

The Great Outdoors CARBON

No. 27

ONE MORE TO GO

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TRIAL BY JURY AND H.R. 7152

Governor Wallace and other sentinels of our constitutional rights inform us that the Civil Rights Bill (H.R. 1752) now pending before the Senate will destroy many of our civil liberties; and, especially in this case, our right to trial by jury in circumstances covered by the bill. Their postulates warrant more than a categorical "yes" or "no", a "right" or "wrong". They warrant close scrutiny.

Article 3, Section 2, Clause 3 of the U.S. Constitution states: "The trial of all crimes... shall be by jury..." Amendment 5 reads: "No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury..." Amendment 6 supplements Amendment 5 by declaring that "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed..."

But according to the pending Civil Rights Bill, an employer who allegedly discriminates in hiring because of race, color, or creed, or a proprietor of a public accommodation who discriminates in serving for the same reasons, can be charged with contempt of court if he does not desist from the alleged discrimination. He would not be granted a trial by jury, but would either be fined or sentenced to prison, or both. Should he receive a jury trial? In 1958, the Supreme Court reviewed the entire issue of contempt in the case of Green vs. the U.S., and concluded that "a long and unbroken line of decisions involving contempts ranging from misbehavior in court to disobedience of court orders establishes beyond peradventure that criminal contempts are not subject to jury trial as a matter of constitutional right." In the case of the U.S. vs. Barnett (former governor of Miss.), the Supreme Court last month reaffirmed that criminal contempts are not subject to jury trial.

With these decisions in mind, the argument of Wallace and company seems to have little valid foundation. Furthermore, a few practical questions are in order. If jury trials were allowed by the bill, could we realistically assume that a Negro would receive an impartial decision from a jury of white Southerners? Records of the Justice Department evidence that he would not, and this would clearly violate the Sixth Amendment which guarantees an impartial as well as speedy trial. Moreover, if each civil rights suit were to be placed in the dockets of our already overburdened federal courts, would either party receive a speedy trial? Obviously not, and this of course would be advantageous to the defendant and detrimental to the Negroes' fight for justice and equality.

Since the Supreme Court has traditionally construed the Constitutional guarantee of jury trial to exclude petty offenses (those carrying maximum penalties of six months in jail and a fine of \$500), the penalties for violation of the Civil Rights Bill make criminal contempt in this instance a petty offense. Therefore, criminal contempts in civil rights suits do not deserve jury trial as a matter of constitutional right, and the argument of Wallace is thereby shot to hell.

J. Riggle

CSMC NEWS

The Archdiocesan Conference of the CSMC has chosen the Negro Apostolate as its theme for the year. In keeping with this theme, the Conference is setting up a scholarship fund for a needy Negro to attend the Catholic College of his choice. Money is being raised throughout the Archdiocese to finance this project.

Each CSMC unit has pledged to raise a sum of money proportionate to the size of its school enrollment. Our fair share is \$125. We are asking your help so that the CSMC can help the Negro. Someone will contact you during the coming week (May 18-22) to ask your monetary support. For details contact Jan Stumpp, president of the CSMC, or any other officer or member of the CSMC.

PARTIES

- May 15 Anniversary of the Jumping Frog Derby of Calaveras County
- 16 Raisin Week begins
- 17 Anniversary of the assembling of the Statue of Liberty
- 18 Anniversary of the Norwegian Constitution
- 19 Spanish Orphan Day
- 20 Declaration of Independence Anniversary in N.C.
- 21 Birthday of De Soto

USELESS INFORMATION

A zoologist reports that orangutans frown on making love at night, and so do lizards.

PRESIDENT SPEAKS

NFCCS is a service organization of Student Government that exists to represent Catholic Student opinion on a National and International level and to afford Catholic College Students an opportunity to participate in the Lay Apostolate of Christ through Catholic action; ultimately, NF seeks to train vocal Catholic lay leaders that the Church will so desperately need in the future. NF carries out these objectives by working as an arm of Student Government, aiding campus clubs with existing projects and initiating independent projects worthy of the ultimate aims and goals of the organization.

Thus you, the students of Marian, see the goals of the Federation; but, what does NF offer you? It offers you a challenge! It offers you the opportunity to put in use your talents and education: on the campus in conjunction with student government; in Eastern Kentucky distributing food and clothing to the impoverished; in the classroom tutoring underprivileged children in an attempt to stem the tide of School-Dropouts. NFCCS is an organization that is existent only to aid Catholic College Students, men and women, in their attempt to answer the Challenge of society. The challenge that calls each one of us to make this world a better place in which to live.

Oliver H. Barber
President, NFCCS
Ohio Valley Region

MESSAGE FROM A.A.

Do you save string, tin foil, cocktail stirrers? Well how 'bout saving stamps? Fr. Ajamie is launching a campaign to get a school bus for his new parish and needs your help. Top Value stamps have first priority, but any contributions of savings stamps will be appreciated. Get those kids off the streets! Start saving now!

UNCONSTITUTIONAL MONARCHY?

The U.S. Government has a constitution. The state of Indiana has one. The Student Board has one, but the Day Student Board does not. But this does not seem to upset Day Student Representative Bill Beck. Mr. Beck appears contented with the fact that the Day Student Board is free to do as they please. And, if an issue arises that draws comment all the Board has to say is "Well, we don't have a constitution that says we couldn't do it."

The CARBON feels that this is unconstitutional not to have a constitution and is deserving of action by the Student Board since the Day Student Board is a subsidiary of the former.

Next September the Day Student Board will be functioning again in full force. Let's hope they do so with a proper set of laws.

T.C.

CIVIL RIGHTS BILL

Here are the summaries of the next three articles of the Civil Rights Bill now up before Congress.

TITLE VI - Nondiscrimination in Federally assisted Programs.

It would prohibit discrimination in any program or activity receiving Federal assistance under grant, contract or loan. It directs Federal agencies to establish programs of compliance and would authorize denial of funds to those Programs that discriminate. But any denial is subject to judicial review. A hearing is guaranteed before funds are cut off, and a report to Congress is also required before funds can be denied. Presidential approval is required before any general cut-off of funds is approved.

TITLE VII - Equal Employment Opportunities.

Employers, labor unions and employment agencies whose activities affect interstate commerce would be prohibited from discriminating. Coverage would include employers and unions with 25 or more employees or members. An Equal Employment Opportunity Commission would be established to investigate and voluntarily settle complaints. Upon failure to settle, the Commission would be authorized to file suit to enforce non-discrimination. Prohibited discriminations include sex, as well as race, creed, color or national origin.

TITLE VIII - Registration and Voting Statistics.

It directs the Secretary of Commerce to conduct a voting census by race in geographic areas recommended by the U.S. Civil Rights Commission.

Interested Student

FIND YOUR SUMMER LOVE

Another year is drawing to a close. The joy of being free from studying, cramming, and classes is unretainable. Yet there is also a feeling of sadness. It is difficult to leave the friends we have been so close to throughout the year. The Seniors won't be coming back next September, and there are transfer students we may never meet again. Everyone will be going their separate ways at the end of this month. True, it is sad, but don't despair! This Friday night the Y.C.S. is sponsoring a "Farewell Mixer" for the prime purpose of bidding adieu to all your buddies. It will be in the Mixed Lounge from 8:30 to 11:30. The fee is 50¢, but if you guys get a date (after all, you may not see her all summer) the price is a mere 75¢ for both of you. Who knows, you may win back your money in the different contests and door prizes. Don't forget the date—May 15—Tonight. Don't be late—8:30. I'll see you there. Remember the last mixer of the year!

Nancy Stipher