

## New Judicial System

# We've Been Screwed Again

by Stanley Starsiak

In the December 2 edition of "Notes From the Chancellor's Desk", a new Judicial System for Student Affairs (JSSA) was outlined. But there are grave conflicts between the student judicial set up in this system and the system set up in the Student Association Constitution. Not only is there conflicts in the jurisdictions of these two judicial systems but also the consequences of its adoption.

The first question in light of this situation to be discussed is the conflict in legitimacy of the two documents. The SA constitution was the first document to be approved and has taken effect. The JSSA has no such legitimacy as the SA constitution and must be termed merely a suggestion of Chancellor Woodcraft. In order for the new judicial system to take effect, it must be subjected to the amendment procedure of the SA Constitution. In short, the system set down in the "Notes From the Chancellor's Desk" is not University law. Secondly, the consequences of JSSA must be considered before and if it is accepted in its present form.

The first consequence would concern the status of the SA Judicial Commission. The commission under the present constitution is the only and supreme judicial board in student judicial action in non-academic matters. Upon the adoption of the new system, the status of this board would be inferior and subject to the review of a University Judicial Board (UJB) made up of students, faculty, and administration. It was thought that student judicial action would be solely left up to the students in the SA Constitution.

Also under contention would be the judicial functions of the SA that are not part of the Judicial Commission. For example, the disciplinary functions of the Communications Commission could be co-opted by the UJB. Jack Hardy could

be questioned as to his conduct in putting out an issue of the UH News. The Communications Commission could support him in his action, but the UJB could overturn the action of the Communications Commission and oust Jack as editor.

The students of the College of Basic Studies would have their power with regards to judicial review because their power would be left to the discretion of the administration and their part played in the SA Judicial Commission would be destroyed thus denying them of their rights as members of the SA.

Another consequence of adopting JSSA would be the set up of conflicting residential judicial boards. The one that is an integral part of the SA would be in conflict with the residential judicial board set up by JSSA.

The whole system is at the discretion of the Dean of Student Relations by the following: "Informal complaints in minor matters may be made or referred to the Dean of Student Relations, and such matters will normally be disposed of at his discretion, but the accused student will have the right to invoke the formal process of the judicial system." (Article IV, Section 2 of JSSA). This would overturn the traditional notion of the accused being innocent until proven guilty. Also the principal of innocence would be violated by Article X which concerns the question of temporary suspension.

An additional consequence of JSSA would be a violation of the traditional rights of the accused in a trial. The accused would not have the right to counsel and would have to defend himself. If the accused is not familiar with trial procedures his defending himself would be disastrous, nor is the accused protected from self-incrimination. Thirdly, the accused is not able to protect

## Navaho . . .

(Continued from page 9)

Furthermore, witchcraft maintains the Navaho's faith in curing ceremonies. If a ceremonial doesn't work, it doesn't mean that the ceremonial isn't good. It means that the victim is hopelessly witched.

Lastly, witchcraft stories provide excitement. They serve the purposes that television, films, books, and plays do in our culture.

### LATENT FUNCTIONS OF WITCHCRAFT

Witchcraft also functions in Navaho society in hidden ways. These latent functions are six. It is an antidote to deprivation. Persons who feel themselves neglected, or who occupy a low social status, can use witchcraft to draw attention to themselves. They faint, or go into a semi-trance state. These symptoms are diagnosed as having been produced by witchcraft, and curative measures are sought. Families sometimes go bankrupt paying for one cure after another. In the expensive ceremonies the victim has the assurance that he is being supported by the whole society, which is represented by the ceremonial practitioner. And when the victim "recovers" he is given considerable attention and is sure he is loved.

The culturally disallowed can be expressed through witchcraft. For example, if a man has a fantasy about having intercourse with a dead woman without a witchcraft setting, he will wonder if he is going mad and will feel the need of having Blessing Way sung over him at once. But if he can express this fantasy within a witchcraft tale, or listen to someone else tell a similar tale, he can, by this identification or projection, allow the outlet of this fantasy without conflict.

Witchcraft acts as an economic leveler. It preserves the society's equilibrium by preventing too great an accumulation of wealth and too rapid a rise in social mobility. If someone gets rich quickly, others may suspect him of robbing graves and hence of being a witch.

The threat of witchcraft acts as a brake on the power of ceremonial practitioners. They are warned that they must use their powers for good ends only. Singers are valued but distrusted. They have so much power that it is easy for them to use it for evil ends. This

himself from being punished more severely because of past conduct at the University (Article XII). Finally, "the office of the Dean of Students is to maintain confidential records of pending and concluded cases" (Article XIII). The accused could be denied the right to use such files which he could use in his defense.

The final consequence of the adoption of JSSA would be an effective destruction of student power in the judicial system. Each board in JSSA is made up of equal numbers of students and faculty each having voting rights and an administration chairman who would vote in the event of a tie. But as the boards are set up, there would always be a tie, and would be broken by the chairman in favor of the faculty board members. Also the student representatives to the UJB are supposed to be selected by the SA Senate, but if it does not do so in a "reasonable time" the Deans of the university schools will select these representatives.

So in conclusion the adoption of JSSA would cause a destruction of student judicial power that the SA Constitution tried so hard to win for the students. JSSA is another plot by the administration to destroy student power.

## Salem . . .

(Continued from page 8)

people who had been executed or were still awaiting trial. And the accusers were aiming at higher people in society, until at last they accused the wife of Governor Phipps himself and lost whatever support he had given them out of respect for the two Mothers. Other people of character who were attacked took measures of self-defense. The accusers took fright, and many who had made accusations of confessions retracted them. When Governor Phipps was recalled to England in April, 1693, the witchcraft agitation had nearly subsided, and people had become convinced of their many errors. So ended one of the greatest periods of terror in the history of Massachusetts.

## Amorous Rituals And Devices

PROPER RITUAL AND DEVICE FOR CAUSING ANY MANNER OF BEAST TO BECOME ENAMOURED WITH YOUR PRESENCE.

(Materials needed for this rite are quite hard to get at present time for in the 10th and 12th centuries when this rite was set down, witches and warlocks kept certain materials which were used in many black rites handy for use as needed).

Take a virgin parchment and inscribe upon it a sign in this manner:



and on the fourth night prior to the time of engagement with the desired, set this parchment upon bare earth with the corners weighted with earth gathered in the light of the full moon and kept in a sealed container until its use and be it weighted so that arrow points in the direction correspondent to the quarter of the moon at the time of the rite. And so set, place a taper of Phelberry tallow behind the end from which the arrow points and stand immobile behind this until the taper has burnt in its entirety and as the flame consumes the last of the taper, recite the three incantations of St. Simon Stylites. Cover the parchment and any remnants of tallow with virgin earth and leave undisturbed until after the fourth night.

Yondar Kritch



## Slavic . . .

(Continued from page 7)

the house at night seeking to hurt the inhabitants. The souls of suicide victims do the same in an attempt to revenge themselves for not having been buried properly. In ancient times the bodies of suicides, criminals, and those who had met with a violent death were refused Christian burial and were thrown into a pit. The lower classes believed that the souls of these persons caused disease, droughts, and bad harvests, so stakes were run through these people's hearts, or their heads were cut off despite attempts on the part of ecclesiastical authorities to put an end to this superstition.

Vampires are deceased persons who in their lives had been bad characters, sorcerers, or murderers, and whose bodies are now occupied by an unclean spirit. Belief in Vampires can be traced back to the eleventh century and is still widely held. A person may become a Vampire if an unclean shadow falls upon him, or if a dog or a cat jumps over him. The corpse does not decay but retains the color of life. Vampires leave their graves at night and walk throughout the countryside. They will suck the flesh of their own breast, or suck the blood of even their closest relatives who thus gradually waste away and die. If a Vampire does not have time to victimize a person, especially since his power ends at dawn or at cock-crow, he will kill some domestic animal. Several means are used to get rid of a Vampire. The body may be exhumed and a stake of ashwood or hawthorn maple driven through its heart. The body is then burned. Also it may be dug up and buried at a crossroads. This, it is believed, terminates the Vampire's evil doings.

Whether it be the banshee of the Irish, or the Coyote of the Navaho, every being of mythology is vital to those who believe in it. Slavic mythology presents a rich and fascinating area for the investigation of Moras and souls, or werewolves and Kresniks, of genii and Vampires.

SOURCE: John Arnot Macculloch & Jan Macleod, CELTIC AND SLAVIC MYTHOLOGY, Boston, 1918.

proper and necessary to hate.

Aggression is interconnected with anxiety in that anxiety over the precariousness of the environment, the tension inherent in consumption groups, sibling rivalry, and other factors in turn cause the aggressive impulses which must be held in check. Thus this mechanism works in a circle-anxiety breeds aggressive feelings which breed further anxiety. Witchcraft functions to channel this aggression and to alleviate this anxiety. But witchcraft itself fosters anxiety. If no one believed in witches and sorcerers, there would be no witches and sorcerers to fear.

### CONCLUSION

The reader might ask himself if any Navaho has ever seen witchcraft practiced, has ever seen a were-animal, has ever seen a Witches' Sabbath. Can these things be proven to exist? We should not concern ourselves so much with the question of whether they do, in fact, exist, but with the question of why the Navaho believe that they exist. In the twentieth century a small figure with a turquoise bead punched in the heart was found in Navaho country. What an impetus to the imagination such an image must have caused centuries ago! What fears it must have aroused! Fear of witchcraft is so strong that a Navaho can make himself physically ill if he believes that someone has witched him. And his becoming ill is "proof" that he has been witched. We should not view this phenomenon with raised eyebrows. From Palaeolithic times all societies have had their "witches." Our own society is certainly no exception.

### SOURCES

Kluckhohn, Clyde. NAVAHO WITCHCRAFT. Boston, 1944.  
Kluckhohn, Clyde, & Dorothea Leighton. THE NAVAHO. London, 1948.  
Lipps, Oscar H. THE NAVAJOS. Cedar Rapids, Iowa, 1909.  
Reichard, Gladys A. NAVAHO RELIGION - A STUDY OF SYMBOLISM, v. 1 & 2. New York, 1950.