

# Judge wants more testimony in institutionalization case

By ROBERT KIPPER

A decision on whether Charles Portus should remain institutionalized will not come until at least Tuesday.

That's when another hearing is scheduled before Oakland County Probate Court Judge Donald Adams on Portus, the 49 year old judged innocent by reason of insanity in the July 1973 slaying of Keith Minelli, a seven-year-old Farmington Hills child. Although additional testimony was taken before Judge Adams last week, still more arguments before the court were judged necessary. Judge Adams said he hopes to reach a decision on Portus Tuesday but expected, due to the complicated nature of the case, even more time could be needed.

DR. EMANUEL TANAY, a psychiatrist, testified last week that

Portus suffers from a psychotic illness that frequently displays itself in outbursts of violence. Dr. Tanay recommended that Portus remain institutionalized.

Portus could be freed thanks to a supreme court ruling handed down last fall. In that case, People Vs. McQuilhan, it was argued that persons found innocent of crimes by reason of insanity are being denied equal protection under the law by being institutionalized by the state.

Because of that court decision, local authorities must initiate proceedings in probate court to determine whether these persons should remain institutionalized.

DR. TANAY, who appeared as a defense witness during Portus' trial, investigated Portus on at least two occa-

sions, just before the trial in 1973 and again last December.

He said he detected no real improvement in Portus' condition.

Dr. Tanay, who also investigated Portus' background, said he had displayed violent tendencies since early adolescence.

"Through his behavior, he (Portus) has been asking indirectly for institutional care," Dr. Tanay said. "We, as society, failed to provide it until he had killed a man."

"Does he have to kill again to get what he requires?"

UNDER the provisions of the new state mental health code, which also applies to Portus' case, Judge Adams can only extend Portus' institutionalization for a period of 60 days. After that, Portus is again per-

mitted a probate court hearing on his freedom.

The mental health code, which has been criticized by many judges, is designed to protect the civil rights of persons institutionalized.

Dr. Tanay said another hearing on Portus' condition in 60 days was ridiculous. He said he could imagine no real improvement of Portus' condition in such a short time to warrant re-examination of his case.

Recommending indefinite institutionalization, Dr. Tanay said if Judge Adams can only extend Portus' care another 60 days before reviewing the situation again, that should be done.

"If that's what's required by state statute, that's what we'll have to do even if it doesn't make sense," the psychiatrist said.

# Sosnick lists student rights

(Continued from page 1)

ment, the Supreme Court divided it into substantive and procedural categories.

Substantive due process, they ruled, meant that the subject must have been notified, or given the opportunity to learn the rule or regulation in question.

Procedural due process meant correct handling of the case and appropriate assignment of punishment.

Misunderstandings often occur when a student's right to free speech runs headlong into a school's right to operate a school.

In such cases, a balancing test is used, Sosnick said. The test assures a student protection of his Con-

stitutional rights unless his actions are "materially and substantially disrupting or interfering with the operation of the schools," he said.

In this case, involved Des Moines, Iowa, students who were expelled for wearing black armbands in protest of the Vietnam War.

"IT WAS A very orderly demonstration. There was no disruption, no interference with the operation of the school," the lawyer said.

"It got to the Supreme Court, which ruled that students do not automatically shed their right of free speech when on school property," he said.

But freedom of speech is not automatically guaranteed.

When students in a school district "smoldering with racial tension appeared wearing 'Black Power' and 'White is Right' buttons, the school district ordered their removal."

The courts found the school justified in its actions because the buttons might have contributed to the disruption of the school atmosphere.

Students also have the right to be given a statement of the charges against them to be told which witnesses will be used against them at a hearing, and they must be given some

time to prepare a defense.

They may cross-examine witnesses and act as their own attorney.

They are not necessarily entitled to a formal hearing, and do not have the right to appointed counsel, he said.

The road of appeals begins with the principal and leads then to the superintendent, the school board and from there to the courts.

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# Farmington teachers to study Crestwood

FARMINGTON—The civil war being waged between the Crestwood Board of Education and that district's teachers will be the topic of a general membership meeting of the Farmington Education Association (FEA) at 4 p.m. Tuesday, Jan. 21, in the Harrison High School auditorium.

Although Farmington teachers are considered generally supportive of their Crestwood counterparts, strike vote is not expected to be taken at this meeting.

We don't anticipate collective action at this point," said FEA President Jerry Kaplan.

A vote of the entire membership would determine strike action.

But if Wayne County goes out on strike and results aren't forthcoming, there would be a stronger likelihood that Farmington teachers would pitch in, he said.

"Nobody's going to saw off a limb with 10,000-12,000 people on it," he said.



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