

Oregon Daily EMERALD

The Oregon Daily Emerald is published Monday through Friday during the college year from Sept. 15 to June 3, except Nov. 16, 25 through 30, Dec. 7 through 9, 11 through Jan. 4, March 8 through 10, 12 through 29, May 3, and 31 through June 2, with issues on Nov. 21, Jan. 23, and May 6, by the Student Publications Board of the University of Oregon. Entered as second class matter at the post office, Eugene, Oregon. Subscription rates: \$5 per school year; \$2 per term.

Opinions expressed on the editorial page are those of the writer and do not pretend to represent the opinions of the ASUO or of the University. Unsigned editorials are written by the editors; initialed editorials by the associate editors.

A Grave Injustice

The student discipline committee's handling of the Farris case has resulted in a grave injustice.

Not merely to J. Kelly Farris, but to the rights of Oregon students in general. Just because a student challenges the legal foundation and operation of a branch of student government and the legality of the functions of it and its superior in regard to an important activity is no justification for the committee to slap that student down.

We have no desire to make a martyr of J. Kelly Farris, nor of anyone. But what kind of thin-skinnedness is it that makes the University, through the discipline committee, unwilling to allow a law student to stir up some thinking about the basis for operation of one of the University's operations?

This University is big enough and strong enough to withstand such stirring to go on without any real damage to it. The administration is evidently confident that there is no question of the court's legality and the whole traffic violation function of the University. Maybe it is felt that asking the state attorney general's opinion is unnecessary, and probably it is felt that asking said opinion would cause a loss of face.

But a serious point has been raised by Farris, whatever his ultimate motives and personal conduct of the case. (We are not making any claims as to the nature of the motives and conduct; if they be anything in addition to serious questioning of the court's operations, they are still irrelevant.) If the point isn't serious, it can easily be laughed off — or ignored.

We have no legal qualifications to judge the ultimate legality of the court's operation. We do feel, however, that the points raised by Farris are serious and legitimate ones. The attorney general should have been and should be consulted for his official opinion.

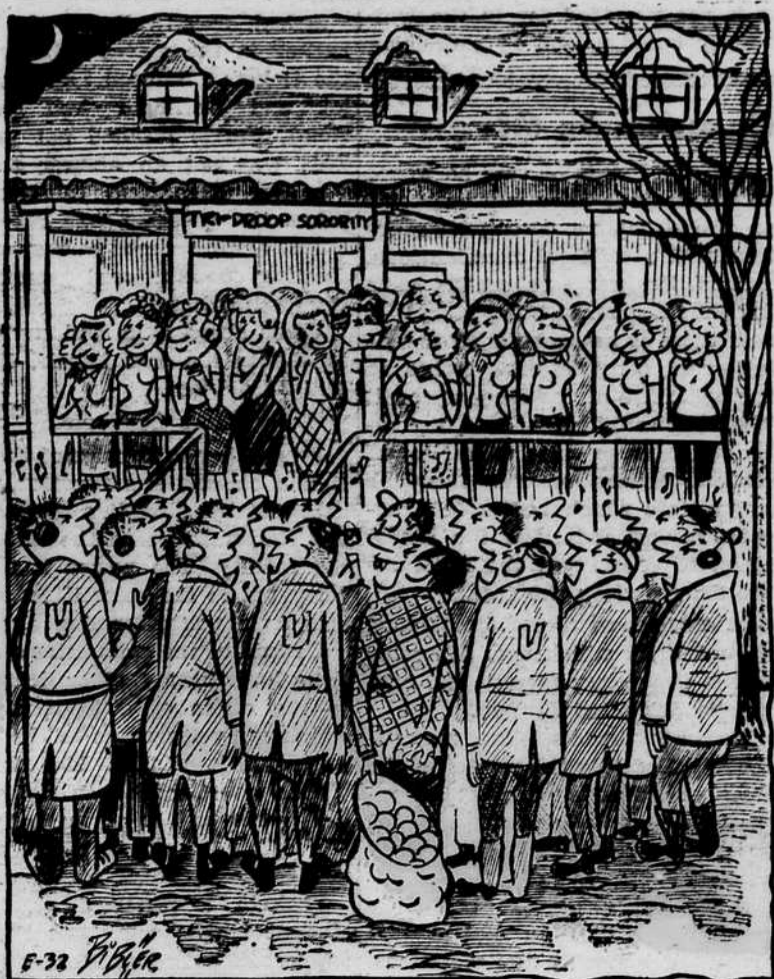
Such action would do a lot to clear the air. If the administration is truly confident of the legality and—or legitimacy of its function on this matter, it would be a straightforward way to satisfy all concerned.

If it is not, then avoidance of such action leaves the function of the court on a pretty shaky basis.

Whether or not due process has been violated in the court's actions we are not the ones to say. Perhaps the function in question is a legitimate exception, if such an animal exists; legitimate exceptions to laws and constitutional rights do exist (example: the non-inciting to riot exception to freedom of speech.) But that has to be established by appropriate legal authority.

As for Farris, we can't see where his actions and the resulting tiff has done anything significant to "lower student morale" or to hurt the reputation of the University (which should not be protected by "mum's the word" philosophy, anyway.)

Farris has been spouting off for several weeks now. We hope that a student's right to spout off about any student or University function is not going to be limited at Oregon. Democracy is not based on heads in the sand and gags on the mouth.



"Oh, little town of Bethlehem..."

Letters to the Editor

Montague's Opinion

Emerald Editor:

As a law student, and a member of the student court last year, I would like to express my opinion on the current dispute over the legality of the court as it is presently constituted.

It seems to me that much of the point of the controversy is missed by Mr. Weber, the chairman of the court, and those others who seek to make the fight one of a clash of personalities. It may be that Mr. Weber is offended because of the rigid adherence of the perhaps flamboyant Mr. Farris to the letter of the law, and the failure of Mr. Farris to offer any constructive suggestions as to how to supply the student body with disciplinary measures for traffic violations which can be administered by the students themselves.

But I would disagree with Mr. Weber when he states categorically that Mr. Farris is duty bound to desist from criticism unless he can supply a workable alternative. In so doing, Mr. Weber confuses duty with desirability, in my opinion.

All that this proves is that Mr. Farris is not so concerned with whether student government will be able to operate in this sphere of activity as is Mr. Weber. Mr. Weber is to be commended for his concern with good student government, but this hardly suffices as grounds for attack on Mr. Farris's motives or appreciation of human relations. Mr. Weber might like to ship Mr. Farris out on a "502" for overacting, but it is unfair to attack his sincerity on such flimsy grounds.

Nor would it seem that Mr. Farris is primarily concerned with hidebound legal rules. His point, in the last analysis, appears to be just this: That our conduct as citizens of this nation is to be governed only by rules which accord with somewhat flexible, but always elemental, notions of what has been traditionally thought to be fair play; and that the Student Court

doesn't live up to this standard, as the court is presently set up.

One of these notions of fair play which has been jealously guarded by our courts is that money, or any property, may not be taken away from us except by some process in the nature of what our national Constitution terms "due process of law."

Mr. Farris feels, I think, that the student court, when it determines whether or not a student shall be deprived of money, doesn't base its action on procedures which safeguard our rights to be secure in our property, as those rights have been traditionally protected in this nation. In the courts, these safeguards are provided by methods such as the right to confront one's accuser, the right to cross-examine adverse witnesses, and the right to have the facts in the case determined by a jury.

The members of the Student Court feel that they are an administrative tribunal; but even in administrative tribunals, though these safeguards are relaxed to a degree in many instances, the fairness of the administrative procedure is always subject to court review for the protection of those whose rights have been adversely affected.

We may be fairly sure that the student court is fair in its determinations. From my own experience on the court, I think that possibly it bends over backwards in many cases to see that a fair result is achieved. But Mr. Farris's point apparently is that there is no way to be sure of this; and that traditional notions of what is fair play as developed in this nation require that some means of assuring fair play at all times be provided. In my opinion, Mr. Farris is correct in so arguing.

I believe that the student court has served a desirable function as far as student interests are concerned, and that it is more satisfactory to have traffic regulations enforced by fellow students than by the administration. But though student government is a game, we

must, in my opinion, play it according to the rules, and what Mr. Farris suggests is that we have not been doing this.

If he is right, and I believe that he is, we should make rules by which we can play the game as it should be played. This something the administration has apparently refused to do. It is not something which Mr. Farris should have to do for the administration.

Malcolm Montague
Third-year Law Student

Principle Important

Emerald Editor:

The reaction to the Farris student court controversy exhibits again the tendency of a large portion of the people to overlook the importance of principle.

Farris was performing not only a right but a duty by calling to account a body which he felt to be functioning illegally. Further, those who maintain that the case is a "much ado about nothing," see that the "court is basically for the good of the students," and that the court "serves its purpose," and should thereby be allowed to continue to function regardless of sound legal basis, have committed a moral wrong by disregarding the law.

Government is a contract among individuals for their mutual benefit and protection. It is upon this contract that laws are built. It is evident, then, if the governmental contract be a good one, and be faithfully adhered to in the making of laws, that the loose or faulty administration of the laws or of the various governmental functions is, in fact, opposed to the benefit and protection of the people.

Richardson Wilbanks
Larry Bissett

Who's Responsible?

Emerald Editor:

In a letter to this paper Carl Weber stated his opinion that where a court purports to have disciplinary power over an individual, it is wrong for that individual to challenge the legal authority of such court unless he has prepared a system of justice to replace it.

The students of this University are entitled to know the names of those in the ASUO senate who were responsible for the selection of such a man as chairman of the student traffic court.

William T. Linklater
Leo V. Nuttman

—A Day at the Zoo— Christmas Is Not at Its Best During The Summer Months

by Bob Funk

Emerald Columnist

Somehow, Christmas traditions have gotten away from the Christians, or the naughty German pagans, or the family, or whoever conjured up the traditions in the first place. The traditions now belong to the Chamber of Commerce. And in the hands of the Chamber, Christmas has undergone a change.

In the old days, three or four weeks before December 25 were considered to be quite sufficient for the decoration of a tree, the amassing of packages, and the grand depletion of father's pocketbook.

Now the attack on the pocketbook begins sometime quite soon after the 4th of July, when the Chamber of Commerce puts the greenery on the lamp-post, and the stores start drifting their windows with Lever Bros.' snow.

The Thing to Do, nowadays, is to buy your Christmas presents so far in advance that you forget

where you hid them (or perhaps the persons for whom you have)
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—The Looking-Glass— UT Gives Quite Adequate Performance of Irish Drama

By Toby McCarroll

Emerald Critic

The class of plays we call "Irish" are unique. Laughable comedy and dire tragedy are intricately interwoven; the appeal is to the heart and not the mind of the audience.

Sean O'Casey is one of the best known of the Irish dramatists, and "Juno" is perhaps his most familiar play. The plot revolves around a Dublin family in 1922. The father is lazy, comical and something of a liar. The mother has allowed hard work to affect her perspective

but overflows with love. The son has been injured in one of the Irish faction "wars" and is con-

siderably confused and frightened—and quite unenjoyable. The daughter is somewhat frivolous.

"Juno and the Paycock"
An Irish Drama by Sean O'Casey
"Captain" Boyle Phil Sanders
Juno Boyle Donna Mauldin
Featuring: Phyllis Johnson, Ken O'Leary and Scott Lehner
With: John Jensen, Don Findlay, Sally Uel Frear, Oon Van Boskirk, Florence Louise Von Groenewald, Barbara Moberg, Ula Mae Hostetter, Janie Moore, John Buchanan, Bill Hazen and Russell Cowell.

Directed by Frederick Hunter, Set by Howard Ramey. Length: 2 hrs. 20 min. University Theatre.

and all for the new movement labor and otherwise.

Their economic condition is bad, but prospects are improved by a promised "legacy." The legacy is so worded that the family doesn't get anything. (Incidentally, I believe O'Casey was mistaken as to the law here). The daughter is pregnant and deserted. The son is shot. The mother leaves the

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