

# Bentley Suspends Student

by Dr. Fred Bentley

Last week Dr. Gehring brought to my attention the fact that one of our students, Melinda Lee Wallace, residing in Huffman Dormitory, was found to be in possession of two joints of marijuana. Dr. Gehring requested that the Student Court be allowed the privilege of trying this case so

as to determine the guilt or innocence of Miss Wallace as to the possession of illegal drugs on our campus. On Wednesday, Sept. 29, the Student Court met and Miss Wallace pleaded guilty to the charge of possession of marijuana and was found guilty by the court of this charge. The Justices of the Student Govern-

ment Association took action to the effect of placing Miss Wallace on conduct probation (judicial probation) with other conditions to be attached. Unfortunately it was not clearly understood by the Student Court that the Justices did not have the jurisdiction to set forth the sanction on this charge, but rather to

conduct a court that would in fact determine the innocence of the accused. College regulations which were sent to every student on Nov. 3, 1970, and a copy of which was sent to the parents of every enrolled student as of that date specifically state that "possession of hallucinatory drugs—reported to the State

Bureau of Investigation officials and suspension from school." There has been no change of this regulation; and, therefore, the only alternative which the Justices had was to suspend Miss Wallace. Since they did not fully understand this, I find it my responsibility to enforce our college regulations and to overrule the action of the Student Government in giving conduct probation as the sanction and imposing immediate suspension on Miss Wallace for the balance of this semester.

As a matter of information, I think you should know that I perceived three alternatives which I could follow. They were: I could abide by the Student Court decision and allow Miss Wallace to remain in school on the conduct probation thus referring to charges of a felony for marijuana to the County Solicitor and to federal authorities. If this action were to be taken, Miss Wallace would run the risk of being prosecuted by the federal authorities and could potentially receive a prison term and a fine up to \$5,000. The second alternative was that I could suspend Miss Wallace for a period of time and then plead with the state and federal officials to drop any civil charges; therefore, not entering any official record of arrest, trial, and conviction, on her civil records. The third alternative was that I could suspend Miss Wallace therefore enforcing college regulations and at the same time enter an official complaint to the solicitor and

(cont. on p. 3)

## Hilltop

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## Prof Examines Puff'n Stuff

by George Peery

When President Bentley on September 30 suspended a student for possession of marijuana, overturning a Student Court sentence of judicial probation everybody lost. Court representatives were hurt and angry. Students mistrusted the administration. Student government decisions looked castrated at worst and a farce at best. Faculty jumped into pro-student and pro-administration camps. That is a good score card for a half week's work.

The entire incident is a textbook case in how things should not be done. A fiasco took place. People got hurt arbitrarily. Reputations were damaged. Trusts were destroyed. And it was all so unnecessary.

Communication broke down. The Court did not know the legal status of the case, nor exactly what it was supposed to do. The Dean did not know the President's position on drug abuse. The President didn't know that the Court and the Dean didn't know.

One can make these observations easily. The information has been aired publicly: at an American Association of University Professors Mars Hill Chapter meeting Friday, October 1, and at a meeting of the Court, Student Government and interested students with President Bentley and Dean Gehring Saturday, October 2.

Student Court was not prepared to handle a case of this intensity. This was the first drug offense that a MHC Student Court had ever been called upon to try. The visibility of the case and student interest in the issue placed the justices and the council staffs under immeasurable pressure.

Further complicating the court's role were two issues which had not been resolved as it met to hear the case. The first was the ambiguous relation of Student Court to the civil authorities. Would a Student Court decision place the defendant in double jeopardy? Would the state prosecute under all circumstances? Would the state prosecute the defendant only if the Student Court

sentence were probation, avoiding prosecution if suspension? Members of the court and council staffs could get no reliable information about this question from the county solicitor, the Dean or from the office of the President.

The second issue was the uncertainty about the latitude the Court could exercise in hearing this case. Was it to determine guilt or innocence? Should it sentence? Neither the defense nor the prosecution was aware that the stated policy of MHC was immediate suspension upon proof of possession. The handbook says nothing about automatic suspension. Further, no one on the court had kept on file, had remembered or even thought about President Bentley's November 3, 1970 letter stating MHC's drug policy. The court asked but was not able to get this information through the offices of Student Affairs or the President.

(cont. on p. 3)



Lee Wallace

## Coed Tried in Drug Case

Lee Wallace, a sophomore, was found with marijuana in her possession by her hall counselor, Gail McKinney, of second floor Huffman and Dr. Don Gehring, Dean of Students, on Wednesday, Sept. 27.

The following Wednesday, Sept. 29, Miss Wallace was brought before student court on charges of possession of marijuana.

Entering a plea of guilty, Miss Wallace was defended by Ruth Gellerstedt, a fellow student of her own choice, who presented the case on the grounds that marijuana was culturally accepted by the students of Mars Hill College.

Found guilty, it was the decision of the court to place Miss Wallace under strict judicial probation with stipulation which would be stated later.

## View From The Defense

At this time we, the members of the defense, would like to give our views about the trial of Lee Wallace. There have been several rumors around campus and we would like to clear these up.

1. We were **not** informed that the letter of November 1970 was still in effect this year. We are referring to the letter sent to our parents stating that anyone found guilty of being in possession or using alcoholic beverages or illegal narcotics would be automatically suspended. Upon asking if this letter was still in effect, we were told that we were to go entirely by this year's student handbook which does not mention this letter. Saturday morning, after the trial, we met with the administration and found this negligence was due to a fallacy in the communication between administration.

2. We feel that the justices fulfilled their obligations in seeing that justice was done. This can be seen in that the justices viewed all the facts presented to them in the

(cont. on p. 3)

## Interview With Chief Justice

## Here Comes De' Judge

The following is an interview with Frank Farrell, Chief Justice of the Student Court, in relation to the recent court case.

Laine: Did, at any time, Dean Gehring or Dr. Bentley remind the court of the letter sent Nov. 3, 1970 stating school policy concerning the possession of drugs and alcohol?

Frank: We discussed going to

trial with Dean Gehring and Larry Pfaff and it was not mentioned.

Laine: Then the court was under the impression that they were to 1) determine guilt or innocence and 2) sent the penalty?

Frank: Right, we worked on the basis that this case was like any

(cont. on p. 3)

