THE OBSERVER Serving the Notre Dame and Saint Mary's College Community Vol. V No. 94 Tuesday, March 9, 1971

Court rejects selective CO claim



John Barkett chairs his last HPC meeting

Douglas casts dissenting vote in decision

Supreme Court ruled yesterday that young men seeking conscientious objector status to avoid the draft must oppose all wars, not just one in particular, such as Vietnam.

The 8-1 decision written by Justice Thurgood Marshall closed the legal door to a growing number of draft eligibles who claim exemption because of their

WASHINGTON UPI. The conscientious scruples solely for refusing to report for inagainst U.S. involvement in Vietnam. Justice William O. Douglas cast the dissenting vote.*

Marshall held in two far reaching test cases that Congress in enacting the Selective Service law intended to exempt only those "who oppose participation in war in any form."

Rejecting the appeals of two men convicted of draft violations, he said for the court: "Persons who object solely to participation in a particular war are not within the purview of the exempting section even though the latter objection may have such roots in a claiman''s conscience and personality that it is religious in character.'

Douglas protested the decision in these words: "conscience is repudiated... the court has done violence to the basic philosophy of the First Amendment and we take a step backward" "

The conscientious objector cases were brought by Guy Porter of New York City, who

duction, and Louis A. Negre of Bakersfield, California,' who sought to get out of the service after he had been drafted.

Gillette wrote a letter to his draft board terming the Vietnam "unjust and illegal." Negre said if he were to go to Vietnam "I would be violating my own concepts of natural law and would be going against all that I had been taught in my religious training."

Ruling against them, the court said Congress showed "deep concern" for conscientious objections to war in enacting the selective service laws.

Marshall added: "But there are countervailing considerations, which are also the concern of Congress, and the legislative materials simply do not support the view that Congress intended to recognize claim any conscientious whatever as a basis for relieving the claimant from the general responsibility or the various was sentenced to two years in jail incidents of military service."

The Hall President's Council Saturday, and the afternoon meal last night appointed Badin Hall President Buz Imhoff to serve the remainder of newly elected Student Body President John Barkett's term as chairman of Imhoff, a junior and second term hall president from approved

Imhoff elected to chair HPC,

weekly co-ex dinners announced

meal only, Monday through

Buzz Imhoff

chance to participate. The on Sunday program will be for the evening

Executive Finally HPC Coordinator Fritz Hoefer announced that Student Government does not plan to stage a concert in the Convocation Center on the Saturday of An Tostal weekend. To fill the void, Hoefer asked for the \$120 in the HPC treasury to hold an outdoor concert with a local group. Hoefer also plans to ask for a donation of \$100 from the Saint Mary's Social Cimmission. Hoefer's petition was granted without dissent.

"No-knock" challenge draws response from Burtchaell

has done so well in the past. I has done so well in the past. I expect that my friendship with John will be very beneficial in Hesburgh fields questions John will be very beneficial in Imhoff stated that he plans no in Keenan-Stanford chapel

council. "I would like to retain by Charlie Meyers

University president Theodore Hesburgh spoke to a full audience of students last night in the Keenen-Stanford Chapel. The discussion was one of a series of speakers engaged by the Keenan-Stanford joint Academic Council.

The president asked for a question and answer session at the outset, noting this as an "advantage of speaking about things you wanna talk about."

The students responded with queries ranging from student's rights to the financial situation of the university. The tone of Fr. President-elect Orlando Hesburgh's response was casual and objective. He took no defensive stance on any issue, but rather offered his opinion on various topics. Concerning the situation of student rights, the president felt that the students are more free now than at any time before. He was unconcerned with last night's stance by Dave Krashna and Mark Winnings, noting that "they can take care of themselves." The demonstration by the black students was cited as an example to raise the issue of minority enrollment at du Lac. Fr. Hesburgh saw the need to "get a better system than we have now" for black studies. He saw as a major problem in building the program the stance that black studies has to work in conjunction with other departments, that is,

with the faculty belonging to another department.

For minority enrollment in general, Fr. Herburgh stated that "we squeeze every cent we can get" into the minority program. He also noted that a squeeze is put onto students from blue collar families who do not qualify for any aid.

The question of tenure was raised, and the president admitted that the system has its flaws. Father would like to see a system of period tenure for a given span of time. This would help faculty members work on balancing their time between teaching and research, a factor

Dear Dave and Mark:

I first read your letter to Fr. Riehle and myself in the same place that I first learned of Fr. Riehle's "no-knock" policy: in the Observer. How I came to be associated with it, since Fr. Riehle and I have never discussed the matter, is anybody's guess. But guessing does seem to occupy the Observer these days.

Surely Fr. Riehle will deal with your Wednesday morning project as he sees fit. I gather that what you are challenging is not the parietal hour rule (you have solemn words in favor of legislative authority), but Fr. Riehle's opinion about who may enter campus rooms. You mention that you have a lawyer available whom you can furnish if needed. It might be well to chat with him before the event, for the iudicial opinions in the United States have tended, I believe, to support Fr. Reihle in this matter, at least in private universities. In any case, your proposal to spend a whole night studying is the most challenging feature of your letter. An invitation to witness the event is tempting, but I am not free to come. At the time of writing you had not yet secured "two (2) women" who were ready to bring their books to share 314 Howard Hall with you tonight. This could never happen in a co-ed school. All the more reason for our present efforts.



Fr. Burtchaell

Off Campus

Any student now living on campus who intends to move off campus next year must so notify his rector by noon of March 26, 1971. All single students who will be under the age of twenty-one in September must have parental permission to move off campus. This letter must be sent to the Dean of Students by March 26, 1971. Present off campus students desiring to move on campus for the 1971-1972 academic year should notify the DEAN OF Students by March 26, 1971. Those students signing up ofr campus accomadations should note that they are doing so for the entire academic year. Room picks will be April 5,6, and 7. Additional information concerning those dates will be posted after March 26.

Rodriguez will spend the entire midsemester break on campus trying to solve the room selection problem. They plan to get figures from all the hall presidents regarding the amount of space available and then to adjust the freshman figures accordingly.

by Bob Higgins

the HPC.

Chicago,

was nominated.

this regard."

greatest attribute.'

statement made

change

was

unanimously. No other president

Commenting on his ap-

pointment, Imhoff said, "I plan to

continue the fine work that John

the informality that now exists in

the Council," he explained, "because I think that is its

The newly elected Chairman

plans to make no comment on the

recent controversial

by Fr. Reihle concerning the

role of the University's Resident

Assistants. Imhoff explained that

he wanted to "find out exactly

what has been said before make

In other business, Barkett

announced that he and Vice-

any false accusations.'

in the format of the

Chairman of the recent coexchange dinner night, Bob Ohlemiller, announced that more of these nights will be held. after mid-semester break. One hundred tickets will be allotted to Notre Dame Students for use at St. Mary's and one hundred sixty will be distributed on the girls campus for use at ND. This program will be in effect, Ohlemiller said, every night from March 26 through May 15. The tickets will be distributed to different halls each night so that all students will be given the

which plays the important role in permanent tenure.

The situation of the four suspended students drew a general comment on drugs and their users at Notre Dame. Fr. Hesburgh stated that "we want to help guys who need help with drugs" and let students know that help will be provided, yet the president felt no compassion for those people who make money by selling dope to other students. He stayed away from discussing the specific case of the four ND students, stating that this takes one "into a different set of ethics."

The final section of the discussion concerned itself with talk of the economic situation of the University. The president spoke of the Law School, student center, more housing.

Devotedly,

James T. Burtchaell, C.S.C. Provost

SMC sets up Black Student Task Force

The Student Affairs Committee Association of Black Collegiate vesterday issued a statement Women. replying to the six demands made a task force composed of resource person. students, faculty and adstudy of the black student proposals, by April 5.

Council has also invited Sr. black student affairs office. Jeanne Finske, academic dean; Mr. Jason Lindower, finance; Dr. mittment that we wanted," she Anthony Black, president of the stated. "There is no signiture to teaching faculty association; the plan. It isn't even ad-Miss Kathy Barlow, student body dressed." She would not confirm president-elect; and Miss Susan whether she would accept the Jackson, president of the Council's invitation to work with

The proposal also states that by Campus Black student last Dr. Joseph Scott, director of the week. According to the black studies program at Notre statement, the Council will set up Dame, will be invited to be a

Speaking for the campus ministration to make an in-depth chapter of ABCW, Miss Jackson expressed disappointment at the response to the demands of her Besides being composed of group including employment of members of the Intercultural two black faculty members by Development Committee, the Sept. 1971 and the creation of a

"It is not the written com-

the task force.

Although the Council did not reply specifically to the demands, it did "affirm the

commitment and concern of the Cassidy; Srs. Margareta, and college for the black students." Raphaelita; Rev. Raymond The committee will also in- Runde. clude Drs. Mark Bambenek, Rita

SLC plans campus drug policy

by Tom Leahy

In a considerable display of maneuvering, palamentary the Student Life Council amen-ded, rephrased, and finally blocked a motion by Chris Ottenweller to reject Father Burtchaell's hard-line stand against drugs on campus. In place of Ottenweller's motion the S.L.C. passed a resolution "accepting the spirit" of the Provost's dictum and promised a more complete policy to be drawn up by "the officers of University and the S.L.C." combined.

Ottenweller, a student representative on the council, felt that Burtchaell's plan drew no

cotics and marijuana. He said that if enforced it would result in a large scale purge of the campus users. Ottenweller also felt it was the S.L.C.'s duty to draw up a campus drug policy and that it shouldn't be left to one or a few members of the administration.

Father Whelan, rector of Grace Hall who was introduced as a guest speaker, reported that drugs on campus is a big money business and should be considered an 'underground' operation. Father Whelan quoted enormous prices for small amounts of marijuana, hash, and mescaline. He also told of the growing number of potheads on campus. Whelan says that these Code.'

distinction between 'hard' nar- people are impossible to talk to and present the greatest danger of drugs on campus.

The final text of the resolution passed by the S.L.C. reads:

"That the Student Life Council will accept the spirit of the statement on the sale and posession of dangerous drugs issued by the Provost of the University, but recognizes that it is insufficient to meet the disciplinary problems arising from its application and the problems of drugs on campus, and that the officers of the University and the S.L.C. will therefore meet to draw up policies that will serve as permanent guidelines to the Judicial

Take a Break

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Text of Burtchaell co-ed plan

D. Further confusion derives from the diverse motivations brought to bear by different groups. The students, for example, place high priority upon coed residence halls and shared non-academic facilities for dining and socializing. Administrators, faculty, alumni,

and trustees presently show more traffic to Notre Dame, but the readiness to authorize neighboring dorms andput high priority upon academic and institutional unity. Another example: Notre Dame students tend to enroll in Saint Mary's courses either to obtain education credits, or to be in a class with girls for a change. Saint Mary's girls, on the contrary, seem more discriminating, and choose coex courses for academic reasons, for the sake of the teacher or the subject matter. Proportionately, girls tend to cross the road four times as often as boys. Were Notre Dame to add an undergraduate program in education, the ratio could rise as



pull is indeed strong. Yet another motivation is the communitarian interest of the Holy Cross sisters. For more than 126 years sisters all over the country have regarded Saint Mary's as their mother house, their premier apostolate, and their home. Until only thirty years ago the other religious houses sent in their annual income to subsidize the campus. The sisters' cemetery on the grounds memorializes scores of women who have planted their lives in the school so that Saint Mary's might flourish. Compared with the length of time any student or alumna or trustee or teacher has to invest in the place, the Holy Cross order must plan for a future thwt will outlive them all. A last motive is what one might call personal. Many administrators and faculty members have given years of their lives to their noble and illcompensated profession and to the College. They have careers, jobs, and families to worry about, and incorporation could threaten them personally. Thus so many people contribute to the incorporation discussion from so

E. This gives rise to a fifth ambiguity, embodied in the Park-Mayhew suggestion of a Saint Mary's College in thz University of Notre Daem. As they would be a college for women; yet there is little if any support for such a female enclave in our joint academic future. The Park-Mayhew suggestion is supposed to preserve the distinctive educational mission of Saint Mary's yet whereever possible it is recommended that (Continued on page 3) ND-SMC Freshmen Meet Your Major Night for General Program of Liberal Studies 7:30 Tonight March 9

105 O'Shaughnessy

Sports Car Club of America drivers call it a champion

Typical American Understatement



Undergrad ND seen as "humanizing" also

(Continued from page 2) its faculty should merge into Notre Dame departments. How does a college preserve a distinctive educational mission without a faculty of its own? Park and Mayhew speak of the "differing emphases of an undergraduate college and a university stressing graduate and professional work," and identify Saint Mary's with liberalizing values. Note Dame with professional values. This description is unfortunate, and we must take exception to it. One reason for the misunderstanding is that more college men proceed to post-graduate studies than do college women. This is an emphasis deriving from all-male and all-female enrollments, more than from distinctive institutional orientations. Like Princeton, unlike Berkeley and Chicago, Notre Dame insists that all faculty devote themselves simultaneously to both undergraduate and graduate education. Full professors commonly take a hand to teach freshmen. It is objected that a great portion of the University teaching load is handed over to inexperienced graduate students. THis year about eight percent of our classes are taught by teaching assistants, a proportion quite low as universities go. Further, these young teachers handle their responsibilities quite ably. Also, much has been made

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RESUME FORM-(1) name,

of over—sized classes at Notre Dame. In fact, this year the average class held 29.2 students. The ratio offull—time equivalent faculty to undergraduates is 1:12.3.

In a word, "we at Notre Dame value our undergraduate program, particularly in the College of Arts and Letters," precisely for its humanistic and liberalizing orientation, and are not persuaded that an internally distinct Saint Mary's College would be justified on grounds of this peculiar orientation. Others have taken up the suggestion of a distinct college, but no one seems to describe adequately just what its character, style, and purpose would be, nor shy we need it.

What one must conclude is that the real purpose of such a unit is not academic at all, but political. It is proposed as an enclosure. which will enshrine the historical dedication of the Sisters of the Holy Cross, and protect apprehensive College faculty from what they fear may be the hostile context of Notre Dame departments, and preserve the name and identity of Saint Mary's. But to propose an anomalous academic structure for purposes that are not academic, but personal, is unwise. We think that these are interests to be provided for. But a sort of reservation on University territory is not the best way to do it. Even as a transitional expedient to ease the

passage to full incorporation, this is a poor plan that would encourage jealousies and an adversary mood. The coexistence of parallel and inevitably invidious departments in one school would surely amplify whatever professional aloofness may now exist.

II.The Proposal

Coeducation is not an option; it is a necessity for survival. Even more, it is an opportunity for two schools that claim education stimulates personal growth beyond academics to help men and women understand better masculinity and femininity, to learn how to learn together. Friendship and companionship should be fostered, not thwarted. When Notre Dame and Saint Mary's were founded, young men and women never found themselves in each other's company except under supervision. Different times call for different education.

As an alternative to the Park-Mayhew proposal, I would ask the trustees of both schools to agree to effectuate a complete incorporation of Saint Mary's College into the University of Notre Dame. The administrations could be instructed to present a complete and detailed time-table to achieve this at a joint meeting of the governing bodies in the fall of

(Continued on page 6)





address (home and school), phone number, age; (2) relevant work or recreational experience; (3) dates available and area(s); (4) 2 or more students wishing to work together, state name of other parties; (5) other information.

Send your resume with \$6 processing fee to:

American Yachting Associatio Suite 503, 8730 Sunset Blvd. Los Angeles, California 90069 Your resume must be received no later than March 26, 1971.

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AN INDEPENDENT STUDENT NEWSPAPER

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As the French say, there are three sexes,- men, women, and clergymen.

Sydney Smith

FOUNDED NOVEMBER 3, 1966

NOTRE DAME, INDIANA

Myopia . . .

The Student Life Council's affirmation of the spirit of Rev. James Burtchaell's drug policy in yesterday's meeting is conclusive proof that that body no longer considers the interests of the students to be important.

Fr. Burtchaell's fiat was a throwback to the myopic vison of drug use that was prevalent in the 1950's. His dictum draws no distinction between hard and soft drugs, a distinction that many Americans are becoming painfully aware of. Instead he lumps all drugs under the category of "dangerous drugs" with no regard to the differences between them.

The facts, as they stand now, are that marijuana has not been proven to produce harmful effects. This fact in no way can be construed as support for open usage and sale of grass on campus. It does demand though that the University draw a distinction in regards to categorizing drugs.

Such a selective enforcement policy is nothing new on this campus-alcohol can be easily classified as a dangerous drug-but there is no overt attempt by University officials to halt the flow of liquor on this campus. Rather the University has recognized the widespread usage and has tacitly ignored it. The only punitive steps taken have been against those students who abuse alcohol and create disturbances or cause destruction.

The University, whether it likes to admit it or not, has adopted the same stance in regards to marijuana. There is widespread usage and sale and the University knows it—as displayed by Father Whelan's testimony before the Student Life Council.

The situation as it exists is a decidely unpleasant one. Some students, through abuse of drugs, are destroying their minds and their ability to function. The obvious step would be to set up a professionaly competent drug counseling center and to equip the infirmary to handle people with adverse reactions to drugs.

The Provost though, with his flair for public relations, knew that the announcement of such activities would not create a splash in the newspapers and would not serve to erase the damage done to Notre Dame's public image in the aftermath of the pre-Christmas drug raid. So he opted for the easy, quick, headline braging solution, much in the same manner as our illustrious Vice-President.

What the SLC should have done was ignore the Provost's enclyclical and instead pledged itself to write a comprehensive drug policy, one including the provisions mentioned, one which would have been unfettered by the restrictive and medieval spirit of the Burtchaell pronouncement.



Rev. James Burtchaell's reply to Dave Krashna and Mark Wining's letter is lib, smooth and witty. It totally ignores the issue raised by their challenge to Fr. Riehle's remarks, and neatly sidesteps the question of the Provost's responsibility in the formulation of University policy.

In short it is typical Burtchaell, looking more for effect than dialogue.

It is true that the Observer did guess in regards to the Provost's complicity in the policy set forth by Fr. Riehle. Yet as shown by the source of the order to suspend the students in the drug cases, it was an educated guess, not mere speculation.

The brutal fact, which the Provost would obviously love to sweep under the carpet, is that the responsibility for such a dictum is his and his alone.

Fr. Burtchaell would be totally negligent of his duties if he did not even bother to discuss such a matter with the Dean of Students. Given his recent actions it is



"That's one way to move a glacier."

Larry Ballantine

PRANK-ON

Somehow or other when Ken Kesey started his Merry Prankster thing seven years ago with da-glo school buses, the Grateful Dead, and kool-aid acid tests in the Fillmore West and everything else that went on in the San Mateo Valley or whereever, I don't think he envisioned the freaking thing branching out with collegiate chapters on northern Indiana's frozen tundra, but be that as it may du lac presently has its very own unique version of the Merry Pranksters, at this point sans da-glo schoolbuses, the Grateful Dead, and kool-aid acid tests in the Fillmore West but then too it's only a week old and these things take time.

Right now Mooney's Merry Pranksters, grabbing as its motto that old C.M.F.S. cliche' "No one is more insane than he who is sane habitually," is a very loose thing. The first organizational meeting was very loose and so were the members by the time the meeting broke up. No co-incidentally the first organizational meeting was at Frankie's.

All of which has come before is just to introduce the subject of this wretched column, that is, Mooney's Merry Pranksters. The idea grew out of last Monday's defeat. The election was over and Mooney had lost, but then there were still these 2000 some odd people who were looking for more people things to get in with, O.K. why not give it to them? Certainly if enough minds, especially some of the devious minds that worked on that campaign, got together, some really earth shattering ideas could be born--not surprisingly that's more or less what happened.

Lest anyone get the wrong idea the Pranksters are not an anti-Barkett movement. Most of the things the Pranksters plan to do are things that John and his cabinet probably won't have time to do. This doesn't mean to imply that John and Orlando wouldn't be welcome at Prankster activitiers either. All the LaFortune pooh-bahs new and old; coming in or going out, are welcome at Prankster shindigs. I shall even go so far as to say everyone is welcome to join the Merry Prankster activities, the only requirement is that you be desirous of a good time and willing to exert a little effort to obtain that good time. Now you are asking just what the Merry Prankster's have planned-well besides the old campaign carry overs like the co-ed quad sleep-in the program has been widened in scope to include a public performance of Boss Tweed Candon's Crucifixion Finals, complete with Howard Cosell, Bud Wilkensin and the Goodyear Crucifix. Then there's plans for a "Shake Down the Thunder" rock concert in the football stadium, maybe a bus trip to a Chicago Cubs game, the possibilities are endless and like I said before the whole thing is still pretty loose. Just think the Merry Pranksters could draw up a charter, set up offices in the student center and then petition the Student Government for money. Who knows--

plain that very little escapes the Provost's attention.

A case in point is a letter the Observer received recently from Security Director Arthur Pears. It stated that no vehicles were allowed on the university sidewalks. A phone call to Mr. Pears determined that the order had come from the Provost. Fr. Burtchaell refused us permission to drive the truck on the walks, but wrote a letter to Mr. Price, director of Food Services, instructing him to provide us with hand trucks to cart the papers from from the loading docks.

We suggest than any man who devotes time and attention to the problem of vehicles on University walks could spend some time on the rights of students in their dormitory rooms.

We suggest that any man who devotes time and attention to the problem of vehicles on University walks could spend some time on the rights of students in their dormitory rooms.

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| | | | 1. 20. | | | |

Today Frankie's.

Tomorrow the Student Center.

After that--maybe even da-glo school buses, the Grateful Dead and kool-aid acid tests in the Fillmore West. Who knows.

This is how things are going now, but things change--don't they? PRANK ON!

Tuesday, March 9, 1971

THE OBSERVER

John Barkett

Back in the U.S.S.R.

Language Department sponsored a 21- the rest of the world lives. day study-tour to the USSR. Sixteen of us I could never live under the Soviet made the unforgettable trip to one of the system. And I doubt there will ever be most fascinating countries in the world. another revolution as tumultous as None of us spoke Russian fluently and all the "Great October" one. Furthermore, I of us were infected with the image of the never appreciated America----despite its USSR inculcated in us by newspapers, Ian shortcomings-more than when I was in Fleming, et al: an overly oppressive the home of our potential destructor. But nation where Big Brother controls or these are just personal thoughts. You can

served. The people were cordial and similar study-tour to the USSR from May moved about in relative freedom. We saw 26-June 16 with stopover in Helsinki (1 very few servicemen. It was easy to start day), Paris (2) and London (1) besides up a conversation, especially in the resort Leningrad (3), Moscow (3) and Sochi (11). town, Sochi (on the Black Sea). There The incredibly low fare of \$675 (last year it were, of course, the Lenin posters ("Lenin was \$655 and I'm still convinced we robbed lived. , is living. , .will live.") and the 'the travel agency) includes air fare from "Glory to the Communist Party of the and to New York and between all Soviet Union" signs on the buildings. But stopovers; all accommodations; 3 meals a there was very little night life in Moscow day, except in Paris, London, and Helsinki or Leningrad and very few cars were where only breakfast in included; a 3visible in these cities, two of the largest in credit Russian seminar; all sightseeing the world. Many typically American sights tour expenses; all transportation fees; were missing, also; no gas station on every tips, taxes, and visa fees. One does not corner, no suburbs (indeed, very few need any Russian knowledge since the houses no neon lights---I didn't even see guides speak English, though a basic a mailman!

Leningrad and 11 days in Sochi. Red interested. Prof. Robert Nuner, Chairman Square, the changing of thz guard at of the Language Department, will conduct Lenin's tomb, the Moscow Subway, the the tour. Might I add, too, that any Kremlin, the Hermitage, Palace Square, relatives or friends are welcome-we the summer home of Peter the Great, the had a mother-daughter pair and five of great Russian ballets, hearing the band in the group over sixty years old! Sochi play the Notre Dame fight song, If you have any interest in thz USSR, in juggling for 700 Pioneers (like Boy Scouts) travel in art, in a good time before working at their summer camp, swimming in the this summer, in a great bargain, don't Black Sea; memory after memory flashes pass up this opportunity. April 15th is the in my mind. And the greatest one is the registration deadline so contact Dr. warm friendships we all developed with Rubulis, G-22 Memorial Library, 283our Russian friends in Sochi. I say that 6565 (office) or 288-9783 (home), or me because I learned there that the tear and (283-3626) for further information. If thz smile know no language barrier---- there is any way you can find the money even in a country where people have no and the time, I guarantee you it will be a freedom of speech, no freedom to leave the worthwhile investment.

Last summer, the Notre Dame country, and very little knowledge of how

supervises all the actions of the people. form your own because this summer the That image was far from what we ob- Language Department is offering a

Russian seminar will be offered April free We spent 21/2 days each in Moscow and of charge by Dr. Aleksis Rubulis for those





Selective C.O.



Yesterday the United States Supreme Court ruled in an 8-1 decision to disallow conscientious objection to a particular war. Throughout last year, Charles McCarthy, the ex-director of the Nonviolence program, led a Notre Dame campaign to bring selective conscientious objection before the Supreme Court. The following article was written last summer by Mr. McCarthy, who is now working in Boston.

Do you have a right not to kill someone? Should a state have the power to force its people to kill other people when its people do not want to kill? Suppose the people of a state find that the killing being asked of them is injustified, then what should they do? How do you think Jesus would have responded to Dick Nixon's, Mel Laird's and Bill Westmoreland's commands to destroy people in Southeast Asia? Fortunately for most who are reading this article these questions do not appear to be "real". They are "academic matters" in the worst sense of the words, to be discussed in an air conditioned bar or convent. They have their place along side of liturgical reform and ecology. But for tens upon tens of thousands of young men who are not total pacifists but whose consciences are formed in the 'just war' tradition these questions are experienced as being ultimately connected with their present and future well being. For tens of thousands of our fellow Christians, our fellow human beings, our fellow citizens existence has reduced itself in the realization that they are about to be forced to kill against conscience- that they are about to be commanded to destroy human beings when this is seen as neither right, nor good, not just.

Today, if a person of draft eligibility finds a particular war unjust, i.e. killing in this instance as murder and mass killing erefore as mass murder, his only afternatives (now that occupational deferments have been eliminated) are these 1) become a murderer 2) go to jail 3) leave the country. That's it - the laws say to these human beings "Kill others or suffer yourself -- your conscience be damned." I think this is an intolerable situation to maintain in a society where the vast majority of those called upon to kill have formed their consciences according to the "just war" standard. The right and the obligation not to unjustly kill another human being is absolute. As Join Courtney Murray said in his report to the 1967 Draft Reform Commission: "The right of selective conscientious objection (to a particular war) is incostestable." A government does not establish this right nor impose this obligation and right or dispose of this obligation. The obligation and right, not to murder and not to be forced to murder are inalenable. Yet, we as a people have created and sustained legal structures that force our fellow

government has no call to tyrannize persons with deeply troubled consciences. Clearly an adult citizenry is called to more that resigned indifference at a time when the "masters of power" are forcing its young sons and friends to commit murder. Aren't we as a people human enough to know that it is neither goodness or patriotism that motivates a man to kill when he thinks it is unjustified: that it is neither holiness or patriotism that motivates the prosecuting of personality desintegration in a society. No country can afford to corrupt and degrade its youth. How can the moral fibre of the United States of America be anything but ripped asunder when the government itself, by a simple exercise of brute power, coerces a large segment of its youth - by penalty - to disregard an

citizen to murder or to suffer. Clearly a

shalt not murder. The American Catholic hierarchy has asked that a selective conscientious objector provision be enacted. The World Council of Churches, the Synagogue Council of America, the United Presbyterian Church, the American Baptist Church, and the General Board of the National Council of Churches have supported a selective conscientious objector provision.

innate command of conscience: Thou

Twice within the last year a Federal Court has found that Section 6 (j) of the Selective Service Act (conscientious objector provision for total pacifist) placed burden upon the religious beliefs of Catholic selective objectors and was therefore unconstitutional because it violated the free exercise of religion clause as well as the establishement of religion clause of the First Amendment. The Court also held that Section 6 (j) violated

the equal protection and due process clauses of the Constitution. When the court was faced with the argument that if an SCO dimension were added to the present draft law there could be a substantial drop in manpower, it answered by saving: "In the face of such ciniecture it is helpful to point out that alternative means are available for resolving any such decrease in manpower. In the area of primary freedoms the government is required to show that no alternative means exist to satisfy the same governmental interest. Here numerous alternatives are · available. (After listing various means? available the Court concluded) These and other means show that the government can satisfy its interest by alternatives other than by refusing exemptions to selective conscientious objectors." (U.S. vs. McFadden 309 F. Supp. 502C1970) The "real" questions then, for those of us who are beyong the pale of the draft because of age, sex, health, or affluence, is "What must we do for our fellow Christians and citizens who are being

conscripted to murder?"

Where do we go from here?

The following course which was omitted from the course booklet is being offered by the Free University.

DRUGS AND OUR-SELVES — A shared search for understanding so as to know our way around regarding these essential and complex things in our lives - John Young 6978 — Anyone interested may contact John.

Fr. Burtchaell's proposal **Co-ed living at both campuses** (Continued from page 3) ticable. After a year or so of coed finacial, and personal. 1971, with the understanding that

a unification would be achieved by the summer of 1972. The trustees should further authorize the union of any administrative offices or academic units that could be agreeably arranged even before that date.

III The Resolution of the Problems

This measure would relieve virtually all of the multiple problems we face: social,

A. Social. We would be able to juxtapose residence halls for men and women on both campuses. We do not envision male and female residents in any one building. We would come to a decision about a unified food service system, allowing men and women to dine together in all three dining halls. The experience of comparable private universities suggests that a men: women proportion of two-toone might eventually be prac-

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admissions we should be able to reckon whether that is best for our resources and purposes. All University facilities would be available to all students.

B. Academic. All parallel departments would merge. The enlargement of faculty should allow for increased course offerings and more diversified program design. Most Saint Mary's faculty and students (not all) would come into the College of Arts and Letters, swelling that college even beyond its present disproportionate size (AL:2,285. BA:932. EG:752. SC:701. FY:1,737. SMC:1,574). Some division of the college might be in order, but that is a subject taken up below. Saint Mary's faculty would be assigned to undergraduate teaching, and to graduate work when qualified. All students would be enrolled in Notre Dame and be eligible for Notre Dame degrees.

C. Administrative. One institution should be capable of even more efficient management. The co-operation of parallel offices over past years has created a comradeship that would make the Saint Mary's administrators valued and desired as co-workers at Notre Dame. Most' if not indeed all, would be assured appointments in the new Notre Dame.

D. Financial. Saint Mary's would come to Notre Dame with considerable resources. But the union involves much risk for the University. The College has a very small endowment, a number of mortgages, and an income from alumnae and other gift sources that is scanty. Still, it enjoys the annual cash gift of Holy Cross religious' contributed services, and a physical plant that is in good condition and is totally contiguous to Notre Dame property. Unity would permit significant savings in clerical

help and perhaps in maintenance. On the other hand, assimilation of Saint Mary's faculty could be very costly, since to maintain its standards the University would have to bring up their salary scales. The girls would have access to much more bountiful scholarship resources. The University will incur heavy expense if an improved rapid transit system is installed. Thus, although union could be financially hazardous, with careful management we should be able to achieve it without causing our combined fiscal situation to deteriorate.

E. Personal. There are two groups in particular who have most at stake: Saint Mary's faculty, and the Holy Cross sisters. As for the faculty, Notre Dame would award tenure to all full-time faculty who have received it before union, provided that any tenure awarded subsequent to January 1, 1971, be approved by the appropriate department, dean and Provost of Notre Dame. Notre Dame contracts would be offered to Saint Mary's full-time faculty without tenure, on terms equivalent to those of their present appointments. Part-time faculty would be considered individually. The University would endeavor to bring incoming faculty salaries up to what is customary among our faculty as this is possible. In short, they would join our faculty as equal colleagues. Tenure and promotion and reappointment would naturally be offered on terms that prevail at the University.

The Holy Cross sisters find themselves at a critical time of decision, not unlike that faced by the priests and brothers. They are recruiting fewer religious at present, and many of the more capable young women show

(Continued on page 8) INDIANA MOTOR BUS NON **STOP O'HARE**

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razier shatters the "Ali Myth

Frazier buried a myth to remove the only stain on his world heavyweight crown, laying the ghost of Cassius Clay to rest with a vicious barrage of left hooks that smashed the challenger's jaw and dumped him to the canvas in the 15th round for a unanimous 15 round decision.

While 300 million watched around the world, the 27 year old Frazier finally caught up with the man who had taunted and teased

NEW YORK (UPI) — Joe him from outside the ring for four years. In the 11th round, the 29 year old Clay fell apart, and in the last round, the myth came to an end as Clay was bashed to the canvas and his face was swollen almost beyond recognition from the barrage.

> Staggering from the power of the punches chopping in at him, Clay was lucky to last until the final bell. No dancing steps came to him any more and he was left sobbing with remorse on the

ropes as he became a mere punching bag for the man he had hoped to playfully torture.

It was a vicious test of manhood, a test of strength with the fighters laughing and taunting at each other. Daring to walk into the firestorm, Frazier took all the punishment Clay could muster and simply walked back in for more.

At the conclusion of thz fight, after 31 consecutive pro victories the ring was filled with security men, obscuring the fighters.

"I always knew who the champion was," Frazier said. He certainly proved it by beating the man he had succeeded to the heavyweight title. Clay, stripped of the crown in 1967 and banished from the sport until last year, had finally met more than his match

and 25 knockouts. Referee Arthur Mercante made it 8-6-1 for Frazier and judges Artie Aidale followed with a 9-6 verdict, while Bill Recht gave Frazier a whopping 11-4 margin. It was Frazier's 27th consecutive victory and he barely missed gaining his 24th knockout.

ball. Firstly, on behalf of B.J.

oices trom the Crowd

Wrestlers routed

Phil Gustafson's winning streak was broken Saturday night as the Air Force Academy's wrestling squad trounced Notre Dame 33-2 in the ACC. The loss 13-0, but Ken Ryan (150), Bob set the Irish record at 8-9 following a 27-13 victory over Chicago Circle Wednesday.

Heavyweight Gustafson's 1-1 tie broke his 41 match winning streak. The big senior has yet to lost a Notre Dame match. however. He is 25-0-1 this season was pinned in period two, but including 14 pins.

Gustafson's tie accounted for all Notre Dame scoring. The remaining nine wrestlers all lost, first period quickie, and two by pin.

Wednesday's Circle meet was a much happier occasion. Captain career win in a 9-2 decision. Steve versus Marquette at 7:30.

Moylan, 126 pounds, was pinned in the last period, but Rich Esposto (134) came back with an 11-2 victory.

Chris Paige (142) was shut out Habig (158), and Bob Bennett (167) put together three successive wins to put the Irish ahead to stay. Ryan's was a 10-3 win, and Habig followed with a third period pin. Bennett won 8-1.

At 177 pounds, Kurt, Bottjer Rick Aselage (190) and Gustafson finished off Circle with successive pins. Aselage's was a Gustafson 's opponent lasted till round three.

The regular season closes Tom Ciaccio recorded his 45th Wednesday with a home meet

Sports Editor.

The following is what I consider a much needed response to a letter published in the Observer, Friday, February 26th. The letter was written by a one Mr. Stan Urankar and it concerned the widely reknowned Cape Cod-Toledo-Kankakee Club of the University of Notre Dame or the C2TK3. As President of the club and member of its basketball team I feel it is my duty to respond to the allogations and misconceptions that Mr. Urankar felt a need to see printed in the Observer.

To begin with I will will take each error as it appeared in Mr. Urankar's letter. The club was titled as it was because the three areas mentioned happened to be the homes of the President, Vice-President, and Sec.-Treas. respectively, and in no way limits

the membership to people from starting five are all-league those areas. It is simply a name selections in Interhall Basketand should be taken as just that. You must remember the old addage, Mr. Urankar, "Never judge a book by its cover."

Secondly, Mr. Urankar states that it is simply a bunch of guys from B-P who get together for parties and "stuff", I am not absolutely sure what Mr. Urankar considers "stuff". It so happens that from the present membership list which numbers around 300, half of the members are from St. Mary's and of the remaining half about one quarter are from Breen-Phillips. This means that less than one eighth of the club is from B-P. Sorry Mr. Urankar.

Now I come to the crux of the Mr. Urankar's letter. Mr. Urankar states that four of our

Bingle, Bill Schmidt, Fritz Hoefer, and Clark Keller, I would like to thank you Mr. Urankar, for the notification of their selections as none of the above realized their status until we were informed by you. But really Mr. Urankar, our team roster was selected and submitted last Thanksgiving, long before we were to know of any honors that were to have been bestowed on the above members of our team. If you would like we would apologize to you, Mr. Urankar, for having these players on our club team, but we would rather not. Becuase, unlike you, I do not believe that it is a "sad state that the Club league had to allow" our entrance into the league. It seems to me that we have done little to destroy the Club League this year. In fact never before has there been such interest in this league, which for so long has taken second seat to the interhall league. For instance, we have never won a game by a forfeit because the other team couldn't garner enough of its team together. Without sounding too boastful I think the spirit which we brought into the Club League this year has spread throughout the league and has resulted in a new spirit of competition that I have been told has not always been there. The very fact that for the first time that I know of, the club champs (and I say this assuming you are correct on one point, in that we will be club champs) have felt strong enough to challenge the Interhall Champs, win or lose, says the club league is on its way up, not down, Mr. Urankar.

Finally, Mr. Urankar, we would appreciate your not club as jocks, unless you are referring to the arts and letters and is composed of a bunch of

Meehan knew Irish could do injuries, the underrated Meehan

by J.W. Findling Observer Sportswriter

There are, all over America, many young boys who dream of averages, and of multi-million and of just playing with Austin

dollar pro contracts. There are probably also some less grandiose young Walter Mittys who dream of Jack Meehan, of handling a basketball with the Austin Carr and of 38 pt. scoiring efficiency and skill of a surgeon,

Carr. And very few ever learn to pass and dribble like Jack Meehan.

Jack Meehan learned his basketball on the playgrounds of Philadelphia-aplace that has offered some pretty fair ballplayers. After a brilliant three seasons at LaSalle High School. Meehan's services were sought by all of Philly's Big Five. "I wasn't really considering Notre Dame'' Meehan says, "until I came out here, talked to Coach Dee, and found out that Austin, Collis, Tom, and Sid were all coming...I knew we could have a good team." For whatever reason Jack Meehan left Philadelphia Austin Carr proabably thanks the Lord every time Jack spots him charging through the lane.

Ralph Miller, coach of last year's Big Ten champion Iowa Hawkeyes, said of Meehan, "He is the best I've ever seen at hitting the open man." Indeed. Meehan's passes have the precision and timing of an Apollo space flight; his poise and leadership are impeccable. For a man who has only averaged 3.1 points per game this season, he is a remarkably valuable part of this NCAA-bound Irish team. Jack has been noticeably slowed down since freshman year by a pair of operations-both on the left knee. Meehan had operations the summers following his freshman and sophomore years. To make matters worse hs right leg is now badly bruised from his knee to his ankle. Although he missed the St. John's gameand saw only limited action against Dayton, the rugged competitor from Philly is confident that he will be more than ready for the NCAA tournament.

has piled up some impressive playmaking statistics. He has 180 assists in the twenty games for which assists were kept for a 9.0 per game average. Last year Meehan had over 200 assists. His personal high in a single game is 17 against Creighton this season and against Ohio University in last year's NCAA regional. When asked about the possibility of national collegiate statistics of assists Meehan replied, "Sure, it would be great, but it doesn't matter to mee...all that is important is winning.'

Meehan is pleased with the season. '

Meehan is pleased with the season. "Winning 19 games with our schedule is not too bad. We did a lot of traveling, and it we very difficult to get psych i game after game for a tou,h opponent." Meehan continued about the team, "We are a ver, close-knit team. There is absolutely no racial problem, and referring to the members of our there is certainly no envy of Austin. We all enjoy his success. Out spirit has been good all year; variety, because our team was we have geen aiming for the tourname



Jack Meehan

Despite these unfortunate injuries, the underrated Meehan has piled up some impressive playmaking statistics. He has 180 assists in the twenty games for which assists were kept for a 9.0 average per game average. Despite these unfortunate

To Meehan and his teammates the NCAA tournament is of paramount importance. Jack does not mind going to the Midwest Regional (the Irish had a Midwest berth in 1965). As Meehan says, "At this point everyone you play is tough." Meehan also reflects the confidence and desire that the Irish have demonstrated all season. 'We can beat anybody...we all think we can wn it."

Certainly the Irish have the personnel and playing style to win the tournament. At times this season they have looked like champions; they have often been a mystery. The Irish could win the tournament. They might alos get bogged down in one of their occasional lapses of mediocrity. But if Jack Meehan has anything to d say about it, his last college basketball game is still 3th weeks away.

close friends who wanted to play basketball together. Can you blame us?

One more thing, Mr. Urankar, you are cordially invited to become a member of the C2TK3 Club.

Respectfully,

Jack Gillis President of the C2TK3

Sports Editor If Notre Dame retired football numbers, we would simply run out of numbers because there have been so many great football players at Notre Dame. But in the eyes of most Notre Dame basketball fans there is only one AUSTIN CARR and there will be only one AUSTIN CARR. Let's retire number 34. John J. Horeled 115 Alumni

Fr. Burtchaell's proposal SMC sisters to get ND teaching contract science. Engineering, and

(Continued from page 6)

Saint Mary's. Cardinal Suenens has pointed out that when nuns preference for work other than at first began active apostolates in





their attention to the three most deprived groups in society: the uneducated young, the aged poor, and the sick. Today the state spends heavily on these to provide schools, retirement homes and support, and hospitals. Meanwhile other deprived groups are in desperate need of the professional care of dedicated religious. For years men and women religious have maintained their traditional, institutional apostolates, but today interests are more restless. Fortunately, this renaissance in religious orders comes at a time when dedicated lay persons are coming forward with deed, Christian dedication to share in the work: No parent sees a child claim independence without some pain; put parent-pride is secure when the child does cease to need all the parent's energies.

The University should negotiate a contract with the Sisters of the Holy Cross, similar to that concluded with the Priests of Holy Cross, Indiana Province The College land, assets, debts, and buildings would be conveyed to the University. Those buildings with mortgages, transfer of which would force a costly renegotiation, could be retained by the community, provided the University agreed to finance the payments in return for title at retirement of the debt. The Congregation would retain what land and buildings pertain to community administration, health care, and training. Payment for services of the

the 18th century, they turned sisters would be arranged. Two of Science, Engineering, and the six Holy Cross Priests among the Fellows of the University would be replaced by the Superior General of the Sisters of the Holy Cross ex officio, plus another Holy Cross Sister, and the University's Board of Trustees would be augmented by another three Saint Mary's Trustees who would be nominated by the College's governing body.

> IV. Proposed Re-organization. As has been observed, the union could expand the College of Arts and Letters to almost 4,000 students. Some division might be expedient.

> But there are even more cogent grounds for considering division: the physical requirements of the combined campuses. Residence halls can be distributed evenly among men and women on both campuses, but the location of academic facilities is more of a problem. Two academic establishments cannot be moved : the Memorial Library, and scientific laboratories. This necessitates the location of the humanities, science (which might join to pre-medical studies programs in nursing and paramedical professions), and engineering on the Notre Dame campus.

Which units, then, could most easily be placed on the other confident that once the trustees will have made a firm comcampus? Three come to mind: mitment to fusion, these fears law, the fine arts, and the social will evaporate. A few will oppose sciences. If the University the plan however presented. The receives a major benefaction to many should no longer put aside finance construction of a new their priorities for their sake. Law Center, this could without enormous difficulty be located on It would be good somehow to retain the name of Saint Mary's, the Saint Mary's campus. If the not only as a link with the past present Saint Mary's library (our proposal has many of those), collection were amalgamated but also to retain the name of the with the University collection, Lady who is patron of the this very attractive building University. This could be done by might serve as library to the Law matriculating all female un-Center. A division of Fine Arts dergraduates into the University could be created, comprising through Saint Mary's as a college departments of Art, Music, and of record as was the case when Drama. (The addition of Architecture cokld be discussed.) Duke University and Trinity College merged. Or the name These three departments all need could be given to LeMans Hall. studio space which might best be Or the name could (as it found at Saint Mary's. Lastly, I inevitably will, in any case) suggest creation of a College of designate the west campus. Or is Social Studies, comprising could be given to one of the departments of Sociology and colleges of the University. None Anthropology, Psychology, of these gestures seems quite Economics, and Education. Faculty in these disciplines are enough, but perhaps someone will come forward with a better all developing compatible methodologies, and seek common idea. The point is, if this proposal work and instructional space that really is an honest invitation to outstrips the capacities of their merge, what becomes of the present installation at Notre name is an important, but no Dame, yet does not have such a longer a crucial problem. need to be next to the Library. On (Rev.) James T. Burtchaell, C.S.C. the Notre Dame campus we would locate the Colleges of Provost THE OBSERVER needs a Photographer 5 days a week 11₂ hours a day \$10.00 a week No experience necessary Call 7471 ask for Scott Braley or leave a message

Business Administration, and the Division of Humanities (the other division, along with Fine Arts, in the College of Arts and Letters). Humanities would include Theology, Philosophy, English, **Classical and Modern Languages** and Literature, History, and Government.

This re-organization meets obvious internal needs. It is not a structural answer to a problem of history and sentiment, but succeeds in distributing our academic units according to manageable and rational arrangement, methodology, and plant resources.

V. What of Saint Mary's?

Notre Dame is ready to move more fully towards coeducation. The decision is not a bow to strident student pressure, but to our own conviction that young men and woman learn best in mixed company. We should like to unite with the College that already shares our history, our location, our Catholic purposes, our resources. We are not extending a takeover bid for land and buildings and students, so much as asking colleagues who have become closer friends of late to move into the University. What will be lost? Not heritage, nor history, nor purpose. Many will be apprehensive. We are