

Zarichny, James. Collection.

The Facts in the Case Against James Zarichny, 1949

FOLDER 1  
BOX F.D.  
COLLECTION UA 10.3.284

MICHIGAN STATE COLLEGE  
East Lansing

The Facts in the Case of James Zarichny

In view of the widespread misunderstanding of the facts in the case of James Zarichny, and of deliberate attempts to confuse the issue, the circumstances are set forth here for the information of all concerned.

Student government has long been encouraged and supported by the faculty, administration, and governing body of Michigan State College. The students themselves elect their representatives to the Student Council, which conducts its affairs under a written constitution and by-laws, which have faculty approval. Under these Student Council regulations, every newly-organized student group must submit a statement of purpose and a draft of its proposed constitution and permanent program of activities. The purposes of this requirement are to avoid duplication and over-lapping of student organizations, and to give the Council authority commensurate with the responsibilities with which it is entrusted.

In the spring of 1946, the American Youth for Democracy organization applied to the Student Council for authorization to carry on its program on the Michigan State College campus. It was one of two or three groups seeking recognition on the basis of interest in housing problems, the problems of veterans, racial equality, and the like. The AYD was given permission to hold one or two meetings during the summer of 1946 on a probationary status. In the fall term, after deliberation and debate, the Student Council refused by a majority vote to approve the AYD as a permanent Michigan State College organization. At the same time, recognition was extended to the Spartan Citizens Committee, which had proposed an approximately parallel program of activities.

Approval is withheld from a number of proposed new organizations every year, and ordinarily, the rejected organization disbands and its members participate in the activities of recognized organizations.

Shortly after the beginning of the winter term in 1947, the Michigan State News, the student daily newspaper, called the attention of the Student Council to the fact that the AYD had continued to carry on organized activities in defiance of the Student Council's decision. It was charged that the members had continued to meet as an organization, and that they had circulated handbills on the campus without authority in violation of another long-established College regulation. The handbills, advocating an FEPC for Michigan, were distributed at an on-campus student rally called in support of an FEPC bill then pending before the Michigan Legislature. This rally had been called with full approval of College authorities by a recognized student organization, so there was no lack of a forum for those favoring an FEPC for Michigan.

Confronted by this defiance of the authority of the student government on the part of the AYD, the Student Council voted to recommend that the offending members of the AYD be disciplined. Probation was suggested as a minimum penalty.

On February 4, 1947, the recommendation of the Student Council came before the Faculty Committee on Student Organizations, as do all such recommendations. The students accused of violating the rules of student government were given a hearing. Questioning was restricted to establishing their membership in the AYD, and the fact that AYD had been operating in violation of the rules of student government. Six of the seven students admitted membership and such unauthorized activity. Following the hearing, the faculty committee concurred in the recommendation of the Student Council that the members of the organization be placed on disciplinary probation.



James Zarichny was one of the six students notified by the President on February 6, 1947, that they had been placed on disciplinary probation for an indefinite period. Each was notified that under probation terms, he was not to participate in extra-curricular activities or to participate in the affairs of any student organization during the probation period.

In the ensuing few months, all the other students except Zarichny were taken off probation upon their written request.

In the course of the spring term of 1947 Zarichny's dormitory roommate complained that he was using their room for extra-curricular activities, and Zarichny acknowledged that he had been distributing literature of the Communist Party.

He was informed that such activities were in violation of the terms of his probation, and it was suggested to him by the Dean of Students that he transfer to some other institution. A letter advising him to withdraw was sent to Mr. Zarichny at the end of the spring term; he immediately enlisted the support of outside organizations, which accused the College falsely of expelling Mr. Zarichny.

Later in the summer, Mr. Zarichny was told by the President that he would be permitted to re-enroll at Michigan State College on strict disciplinary probation to continue his academic program. At a conference with the Dean of Students, Mr. Zarichny was informed that he would be expected to forego active participation in organized extra-curricular activities, and he agreed orally to those conditions.

In the spring of 1948, Mr. Zarichny was held in contempt of the Michigan State Senate for his refusal to state whether or not he was a member of the Communist Party, but in spite of unfavorable publicity and public clamor, he was permitted to continue as a student at Michigan State College because he was not considered to have violated his probation terms.

On December 6, 1948, Mr. Zarichny arranged for a meeting at which Carl Winter, leader of the Michigan Communist Party and one of twelve Communists under Federal indictment in New York, was the principal speaker. The meeting was held at the College House, which is owned and operated by the Peoples Church, an inter-denominational organization. The building is directly across the street from the campus, and the use of the building by student groups is encouraged.

Investigation by the Dean of Students developed the information that Mr. Zarichny arranged for the meeting in the name of the "Ingham County Civil Rights Committee" without giving church authorities any indication of the nature of the meeting. It should be emphasized that Mr. Zarichny was not merely a member of the audience; he arranged for the session, and planned and conducted the program.

From his investigation of this affair, the Dean of Students determined that Mr. Zarichny had violated the terms of his probation, which required him to refrain entirely from active participation in organized extra-curricular activities. The Dean notified Mr. Zarichny on December 18 by registered letter addressed to his home that he would not be permitted to register at the opening of the winter term.

In view of charges that civil rights have been violated by this action, it is important to note that no action was taken against other students who attended the meeting in College House. It is important to note that this action was not taken against Mr. Zarichny because of his political views, his membership in a political organization, or because he attended any particular meeting. The only issue was compliance with terms of disciplinary probation that had been agreed upon by the student and the Dean of Students at Michigan State College. When the terms of probation were openly and flagrantly violated, the College had no alternative but to act as it did or abdicate all authority to act in disciplinary cases. In this

connection it should be observed that the primary purpose of a disciplinary probation is to confine the activities of the student to his academic work and to eliminate his preoccupation with non-academic engagements. The singleness of purpose which such a probationary status may be expected to advance was especially appropriate in its application to Mr. Zarichny. That his outside activities were detrimental to his academic work is clearly demonstrated by the steady decline in his grades in his major subject during the year 1948 to a point where he failed two courses in his field of concentration in his last term at Michigan State College.

Attorneys for Mr. Zarichny asked the Michigan Supreme Court on January 12, 1949, for a writ of mandamus requiring the College to readmit him as a student on the grounds that his constitutional rights as a citizen had been violated.

On January 13, the Supreme Court denied the petition. On February 28, the Supreme Court denied a petition for reconsideration of its action of January 13.

March 4, 1949