



Tom Alsop

Legislature Fails to Impeach Alsop

by Charlotte Porter

After three weeks of Monday meetings and some 13 hours of testimony, bickering, and points of order, the student legislature failed to remove Tom Alsop from his post as the editor of the 73-74 Rogues 'n Rascals.

Alsop had been removed by the Student Media Board in early October, and new elections were held for the post of editorship. However, upon claims that Alsop had been denied due process by the SMB, the former attorney general, Gary Brown, put an injunction on the election, forcing the legislature, constituted for the removal of any elected student official, to consider Alsop's case.

Four weeks ago, the legislature passed a motion for impeachment. The trial began Oct. 29.

Alsop was represented by a lawyer familiar with ACLU practice, Michael Sheely. The prosecution was brought by Bill Frye, acting in his capacity as head of the SMB committee to investigate Rogues 'n Rascals, not in his capacity as attorney general.

Sheely began his defense by attacking Myra Martin, one of the legislators. Ms. Martin had submitted a statement concerning the conditions of the annual office to the investigating committee. Sheely argued that to let her sit in judgment on Alsop would be "a basic denial of the concept of fairness."

Jack Dunne, chairman of the legislature, pointed out that the procedure was in compliance with Robert's Rules of Order, the guidelines of the legislature. Sheely said that the school was supremely bound by the US Constitution, and that letting Ms. Martin sit on the legislature was a violation of the Constitution.

Dunne called for a decision of the body and considerable discussion ensued. Mike Houk raised the issue of precedent, and was answered by Dean of Students Dennis Rash, a former lawyer acting in this case in an advisory capacity.

Rash said that there was no precedent for the action, but that the body had the power to unseat her. Rash also stressed that the legislature did not need to judge by the same burden of proof as did a civil court.

Jeff Mitchell made a motion to unseat Ms. Martin as a voting member but to let her sit on legislature. Stan Patterson, an observer at the proceeding, spoke to say that to unseat her without proxy would violate the rights of her constituency. Sheely, however, had said earlier that he would not accept a proxy in Ms. Martin's place.

Ms. Martin spoke in her defense, saying that her statement

to the committee in no way reflected her conviction of Alsop's guilt or innocence.

The motion to unseat her failed.

Tom Duley, representing the Student Superior Court, spoke to the body concerning a recent court decision that forbade Alsop to hold office during this fiscal year. Duley said that Alsop had had two weeks, terminating the night before, a Sunday, to appeal the decision to the University Court. Alsop, he said, had not done so.

Rash, however ruled that Alsop had actually that day to file an appeal, so notice of appeal was given and the case went on.

Sheely then attacked the right of legislature to remove Alsop from office. Sheely said that the media was beyond the control of the legislature. Frye replied that the legislature was empowered by the student constitution to remove any elected student official. Sheely continued his protests until interrupted by Dunne, who said that the media was constituted by the SGA, and Richard Butterfield, who said that Alsop was selected by and forced to represent the students, and so the students, ie., the legislature, had the power to impeach him.

Rash was asked for a ruling on this question. Rash said that the constitution was what had to be considered the controlling factor in the case. There was some ambiguity, he admitted, but as in all law, the more precise legislation takes precedent over the vague, or implied, legislation. He quoted the article of the constitution that gave this power specifically to the legislature.

After more argument from Sheely, the legislature passed a motion to go ahead with the case.

Dunne ruled that no more procedural arguments would be heard, so Frye began with his opening statements. He read the charges against Alsop, which included fiscal irresponsibility, abuse of photography equipment, failure to act in accordance with established authority, failure to promote proper relations with a staff, failure to act in accordance with the laws of the campus. Frye stated that if the last charge, concerning Alsop's failure to pay a fine levied on him by the Elections Committee, was enough to cause the court to remove him, all the charges together were enough for legislature to impeach him.

Sheely, in his opening statement, said that the body had to concern itself with fact, and that Frye's charges did not represent fact. He further compared the Frye Committee to

the Ervin Committee, saying that a witchhunt was going on. He then asked that Ms. Martin's testimony be dismissed from the committee report, but when a motion was made to this effect, it failed.

Jim Clay, chairman of the Student Financial Service Committee, was called as the first witness for the prosecution. He testified that he had been contacted by Frye to look at the financial records of Rogues 'n Rascals to ascertain where the yearbook stood financially and whether its transactions were proper. He said that records showed that Alsop had overpaid himself by \$50, that large sums of money had been taken from the 72-73 annual account to pay the debt of the 71-72 account, and that a bill to the Journal had been charged to the annual account. Alsop, he said, was not aware of this until informed so. He also stated that there was virtually no order to the financial records and that the records themselves were sparse and insufficient to give a clear picture of financial actions.

In cross-examination, Sheely got Clay to admit that there was no set standards for bookkeeping and that the business office was partially at fault for the mess of records. However, Clay stated that only Alsop could have gotten any order from the records.

The second stage of the case began the next Monday. The first witness was Stan Patterson, called to help make the case of fiscal irresponsibility against Alsop.

Patterson stated that Alsop had approached him on July 18 and asked him to help prepare a financial statement for the Fees Commission. Patterson said that he saw only photostats from the business office, but none of the records kept by the staff or Alsop. He further stated that he informed Alsop at this time of the monies erroneously charged. Clay had stated in his testimony that this had not been corrected by Alsop as of Oct. 1.

Under cross from Sheely, Patterson stated that Alsop had not violated any Fees Commission rules, and that there was nothing wrong with paying the 71-72 debt from 72-73 funds, but that Alsop should have gone through channels to get reimbursed.

Some discussion ensued, initiated by Sheely, as to who had the authority to reimburse. It was discovered that the Fees Commission or the student body president had the authority, but the responsibility for asking for these transfers rested on the editor.

Frye then asked Alsop to take the stand, after a ruling by Rash that he could not attack Alsop's

credibility and that Frye could not ask leading questions.

Under questioning, Alsop stated that he had ordered some 2,600 copies of the annual be printed, though over 3,500 students were eligible for them.

Under cross from Sheely, Alsop stated that he took this action since, in the past, so many annuals were not picked up that they were given away to anyone who would take one, and that at no time in the past did an editor order enough copies for all students.

In response to a question, Alsop stated that more books could be printed, but he was vague as to where the money would come from to do so. He said that he would take personal responsibility.

Mike Thompson, a legislator, brought up the point that this action was in violation of the UNCC catalog.

Rash said that at the time had questioned the wisdom of printing less because he wasn't sure that the editor had that authority.

"I tend to view that as testimony," Sheely said.

"You can view it any way you

wish," Rash replied, and went on to say that he had suggested to Alsop that he might be personally liable, for if there were not enough copies to go around, and if Alsop had not obtained approval of the SMB to print this number of copies, a class action suit could be filed against him by a student.

Under questioning from legislators, Alsop stated that he had brought up the question before the SMB, and that no one had said anything about it. He admitted that he did not present this in the form of a motion and that there was no vote taken on it by the board.

Steve Morris, a proxy for a legislature member, asked Alsop if he had brought up the number of copies before or after he had signed a contract. Alsop avoided the question, but when brought back around by Dunne, said that he had already decided on the number of copies but the number could have been changed if the board had disapproved. Debbie Maynard again asked if a contract had been signed. Alsop testified that he had already signed a publisher's agreement, which was

