want to make something funny of it, it's a good thing your vacation begins on the 15th (of December) or I'd give you twenty more days!" —With this parting remark, local justice William H. H. Wertz sentenced Wooster students Bill Barrie, Allen K. Easley and Philip Pink to a fine of \$50 each and confinement in the county jail on Walnut

Street until tomorrow afternoon; earlier in the day Wertz had given the same sentence to Lily Bow Hom, also a Wooster student. The three men and the one woman, tried separately, were found guilty of the charge of trespassing this past Tuesday in the Wooster Municipal Court. The four students had been arraigned Monday morning.

The students were found guilty of violating the state statute found in the Ohio Revised Code 2909.21 which says:

No person shall enter without lawful entry upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, or the agent or servant of either, without lawful authority neglect or refuse to depart therefrom.

Whoever violates this section shall be fined not more than \$50 or imprisoned not more than thirty days, or both.

Due to the testimonies of complainant Wesley Shank (co-owner of the 345 Building on Market St. and Vice-President of the private firm, 345, Inc.), Mrs. Rex McSweeney (Selective Service local board #124 chief clerk and field supervisor), and police chief Capt. James Wilson, all of whom were the witnesses of state solicitor Edward K. Eberhart, it was the considered opinion of the court that the students were guilty as charged. Each of the state witnesses (as described elsewhere on this page) had asked the students to leave the Selective Service offices in the 345 Building, to which the students had refused.

Arguing for the defense of Miss Hom, Kent Weeks (of the Wooster faculty) noted the discrepancy between Miss Hom's testimony that the students' Thursday visitation lasted 10 minutes and the draft board assistant clerk Myrtle Smith's testimony that it lasted as much as 45 minutes. With such a difference in the estimation of the time spent in the offices, Weeks contended that there was a reasonable doubt that the students (in

this case Miss Hom and Bill Barrie) had enough time to provoke Mrs. McSweeney justifiably to ask them to leave.



Shank

Mr. Weeks also considered deliberate blocking of entrances and exits to be an important aspect of trespassing, citing the 1966 *Adlerley vs. Florida Supreme Court* case, where the only time trespass law was utilized to legally counter the 1st Amendment arguments of demonstrator-defendants was when the blocking of entrances and exits

was part of the alleged crime of trespassing. Witnesses' testimonies denied that any of the defendants in this case had blocked or obstructed entrance or exit of the Selective Service offices.

In defending Barrie, Pink and Easley later that day, against essentially the same arguments from the state as earlier, Weeks pressed both Mrs. McSweeney and Mrs. Smith for explanations as to where the line is to be drawn between "personal opinion" (which they had refused to give the defendants) and information and advice about the draft, which they claimed was their function as personnel of the federal government. This implied that Mrs. McSweeney had no right to determine where the line was to be drawn when it resulted in the deprivation of another citizen's right to obtain information crucial to his future from the appropriate government agency.

The entire day in court lasted approximately from 10:30 in the morning until 4:15 in the afternoon, excluding lunch and court recesses. The courtroom was filled with college students, faculty and administrators.



THIS IS THE OFFICIAL PUBLIC STATEMENT OF THOSE SYMPATHIZING WITH THE FOUR STUDENTS NOW INCARCERATED IN THE WAYNE COUNTY JAIL:

Four students from The College of Wooster, Wooster, Ohio, Lily Hom, William Barrie, Phillip Pink, and Allen Easley, have paid fines of \$50 and are serving jail terms for trespassing at draft Local Board #124.

The students were exercising their right to question representatives of the Selective Service System, concerning their draft status and general policies of the Selective Service System. When told to leave, they refused—that is their crime.

They did not physically block the functions of the office; they were orderly and quiet, when arrested, they cooperated fully with the police.

We believe another crime exists. The Selective Service System refuses to discuss with the people it affects, the policy which it arbitrarily enforces. The Draft Board processes individuals but refuses to communicate on anything but general regulations.

We protest the action of Local Board #124 in answering the questions of the convicted by sending them to jail. We demand that the Local Board #124 of the Selective Service System respond to inquiries in a manner more suitable to the agency of a free country.



Weeks

MORE ON

Last Week

(Continued from Front)

James Wilson of the Wooster Police Dept., who arrived immediately upon the scene.

Wilson told the students that if they would not leave, they would be violating a state statute on trespassing. Miss Hom and Barrie indicated that they understood. Capt. Wilson then asked them to leave. They refused.

As they were being arrested, Barrie claims, Shank screamed, while pointing to a local paper headline about a Viet Cong village burning, "Look what your commie friends did!" Shank has said that, disturbed and confused as he was, he was unable to remember what he had said at that point. Barrie further has contended that Shank "loudly suggested that the students 'should be flushed down the toilet instead of being arrested'" (to which Shank has replied no comment).

FRIDAY, DECEMBER 8

Arriving at the building at 3:25 p.m. on Friday were Philip Pink and Allen Easley. Upon entering the office on the second floor, Myrtle Smith, an office clerk, requested they fill out a standard "Request of Oral Information" form, stating their name, present address, selective service number, what they wanted. A VOICE reporter was also required to fill out the same form.

The two students then asked to see the Field Office Clerk Supervisor, Mrs. McSweeney. They proceeded to ask her questions about the 'whys' of the draft and the Selective Service Act. Mrs. McSweeney told them she was there only to advise on draft situations and to assist registrants in interpreting the law. After further questioning by the two students, she said that "you are requesting personal opinion—we have nothing to say about that . . ." In the routine conversation which ensued, the clerk admitted that they had no copy of the U.S. Constitution in the office. After more questioning by Easley and Pink, she reiterated

ated her earlier statement that "you will get no personal comments from me . . . this is a free country, however, if you persist in this line of questioning, I will have to ask you to leave. You are interfering with local board operations. There is nothing we can do for you. You are not asking about the law or the Selective Service."

Pink then went into some questions about the inequalities of the Selective Service Act. He asked about the student deferment, and the rationale behind it. Mrs. McSweeney replied that it was in the national interest that students, working towards a degree, be deferred from the service. Having answered this, she said "will you gentlemen please leave. I have nothing further to say." At this point, Wesley Shank entered the office and was told by the clerk that "I have asked them to leave. This is interference with clerical operations." Shank then asked them to leave which they again refused to do. As building owner with the Selective Service as one of his tenants, he told the students he had no alternative but to ask the police to arrest them. Easley said at this time he was not satisfied with the response he had gotten from the personnel there. Mrs. McSweeney asked again, "Will you gentlemen leave or not?" Pink told her and Mr. Shank "We cannot do so," and explained to Mr. Shank his reason for not leaving. "I sympathize with you, but I am responsible for my tenants, too," Shank replied. Acknowledging the predicament the building owner was in, Pink remained. Mrs. McSweeney added, "We don't make the law, you know." She then said that the office space and salaries were paid for by taxpayers, and that Pink and others should channel their protest through their Congressmen.

At 3:40 she announced "If you do not leave now, you are in violation of the trespass law (sec. 2909.21, Rev. Ohio Code)." Pink replied, "I will not leave. That is my decision. McSweeney's reply was, "Do you think your decision is usually correct?" At this point three Wooster Policemen, includ-

ing Wooster student Bob Lavery, entered the office, by then filled with reporters, students, clerical staff, and photographers, and explained to the two that they were in violation of the trespass law. Fully aware of their actions, Pink and Easley submitted to the Police and were driven the 100 yards to Police Headquarters. As he was ushered out, Pink said, "as a citizen it is my responsibility to do as I believe."

At the station, formal charges were made. The two were escorted to the interrogation room where they were explained their rights. The police then called Ralph A. Young, Dean of Men, who agreed to come down and post \$50 bond for each of them. On arrival, Easley and Pink each gave the Dean a check for \$50, in return for cash, which they turned over to the police.

Pink and Easley said afterward that the police were extremely courteous throughout their entire time with them.

A spokesman for the Dean's office said Friday that the school would not interfere with the students unless requested by the students or in the interests of them. There is no school regulation which specifically covers this type of activity at this time.

Women And Dix Debate Strictures

by Suzanne McQueen

Monday night at *Zeitgeist* women students met to discuss the proposed change in women's hours. Senior women who had initiated the proposals include Joan Kelley, Barbara Ruisard, Carolyn Slack and Debby Powers.

There was some concern over methods of approaching the administration on the proposed change. Well over half of the women present favored going through established channels (such as the WAB) and putting the proposals to a vote. Kitty O'Neill, president of the WAB, said she would support any measure favored by the majority of women.

Dean of Women, Mrs. Ray Dix, was present and was asked what she thought of the liberalizing of hours. She said for women to keep in mind the administrative complexities and the implications for the character of Wooster that would result from this change in hours. She also felt concerned for the studies and health of the students, saying that she was going to consult with Dr. Startzman

about it further. Mrs. Dix commented that with the abolition of hours the College was in danger of losing some of its Head Residents.

The proposals are:

FRESHMEN

First Semester:
Hours—Week Nights 12:00
Week ends 1:00
Late Pers 10
Overnights 10, with address (no invitation)

Second Semester:
Hours—Week Nights 12:00
Week ends 2:00
Late Pers unlimited
Overnights unlimited with address (no invitation)

SOPHOMORES

Hours—Week Nights 12:30
Week ends 2:00
Late Pers unlimited
Overnights unlimited with address (no invitation)

UPPERCLASSMEN

Women 21 years of age and Junior and Senior women with parental permission:
Hours—none
Sign out for key by 12:00
Loss of key \$25 fine
Man in dorm after lock-up \$100 fine and a week of 8:00's
Lock-up of dorm week nights 1:00
Week ends 2:00
Overnights unlimited (no address)
Women under 21 without parental permission:
Hours—Week nights 1:00
Week ends 2:00
Late Pers unlimited
Overnights unlimited

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GARY HOUSTON, Editor-in-Chief



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