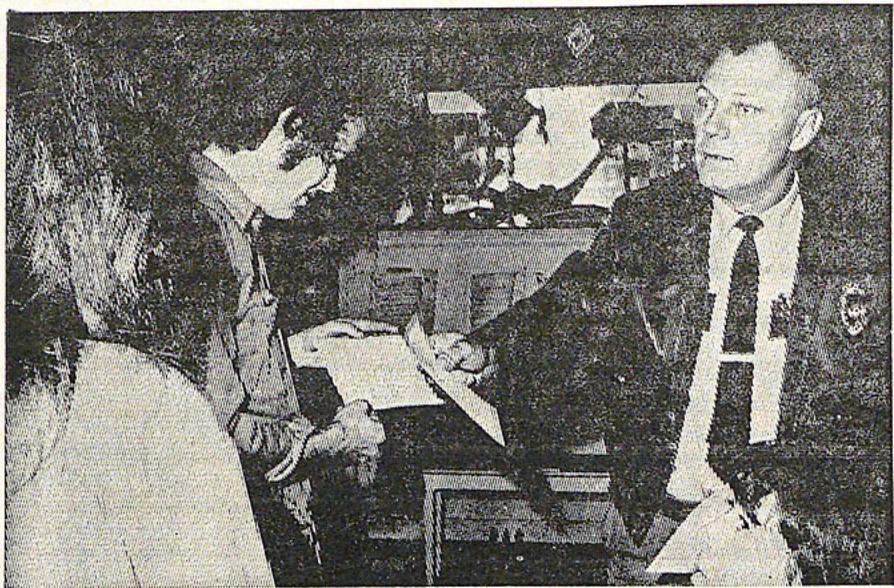


Five Plead 'Not Guilty' to Indecent Exposure



Tuesday, at 8:15 a.m. Chief Peters served subpoenas on Henry Wilhelm and Krystyna Neuman. Kit Leder was served a summons. All were to appear in court Thursday morning concerning the disrobing incident.

20 Subpoenaed, 11 Testify at Hearing; Case to Go to District Court or Grand Jury

By MICHAEL BRANDON

Pleas of not guilty were entered in the Court of the Justice of the Peace yesterday for five Grinnell students who face charges of indecent exposure stemming from the February 5 nude demonstration against Playboy magazine. The pleas were entered for the defendants by Des Moines attorney Lawrence Le Tourneau at a preliminary hearing which was held in the Grinnell Police and Fire Department building before Justice of the Peace Edwin Lincoln.

The students being prosecuted by Poweshiek County Attorney Michael Enich are Catherine R. Leder, of Allen Park, Mich.; Mary Malcolm of Oklahoma City; Fredricka A. Nelson, of Brooklyn, Ia.; James D. Rudolf, of Elmhurst, Illinois; and Freda S. Tepfer, of Brooklyn, N.Y. All of the students are seniors except Miss Tepfer, who is a freshman.

At the outset of the hearing the defense waived its right to a preliminary hearing, thereby postponing testimony by the defendants until the case is tried. The case will now go before the Poweshiek County District Court in Montezuma. No date has been set for the trial.

County Attorney Enich called a total

of eleven witnesses to testify at the five hour hearing. Under Iowa law the prosecution may elect to call witnesses to testify despite a defense waiver of the right to a preliminary hearing. Subpoenas issued by Justice of the Peace Lincoln were served on a total of twenty people at the request of the prosecution. Several of the subpoenas were issued only hours before the witnesses were ordered to appear.

Among those persons who testified at the hearing were Dean of Students Alice

HELP

Mary Malcolm is trying to compile a list of all those present at the Gates Hall demonstration. Please put your name in box 646 or call ext. 355 if you were there. It may be helpful in the defense.

Radio Editorial Causes Controversy

On Tuesday, February 11 over KDIC radio, Neil Fischer and Greg Schmidt presented one of their bi-weekly news commentaries, in which they comment on various news events in a creative way.

Although humorous in intent, the show was potentially libelous to Henry Wilhelm whose role in the demonstration against Playboy magazine was analyzed.

According to Greg Schmidt, this particular show "was intended to be a humorous commentary on the exploitation of protest resulting from the protest on the exploitation of sexuality."

Upon hearing the editorial by Fischer and Schmidt, Mrs. Prescott, director of the information service, requested a copy of the full text. On Thursday, she sent the commentary, as "a point of information only" to the AP and UPI wire services, KGRN radio, the Des Moines Register, the Herald Register, and the Scarlet and Black. Mrs. Prescott stated that the editorial was a "potential target for outside news." Therefore she felt it was desirable that the complete document be made available in order to be "protective of everybody concerned." She was afraid that an inexperienced reporter would take isolated quotes out of their proper context. On Thursday, AP wire service contacted Henry Wilhelm, who had not heard the broadcast but read it in the copy sent by Mrs. Prescott to the S and B office. Wilhelm denied charges that he had organized the protest against Playboy magazine.

The following paragraphs appeared in the Saturday Des Moines Register. "An editorial, written by Neil Fischer, a Denver, Colo. senior, was broadcast over radio station KDIC-FM, the college-owned station, denouncing photographer Henry Wilhelm of Grinnell. Wilhelm denied Fischer's charges. Wilhelm said that he was aware the protest was going to occur but said that he "was definitely not the organizer."

On Friday, Al Cloud, station manager of KDIC released a statement from the

editorial board of KDIC station that the commentary read by Neil Fischer on February 11 was Fischer's personal

CONTROVERSY—

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Mrs. Low talks with other subpoenaed witnesses at the police station Thursday morning. They were called to give evidence regarding the Feb. 5 incident in Gates Lounge.

Leggett in 1966

Playboy Called "Printed Aphrodisiac"

On October 5, 1966 after attending his first meeting of the ACM as president of Grinnell, Leggett made the following statement in reaction to a speech given at the meeting:

"I can agree that it might be interesting to bring Playboy into the classroom as a sociological document; maybe it is part of the liberal education of our students. But somewhere toward the end of the class hour we ought to have arrived at the point of saying that Playboy is essentially a printed aphrodisiac for dirty old men and for sleepless young

men who will grow into dirty old men. If they continue to think that women are so simple and sex so free and clear."

"All this may seem far removed from student value systems and student unrest but my point is that I think our job in undergraduate liberal arts colleges is to create an environment that will permit the development of effective and responsible value systems in our students, and that this belief ought to be the conditioning agent in our attitudes toward our various constituencies, of which students, or course, are the chief."

Low, and Assistant Deans Douglas Ensminger and Susie Argenti. James Carr, an employee of United Press International in Des Moines, emerged from the court room after twenty minutes of testifying and remarked, "What a farce!" Grinnell Police Chief Bill Peters and Grinnell detective Larry Ray were the first two witnesses called by Enich. Photographers Henry Wilhelm and Krystyna Neuman were also called to testify before a noon recess. Grinnell students called to testify were S.G.A. President Tom Thomas, S&B Editor Susan Kaeser, and Jim Lew.

Shortly after Chief Peters, the first witness, began his testimony, the counsel for the defense made a motion that the courtroom be cleared of all spectators and newsmen. Justice of the Peace Lincoln granted the motion and newsmen were barred from the courtroom for the remainder of the proceedings.

The five defendants have retained Des Moines attorney Dan Johnston as their counsel, but Le Tourneau, his partner, handled the defense yesterday because Johnston had a speaking engagement in another state. Johnston is the Democrat who was defeated by Attorney General Richard Turner in the last election.

Asked whether he had produced enough evidence during the hearing to insure a conviction, County Attorney Enich said, "You always hope you have, but you never know." Enich was aided in yesterday's prosecution by Assistant Attorney General Douglas Carlson and Robert Alvine of the Attorney General's office.

At the close of the hearing the state rested its case and a routine motion by defense that charges be dropped was denied. After the hearing Le Tourneau commented that the purpose of proceeding with the hearing despite the defense waiver was to provide the prosecution with "just more information" than it already had.

Persons subpoenaed and summoned to

HEARING—

Continued on Page 6, Column 2

Civil Rights to 1968

The White Students' Bag

By BRUCE BESSE

The civil rights movement on the Grinnell College campus has followed a pattern which seems comparable to that of most of the educational institutions throughout the United States. The spring of 1964 marked the inauguration of an organization by the college chaplain, Mr. Roger Eldridge, and was simply referred to as the Civil Rights Group. Its membership consisted primarily of white students. Gradually, more and more black students became actively involved in the various movements on campus, and today nearly all, if not all, of the black students of Grinnell are very much involved with civil rights.

This writer spent a most enjoyable afternoon sometime ago looking through back issues of the S&B in an attempt to draw out some of the interesting highlights and activities involving civil rights on campus in the four years preceding 1968. Probably the most important thing to be noted from this article is the dates of a lot of these happenings. This will tell as much as the accounts themselves.

The Grinnell Civil Rights Group (C.R.G.) was concerned primarily with three areas for its activities. It researched and studied social problems, planned lectures and discussions, and interested students in the Des Moines slums. This last project was by far its most productive. It sponsored numerous trips to the Des Moines bottoms and printed several pictures in the S&B depicting the poverty of Des Moines. The group affiliated itself with SNCC in the spring of 1965, at which time it also rejected the proposal that it join the NAACP. A major determining factor in the group's rejection of NAACP affiliation was lack of funds to pay the membership fee; SNCC membership was free.

By the time Mr. Eldridge had left the college in the summer of 1966, the C.R.G. had pretty much passed into oblivion. It had been replaced by the Des Moines Project group, headed by Bonnie Tinker and Jan Smith. Jan was the first black student to become actively involved in a Grinnell College civil rights movement through an administrative position. This group, as the name implies, carried on the work in Des Moines which had been started by the C.R.G. This group like its forerunner had financial troubles, and despite much enthusiasm among its leaders, it failed to generate much support from the student body.

By January of 1967 interest in the Des

Moines Project had waned. A small group of students then became active in another project in Des Moines — the Southeast Bottoms Project. However, this movement on campus drew even less support from the student body; fewer than a dozen students gathered in the South Lounge to hear the head of this project explain his group's goals.

As the white students' interest in civil rights movements on campus diminished, more and more black students started voicing their concerns. In December of 1966, the S&B published a letter to the editor written by Louis Kelley and Roy Walker, in which they accused the white liberals on campus of not being so liberal and free of prejudice as they claimed to be. Not only had the concerned white students failed to generate widespread enthusiasm, but also the intensity of their convictions was now being questioned. This letter served as an invitation to other black students to start taking the initiative in the civil rights movement on campus.

The fall of 1967 found black students no longer remaining silent. Stories of harassment and violence that had gone untold for years were being exposed for the first time by the black population on campus. The blacks formulated a list of grievances and presented it to President Leggett, Dean Thompson and the community before they left for Christmas vacation. Soon after the spring semester started, everyone associated with the college became aware of a change in the role Grinnell College was to play in the area of civil rights. It was to become more active than it had ever been, but it was to achieve this end through the leadership and initiative of the black students. The transition can be seen quite clearly in a statement made by one of the white leaders of the civil rights movement on campus. Max Helfgott was quoted in the February 2, 1968 issue of the S&B as saying, "But it should not be up to me to take leadership which I am obviously not in a position to take up now." Civil rights had become the black students' bag.

Editors Note:

The S&B asked Ernest Weston, pres. of CBS to provide an article explaining the Black Student's position at Grinnell. A similar article is being written for the "Brotherhood" and will not appear in this paper. An official policy statement by Mr. Leggett concerning this position will appear in the near future.

Hearing

Continued from Page 1

appear at yesterday's hearing mingled with reporters in the fire station which adjoins the courtroom as they waited to be called. They were allowed to watch a color television set, talk with each other, play cards, read, and climb on old fire trucks.

Investigation Led to Charges

Charges were filed against the defendants by Poweshiek County Attorney Michael Enich earlier this week, following an investigation by the Iowa Attorney General's Office, the Poweshiek County Attorney and the Grinnell Police Department. Summonses issued by Justice of the Peace Edwin Lincoln ordering the five students to appear at the preliminary hearing were served on Tuesday by officers of the Police Department.

On Tuesday subpoenas were served on former Grinnell students Henry Wilhelm and Krystyna Neuman, presently associated with the East Street Gallery of Photography, ordering them to appear at the hearing to testify. Also subpoenaed on Tuesday was Dean of Students Alice Low, who was ordered to appear at the hearing with any pertinent information she might have as "an official of the College." Dean Low last week refused to provide state investigators with what she called "confidential information" unless she was subpoenaed.

On Wednesday subpoenas were served on eleven additional Grinnell students, according to Justice of the Peace Lincoln. Most of the students subpoenaed were present at the disrobing incident.

According to legal advisors consulted by the S&B the purposes of a preliminary hearing are to clarify charges against the defendant and to provide the prosecution with an opportunity to present sufficient evidence to show that a trial is warranted. Until sufficient evidence supporting a complaint is provided, a court cannot require that the defendant post bond or be jailed.

Waive of Hearing Sought

On Thursday the attorney for the accused students decided that the defendants should waive their rights to a preliminary hearing, in which event the case would proceed directly to trial. The defense felt that such a preliminary hearing would not be necessary because prosecutors probably had sufficient evidence to show cause for trial, (although not enough to convict), because the hearing might result in adverse publicity regarding the defendants, and because a waiver would provide the defense with more time to prepare for cross-examination of witnesses. However, under Iowa law, the prosecution may elect to hold a hearing in order to interrogate persons subpoenaed.

According to County Attorney Enich, the preliminary hearing is the "first stage" in prosecution proceedings. The next stage will be arraignment of the defendants in the District Court of Poweshiek County, in Montezuma. The direction in which the trial will then proceed

will depend upon whether or not the defendants decide to change their plea. Under Iowa law "indecent exposure" is an "indictable misdemeanor" and the defendants could have been indicted by a grand jury who would send the case to district court. An indictable misdemeanor carries a heavier penalty than a regular misdemeanor, which has a maximum penalty of thirty days in jail or a one hundred dollar fine.

Chapter 725.1 of the Iowa Code says "If any man or woman . . . is guilty of open and gross lewdness, and designedly makes an open and indecent or obscene exposure of his or her person, or of the person of another, every such person shall be imprisoned in the county jail not exceeding six months, or be fined not exceeding two hundred dollars."

Only Five Charged

The S&B has been unable to determine why only five of the alleged demonstrators have been charged in the incident. Early this week Asst. Attorney Larry Seckington, who has been involved in the investigation, said that the Attorney General's Office had "positive identification" of nine of the persons involved. Asst. Attorney General Douglas Carlson, who was on campus again this week, refused to clearly explain why only five persons are being prosecuted. "It's all a matter of due process," he said. Carlson pointed out that testimony at yesterday's hearing is public record, and may be used by investigators in prosecuting other demonstrators.

Carlson refused to comment on whether the investigation by the Attorney General's Office is concerned only with the disrobing incident. There has been wide speculation on campus and in the press that Pterodactyl, the campus underground paper, is also being investigated. The S&B has learned that investigators from the Bureau of Criminal Investigation have been making inquiries about Ptero at a printing shop where the paper was printed last year. Investigators on campus have been observed reading back issues of the paper, and have reportedly questioned students about the publication. Carlson remarked that the state investigators "might be around (Grinnell) for awhile."

Charges Attorney's Duty

Earlier this week there had been controversy about who would file charges against the alleged demonstrators. The County Attorney and the Attorney General have concurrent jurisdiction in the matter. According to Carlson, the decision to have County Attorney Enich file charges was "by mutual request."

Enich told the S&B he brought charges because it was his "duty," and because there had been complaints from town residents and people throughout the state.

The Board of the Iowa Civil Liberties Union informally decided to withhold its aid in the case, but referred the defendants to Attorney Johnston. Should the case reach a higher court, the ICLU could conceivably reverse its decision and offer its aid to the students.

VERY SPECIAL ANNOUNCEMENT:

Beginning this Sunday, Feb. 23, JD's Restaurant will be open from Noon till 10 p.m. every Sunday.

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