The Daily Tar Heel

76 Years of Editorial Freedom

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Williford-McMurray Bill Offers Better Drug Policy, Despite Its Bad Principle

Student legislature will consider two bills tonight seting up a drug policy for students.

Both bills give student courts jurisdiction over drug cases, a major change from last year's drug policy which gave a special Faculty-Administrative-Student Judicial Board jurisdiction over drug cases involving students.

In this way both bills are a major advancement in the handling of drug cases since it puts the right to discipline students in the hands of students, and not in the hands of faculty members or the Administration.

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THE TWO bills differ, however, in delineating the type cases that can be tried by the courts.

The first bill, introduced by Johnny Williford and John McMurray for student body president Ken Day, makes "illicit possession and/or transfer of drugs . . . an offense against the Student Body."

The second bill, introduced by Charlie Jeffress, makes it an offense against the student body to sell to another student those drugs that are illegal or can be obtained by prescription only; to solicit persons to sell such drugs; or to administer to a student without his knowledge such drugs.

Under Jeffress' bill students cannot be punished by student courts for possession of such drugs; under the Williford-McMurray bill they can be tried by student courts for possession of illicit drugs.

* * *

OF THESE two bills that student legislature will consider we believe the Williford-McMyrray bill the superior one and hope that student legislators will pass it or make sufficient amendments in Jeffress' bill to make it better.

Considering the principles involved we think the Jeffress bill is the better one. We do not think the University community should punish students for drug possession or transfer as long as their are civil laws limiting such behavior.

The Williford-McMurray bill states that "illegal possession and transfer of drugs is of sufficient detriment to the university community to warrant special social regulation." We cannot subscribe to that statement at all. We believe that the state and federal government have adequate regulations concerning possession and transfer.

The Jeffress bill, unfortunately, also violates the principle of double jeopardy, however, when it requires that persons alleged to have been involved in the transfer of drugs be tried in student courts.

Thus, in the matter of principle involved, the Jeffress bill is only a little better.

* * *

HOWEVER, where the Williford-McMurray bill excels the Jeffress one, is in its exactness and its prescription of the role of the advisor.

The Williford-McMurray bill makes it clear what the student court is to consider when trying a student ("amount of drugs in possession, the nature of drugs involved, and the intent of the individual concerned"); makes it clear what the maximum punishment can be on the first offense, and makes it clear what rights the students have in the student courts.

In addition, and very importantly, the bill establishes that resident advisors "should in no way be transformed into an investigative agency ferreting out violations of the law, including illicit drugs."

It specifies that "the advisory function is oriented toward positive relationships and constructive advising and must not be either encumbered or imperiled by a police role."

The Jeffress bill, while exact in delineating what is to be considered an offense against the student body, doesn't consider side issues like the role of resident advisors or the rights of the students in the court.

It is because of this superiority in the clarity of the Williford-McMurray bill that we support it over the Jeffress bill.

It is in no way because we subscribe to the principle that student courts should try students for possession or transfer of drugs even though federal and state laws cover such instances.

* * *

IN FACT, we are disappointed that the only bills legislature gets to consider both put the student in a position of double jeopardy at some point, whether it be at the point of possession, as with the Williford bill, or at the point of transfer, as with the Jeffress bill.

We agree with the American Association of University Professor's statement on the "Rights and Freedoms of Students" that states that "students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws."

Both these bills coming before legislature "duplicate the function of general laws." We think it is bad that this should be allowed by student legislature. However, if it is to occur, we want that bill which will afford students the most protection through the specificity of its wording. In this case it is the Williford-McMurray bill.

Batting .667

For all you students who were disenchanted with the three presidential candidates, look at it this way: two out of three lost, and that's not a bad record in anyone's league.

James K. Glassman

'Objectivity' Is A Dandy Slogan

These are large thoughts for a reporter to have. Reporters live happily removed from themselves. They have eyes to see, ears to hear, and fingers for the note in their report. It was as if the drink he took in now moved him millimeter from one hat into another. He would be driven yet to participate or keep the shame in his liver the last place to store such emotion!
Norman Mailer, 'Miami Beach and Chicago'

These things happen to a reporter—the rage to participate in the events he is writing about and in the writing itself is sometimes hard to overcome. And when it is overcome, the aftertaste often is shame.

Reporters, for the most part, live very clean lives. Their job is to perceive but not to feel, to write but not to exist in the writing. It is only a severe trauma that makes them break the cast.

For me that trauma came a year ago this month when I went to Washington to cover the Pentagon March for this paper and another. My sympathy was with the demonstrators—that was well-established in my mind long before I went, and I felt no guilt about it. I was sure that I could still report the story accurately simply by making myself into a reporter—a quick metamorphosis from man to journalist, done every day. I had also established a rationale for covering the march but not marching—it was the role I could play best in this revoluntionary movement.

But I was caught in the rush of events, pulled along by the strength of those people and what they were talking about, and finally moved to anger by what the soldiers were doing with their tear gas and clubs. At one point, I started screaming, nearly hysterical, at the soldiers to stop what they were doing. I wanted to rip off my press badge and join the demonstrators, but I didn't. I felt sick and useless, watching and not acting. I did not know why I could not act. It was probably fear, I thought, and then I realized that I was coming face-to-face for the first time with some of the same conflicts that my friends were feeling, conflicts I had been sheltered from by my role as reporter.

It seemed almost as a purging action that the next week I sat in against Dow in Mallinckrodt, making it clear to my editor (and myself) before I went in that I was no longer a journalist—that day.

Chicago Began

For most of the press the trauma of self-discovery that I felt at the Pentagon happened last summer in Chicago. Journalists got angry when they saw the cops beating kids (and beating other journalists). Some of them were moved to action, but nearly all must have felt the same uselessness at their inaction as I did in Washington.

The most important thing reporters learned at Chicago was simply that they had these feelings, even in the line of duty. It was this realization that was the real trauma for them. They realized that their dispatches from Chicago were somehow tainted by their anger at the Chicago cops.

From there the possibilities were staggering. "If I feel anger," the reporter says, "perhaps I also feel other emotions when I am writing a story, perhaps I am actually involved in the stories I am writing, perhaps I am not objective!"

Objectivity has always been a strange idea. It demands the separation of the man from the event, even though the man is writing about the event from his own head with his own hands. Objectivity means that the reporter writes an event "the way it happened" not the way the reporter saw and smelled and felt it happen. But because the reporter is one man writing, not a machine spewing data, "the way it happened" and the way the reporter perceived it happening must be the same thing.

Journalism has invented conventions to protect this myth of objectivity. Things like pyramid style, the absence of modifiers, the elimination of the first-person are used to separate the reporter from the story he is writing in much the same way as he is separated by his role from the event itself.

Chicago should have been the coup de grace to the myth of objectivity, but unfortunately, instead of being liberated by their discovery, many journalists felt pushed in just the opposite direction.

Joseph Kraft wrote in his syndicated column the week after the convention:

". . . What about those of us in the press and other media? Are we merely neutral observers, seekers after truth in the public interest? Or do we, as the supporters of Mayor Richard Daley and his Chicago police have charged, have a prejudice of our own?"

Kraft believes the press is out of touch with what he calls "Middle America," the mass of citizens who believed that Daley was right in ordering the demonstrators beaten. He concludes by questioning the privileges that the press has always assumed:

". . . those of us in the media would be wise to exercise a certain caution, a prudent restraint in pressing for a plenary indulgence to be in all places at all times as the agents of the sovereign public."

Kraft is willing to admit that he has feelings on violence, but he is so scared that they are out of touch with those of Middle America that he dare not show them on paper. To Kraft, the legitimacy of reporting has become a function of the opinions of Middle America. Showing your feelings is all right, he seems to say, so long as those feelings are consensus feelings too.

Kraft's reaction to the press's anger in Chicago is shame. As a journalist schooled in the myth of objectivity, he seems to feel guilty after showing his feelings. And justifies his action by turning to still another meaningless journalistic cliche—that the reporter is the "agent of the sovereign public."

Justifications like that are unnecessary. A journalist is a man writing about events. He does not have to develop medians of fairness; he only has to convince himself that what he is writing is true. That is a very hard thing to do, and that is enough.

Mailer At Ease

No journalist seems to be more at ease in justifying his writing than Norman Mailer. Mailer shows us the event by showing us how he reacts to the event. This style of personal reporting cannot be applied to all journalism, of course, but it is at least the direction that journalism should move now that objectivity has been exposed at Chicago.

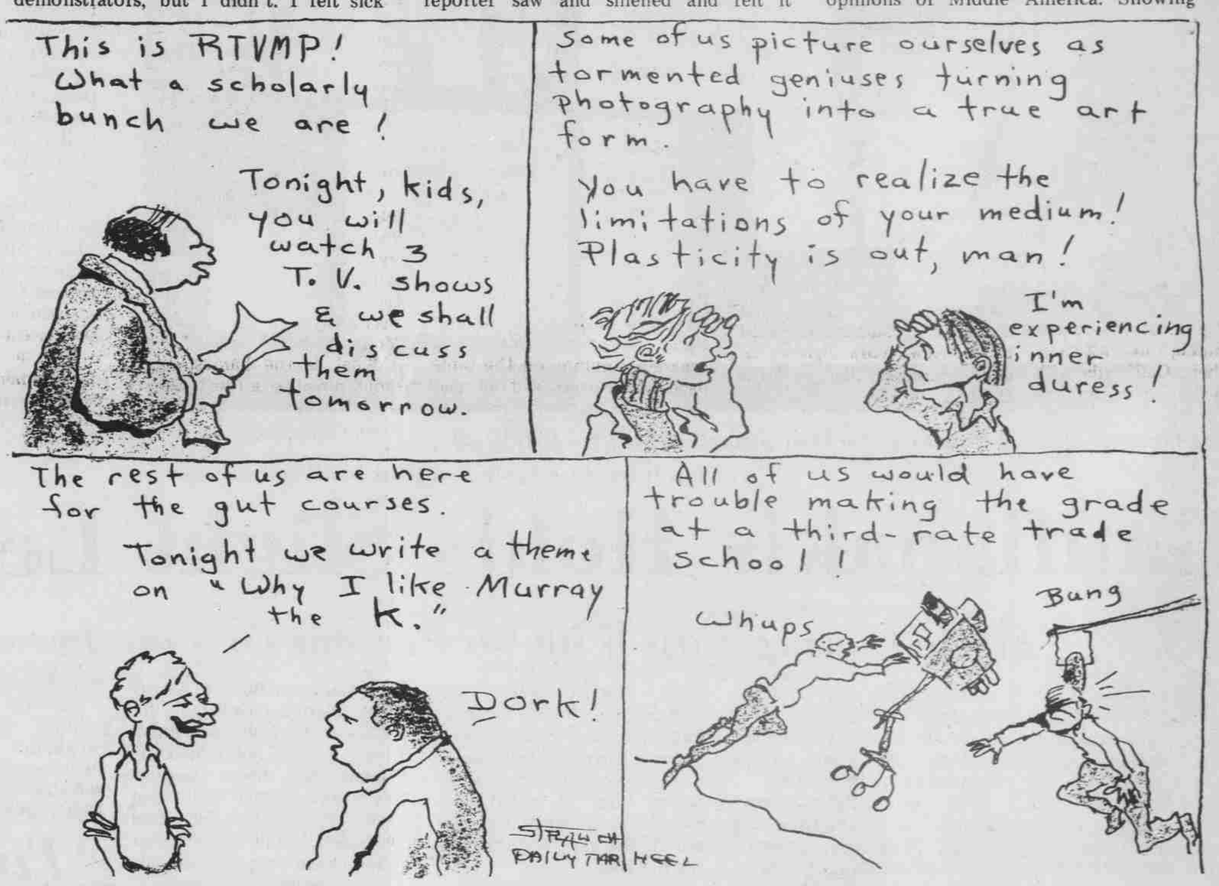
There is an important prerequisite for any journalist who is showing us his feelings about an event—he must understand those feelings sufficiently to tell us where they come from and where they are going.

In the current (November) issue of Harper's Mailer deals with himself and with politics brilliantly in a 90-page piece on the conventions, Miami Beach and Chicago, which could serve as a model for journalists who are wondering where to go now that the protection of objectivity has been stripped away.

What Mailer feels most of all is fear, simply fear of being arrested or beaten and not being able to write his story to meet Harper's deadline. Then another layer is peeled off:

"And then with another fear, conservative was this fear, he (Mailer) looked into his reluctance to lose even the America he had had, that insane war-mongering technology with its smog, its superhighways, its experts and its profound dishonesty . . . he was tired of hearing of Negro rights and Black Power—every Black riot was washing him loose with the rest, pushing him to that point where he would have to throw his vote in with revolution—what a tedious perspective of prisons and law courts and worse . . . No, exile would be better. Yet he loathed the thought of living anywhere but America—he was too American by now; he did not wish to walk down foreign streets and think with imperfect nostalgia of dirty grease on groovy hamburgers, not when he didn't even eat them here."

Like the university and most other non-governmental institutions in this country, the press is undergoing the turmoil of self-analysis. The result can be the hopelessness of Kraft or the joy of Mailer. In the prying loose, something very fine may appear—but only if the journalist remembers that he is a man with feelings (all the time, even on duty), and that those feelings are some of the most important things he can write about.



Mike Cozza

New Drug Proposal Shortsighted

Reeks Strongly Of No Thought

In their efforts to establish a drug policy which will not precipitate a confrontation with the university administration, several student representatives may be throwing the best interests of their constituents to the wolves.

The representatives are Student Body President Ken Day and student legislators John McMurray and John Williford. The case-in-point is the drug policy introduced by the trio in Student Legislature last Thursday night.

If that bill passes through committee and is approved by the legislature tonight, the possession and transfer of any illegal drugs will constitute an offense against the student body, and the offenders will be tried in both student and civil courts. Drugs defined as offensive are any and all now illegal under state and federal law.

Although Day, McMurray and Williford have good intentions, their bill is one of unwarranted harshness and represents a step in the wrong direction for student rights.

* * *

The most frequently voiced criticism of the proposed bill is its functional double jeopardy.

The bill's supporters counter this charge with the assertion that double jeopardy—being tried twice by the same court or by two courts with equal jurisdiction—does not apply here because student and civil courts have separate jurisdictions.

While this is technically correct, the bill does, however, violate the spirit of the concept. That spirit takes into consideration the unfairness of going through two trials and being given separate penalties by each court.

Far from discouraging this practice, the Day-McMurray-Williford policy sets up the mechanism for imposing it.

Second, there is a glaring ambiguity in the bill which leaves far too much punitive discretion to the student courts. The bill urges that the courts "give consideration" to the amount and nature of the drugs and to the intent of the user, but it does not establish any guidelines to guarantee this consideration.

This is not adequate. Too often student courts do not act with the true interests of the accused at heart. This is the result of several inherent flaws in the system:

1) Trials are held behind closed doors and all records are kept secret. 2) Defense counsels work for the staff of the prosecutor. 3) An elected panel of politicoes which hears all cases is not a court of peers. 4) Court members may not possess sufficient interest or knowledge to make fair judgements in complex cases such as those involving drugs.

Day, McMurray, and Williford hope the courts will transcend these limitations and rule with equity, but cases in the past leave much room for doubt.

Third, there is a basic question of philosophy in initiating an anti-drug policy which, by almost unanimous admission, will be little more than anti-marijuana in practice.

The whole policy is built around the stated assumption that possession and transfer of any illegal drug in any amount is "of sufficient detriment to the university community to warrant special social regulation by the members of that community." And interpretation has been given that use, because it constitutes possession in most cases, will also constitute an offense if a student is caught in the act.

The whole line of reasoning is questionable at best. One guy sitting in his room puffing one joint of marijuana is not a detriment to the community.

Supporters of the bill defend against this argument by saying they agree with it, that the policy is really aimed at pushers and dealers, not against that one guy with a joint.

Yet the defenders have doggedly refused to write adequate safeguards into the legislation. Their refusal to move in that direction must leave their defense open to a large amount of skepticism.

* * *

And finally there is the over-riding question of the university's place in society.

Supposedly we on this campus are better education and more receptive to new evidence and changing viewpoints than society as a whole. As such we should be willing to encourage social progress, not stand in its way.

If state and federal laws on marijuana are too harsh—and most of us admit they are—we should initiate a forward-looking policy, not one which accepts society's conservative standards and subjects students to further penalties than those now in effect.

If the Day-McMurray-Williford policy is reported out of committee without significant changes (and its chances are good because Williford is Judicial Committee chairman and McMurray is one of its most influential members), Student Legislature should strike it down.

The time has come to take a long hard look at student rights and consider a new direction for the future. The bill discussed in this column does neither.

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