

Nixon surrenders tapes to Sirica

by Wesley G. Pippert

Washington--President Nixon, beset by a crippled administration and growing demands for his impeachment, abruptly agreed Tuesday to hand the Watergate tapes over to Chief U.S. District Judge John J. Sirica.

Nixon's stunning decision to abandon his three-month battle to keep the tapes secret was announced in Sirica's hushed courtroom by White House constitutional lawyer Charles Alan Wright, who said:

"There would have been those who would have said the President was defying the law. But this President does not defy the law."

Legal sources said they believed Nixon gave up the fight to avoid a contempt of court citation. Other White House sources said the President's position was seriously damaged by Elliot L. Richardson's remarks after he resigned in protest as an attorney general.

Only a few hours earlier, the House Democratic leadership ordered an inquiry to determine whether there were sufficient grounds to start formal impeachment proceedings against the President.

House Democratic Leader Thomas P. O'Neill said the inquiry would go through, although Nixon had "dampened" any chances of eventual impeachment by the House.

In early afternoon, Wright announced Nixon had changed his mind and would produce the nine Watergate tapes and other presidential documents sought by former special prosecutor Archibald Cox. Under his ruling of Aug. 29, Sirica would inspect the tapes privately to determine which should be submitted to the federal Watergate grand juries.

Wright assured Sirica the tapes would be furnished "as expeditiously as possible...a matter of a few days."

Sirica said he was "very happy" with Nixon's decision.

The President's attorney said Nixon's compliance with Sirica's order--upheld recently by the U.S. Circuit Court of Appeals--would be "full...in all respects."

Under the appeals court's ground rules, the President could withhold any materials dealing with national defense or foreign relations, but that "all other items" must be turned over.

When the appeals court upheld Sirica, the President gave up the idea of a historic appeal of the constitutional confrontation to the Supreme Court. Instead, he proposed a compromise plan under which he would give the courts and the Senate Watergate Committee a personally written summary of the tapes,

to be verified by Sen. John C. Stennis (D-Miss.) after listening secretly to the full actual tapes.

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Former White House counsel John W. Dean III told the Senate committee last June he believed Nixon was aware of the coverup as early as Sept. 15, 1972. When the committee accidentally learned on July 16 that tapes of that Nixon-Dean meeting and other presidential conversations existed, both Cox and the committee sued Nixon in Sirica's court to obtain them.

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"We had hoped that this kind of solution would end the constitutional crisis," Wright said, referring to the compromise tapes proposal. "But events over the weekend made it very apparent that it would not."

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Even before Wright's surprise announcement, Sirica was known to have been considering the possibility of citing Nixon for contempt of court if he rejected the compromise plan the President abandoned Tuesday.

Wright--trembling with excitement--told reporters that even if Sirica had accepted the compromise, Nixon decided he must surrender the actual tapes because otherwise, he would appear to have been breaking the law.

Sirica adjourned the hearing without commenting on suggestions from the president of the American Bar Association and others that he appoint a new, independent special prosecutor for the Watergate investigation to succeed Cox.

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President Nixon, facing possible impeachment, agreed to surrender the Watergate tapes.

Defends confidentiality

Macheca denies wiretaps, undercover agents

Speaking before the Hall Presidents Council last night, Dean of Students John Macheca expressed his alarm over the great number of rumors that are circulating around campus suggesting that his office has made use of wire taps and undercover work to enforce discipline.

"These rumors are completely unfounded," asserted Macheca. "There is absolutely no place for such action as wire taps or undercover agents on this campus, and there will never be."

"The only use of the Centrex telephone system regarding disciplinary measures that I have ever heard of was to trace abusive phone calls. And those occasions were more a matter of chance than of planning," he added.

Macheca explained that most students who have committed violations request he keep their cases confidential. Because of his attempt to comply with this request he cannot release reports on individual cases.

"The problem of defending the confidentiality of the students," admitted Macheca, "is that it leads to the spreading of wild rumors."

Macheca also explained his philosophy of developmental discipline: "one in which primary consideration is given to where the young person is trying to go and how to

help him get there."

"Discipline is a problem of student growth and development," he continued. "It is not a police problem. That is why I work on it from the Office of the Dean of Students not from the Office of Campus Security. In almost all discipline problems I have tried to work closely with the hall rectors, resident assistants and anyone involved who could make responsible input."

Macheca states that one of the major problems he has faced as Dean of Students is developing a flexible system of punitive measures for dealing with violations. "When I first accepted this position there are only two alternatives: probation, which amounted to no more than a verbal warning, or one-semester suspension, which is the other extreme just short of expulsion."

"My new philosophy of disciplinary probation, which includes the removal of certain privileges held by the violator as a student, is based upon my theory that the majority of students take for granted the privileges that are given to them at this university. If a student abuses his privileges, he automatically puts himself into a position of losing those privileges."

Macheca noted as a possible alternative

to the restriction of attending athletic events, which is presently being used, the restriction of using the Irish Pub that is to be built in the La Fortune Student Center. He also pointed out that he uses disciplinary probation only in those cases involving what he considers serious offenses.

Several hall presidents at the meeting asked the Dean if he did not think it were better to make violators spend time working at Logan Center or tutoring children from South Bend than to prohibit their attendance of athletic events which are one of the few sources of social expression available to the students on campus.

Macheca answered by reaffirming his belief that it is a "growth and learning experience to be forced to realize that you have privileges that should not be taken for granted." He added that in most of the cases where a restriction of privileges has been used, the violators fully accepted the punishment as a consequence of their offense.

Macheca did admit that more alternatives are needed to deal with violators effectively and on an individual basis. "I am presently spending a great deal of time in South Bend trying to establish possible work-programs. I am also considering the

idea of temporary suspensions instead of full on-semester suspensions.

Phil Byrne, president of Alumni, suggested that a group of responsible students be organized to help the Dean "brainstorm and evaluate new alternatives." Macheca said he readily welcomes such assistance.

When questioned about the recent drug raids that his office has conducted, Macheca said he did not understand why action taken against the use of drugs and drug pushers should cause as much widespread distress as is reported. Referring to the concern that individual's rights to privacy are being infringed, the Dean assured the presidents that "no university official would enter a room unless there was very good reason to believe that a violation was being committed." As evidence of this policy Macheca pointed out that he has yet to enter a room where the suspected violation was not actually being committed.

In other business before the HPC, Chuck Cardillo announced that Keenan Hall will hold a pep rally for the USC game on Thursday at 9:30 p.m. at the old Biology Building. Tom Parise will be Master of Ceremonies. Coach Yonto, Tom Clements, Greg Collins, and Steve Niehaus will also be present.

world briefs

Miami Beach--Maritime union leaders said Tuesday their members will be ordered to boycott handling of goods and ships bound for the Soviet Union by Wednesday night or Thursday unless the Middle East fighting ends and the Arabs resume oil shipment to the United States.

Washington--Democratic and Republican Senate leaders urged their colleagues Tuesday not to hold the vice presidential nomination of Gerald Ford hostage to any controversy over Watergate.

Hong Kong--North Vietnamese peace negotiator Le Duc Tho has turned down the 1973 Nobel Peace Prize, which he shared with U.S. Secretary of State Henry Kissinger, because he said the Paris peace settlement on Vietnam has not been fully implemented, the Vietnam News Agency reported Tuesday.

Saigon--Fighting in South Vietnam hit a six-week high Tuesday with combat especially heavy along Highway 4, the "rice road" for Saigon to the Mekong Delta, the Saigon high command said.

Boulder, Colo.--Businessman Robert Lange, Sr. was ordered by a juvenile court judge Tuesday to donate \$2,000 to a local boys club as punishment for helping his nephew cheat to win the 1973 National Soap Box Derby.

on campus today

9:05 a.m.--library talk, by joyce herndon.

1:15 & 2:30 p.m.--film, "huey--one of the co-founders of the black panther party explains his life and black militant philosophy," basement of cce, also at 7:30 p.m. in the black cultural arts center, lafortune.

3 p.m.--colloquium, "Magneto striction and magneto elastic; behavior in 1-X Dy₂-x Cu₁₇ compounds (X equals 0, two-thirds, four-thirds, 2)" by A.E. Miller, room 5, engineering bldg.

3:25 p.m.--library talk, by kathy blackstead.

3:25 p.m.--lecture, "selectivity of CO₂ for various hydrocarbon systems," agit a. kulkarni, room 269, chem. engineering bldg.

3:30 p.m.--colloquium, "Nuclear material safeguards," dr. manuel a. kanter, room 303, engineering bldg.

8:15 p.m.--concert, christopher parkening, classical guitarist, washington hall, admission \$4, \$3.

9:30 p.m.--talk, digger phelps, stanford chapel.

Homecoming sales disappointing

by Ken Bradford
Staff Reporter

Tickets for the 1973 Homecoming dance are still not selling well, according to Rich Guiltinan, the co-ordinator of Homecoming events.

About 265 tickets have been sold so far, most of which were sold in ticket packages with tickets to the Southern California football game.

Guiltinan announced that he has received permission to order kegs of beer for the dance. The number of kegs to be ordered will be determined as soon as an accurate count is made of people planning to attend the dance.

Guiltinan said he "is hoping for a big pick-up in sales" by the end of the week. The tickets will be on sale until Friday afternoon and will not be sold at the door.

The biggest factor in the disappointing ticket sale is, according to Guiltinan, that "students are really confused about the dance." He stated that the dance will not be a square dance and the band playing at the dance, "Windjammer," plays a variety of rock songs.

Also, contrary to a widespread rumor, there will be no armory party during the Homecoming weekend.

Guiltinan also defended the \$6 price per couple for the dance, saying that the Student Union "will still lose money on the dance."

Gina Voll, the Student Union Social Commissioner, suggested that the slow ticket sales may be due to the fact that students were on vacation just a week before the dance.

"The students may not invite their friends down for the homecoming dance so soon after a vacation," she said.

Voll added that many other students are having their parents visit for the Southern California football game and this may be decreasing the students' interest in the dance.

The theme of the dance, "A Barn Dance," is not the predominant factor in the poor sales thus far,

Voll said. She mentioned the success of last year's homecoming dance which used the Prohibition theme.

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Pandora's Books collects impeachment petitions

by David Kaminski
Staff Reporter

Pandora's Books, located at 602 N. St. Louis Blvd. will collect petitions for the impeachment of President Richard Nixon until Sunday, October 28, when Pandora's will send the collected signatures to U.S. Senator Birch Bayh in Washington, D.C.

According to Rick Smith, manager of Pandora's, the petition is not a formal document. "It simply states that the undersigned think that President Nixon should be impeached. Anyone can take a sheet of paper and collect signatures," Smith said.

The petition can be signed at Pandora's until Sunday. Also, members of the Notre Dame community will be circulating the petitions.

Nixon's surprise decision yesterday to release the

presidential tapes to Federal Judge John Sirica, thereby heading off a confrontation with Congress and the courts, doesn't affect the petition drive.

"This new development doesn't change anything," Smith commented. "Why should it?"

Pandora's Books also helped in a petition drive last school year, then in protest of radio station WRBR-FM when the station changed its programming from progressive rock to top forty.

The group that grew out of the WRBR protest, the People for Progressive Radio, met last night with owners and managers of WRBR at the Unitarian Church in South Bend.

Smith predicted the meeting would produce a compromise, where WRBR would divide their broadcast format between top forty and progressive rock.



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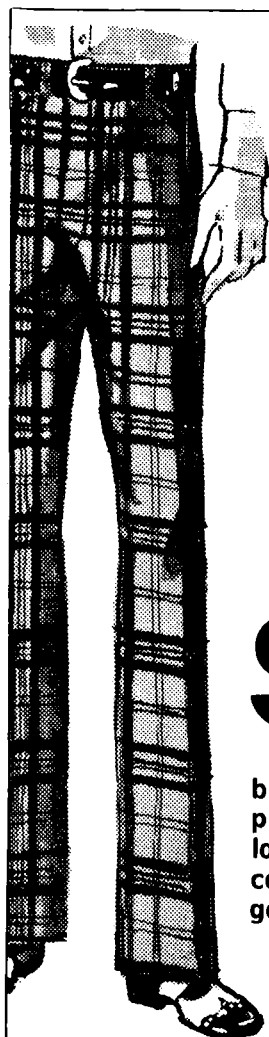
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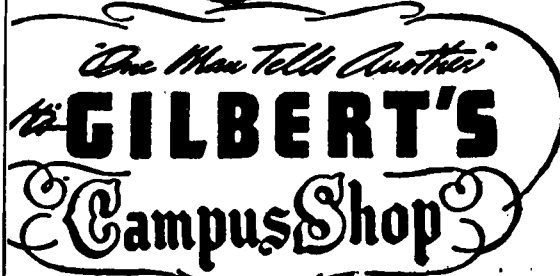
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Chance of impeachment wanes

WASHINGTON (UPI) — House Democratic leaders decided today to explore possible impeachment proceedings against President Nixon, but odds against impeachment apparently rose sharply when Nixon later agreed to turn over his secret Watergate tapes to a federal judge.

The Democratic floor leader, Rep. Thomas P. O'Neill of Massachusetts, said after Nixon's surprise decision was announced in the courtroom of Judge John J. Sirica that the preliminary impeachment inquiry should go on, but said "there's no question he's dampened" chances of impeachment by his action.

The President's decision to

give up his fight to keep his tapes secret was welcomed by many members of Congress — as well as others. On the New York Stock Exchange, the key Dow-Jones industrial average shot up 16 points after the announcement.

Under the appeals court's ground rules, the President could withhold any materials dealing with national defense or foreign relations, but that "all other items" must be turned over.

When the appeals court upheld Sirica, the President gave up the idea of a historic appeal of the constitutional confrontation to the Supreme Court. Instead, he proposed a compromise plan under which

he would give the courts and the Senate Watergate committee a personally written summary of the tapes, to be verified by Sen. John C. Stennis, D-Miss., after listening secretly to the full actual tapes.

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high level coverup of the June 17, 1972, break-in at Democratic national headquarters.

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The House Judiciary Committee was given the job of holding an inquiry into possible impeachment proceedings.

Opinions on solution to constitutional crisis differ

by Tom Kruczek
Staff Reporter

The unbelievable chain of events originating in Washington, D.C. has left the Notre Dame community with differing opinions concerning the constitutional crisis created by the Watergate investigation.

As members of the house and senate, as well as authorities from this university, were calling for impeachment proceedings to be initiated against President Nixon, the chief executive made an about-face and decided to release the controversial Watergate tapes to Court of Appeals Judge John Sirica to stem the rising tide of national unrest within the country.

This decision left the house and senate members with deep thinking to do on the eve of the day when impeachment proceedings were sent to the Judiciary Committee for consideration.

Speculating on what the congress would do about the President's earlier refusal to hand the tapes over to the court, Howard Goldstein, director of the Center for Civil Rights stated, "The president's conduct in a number of areas such as Watergate, his financial transactions, his tax returns, the financing of his San Clemente White House as well as the dismissal of Archibald Cox and the resignation of the attorney

general (Elliot Richardson) calls for a sweeping inquiry. This inquiry should be in regards to the question, is the president above the law, and if he is then the country is in a serious situation." Speaking prior to Nixon's release of the tapes Glickstein added that "His actions have merited the initiation of impeachment proceedings within the House of Representatives."

When informed later in the day as to the President's actions, Glickstein reiterated that the President's conduct in Watergate and his delay tactics with the tapes along with he dismissal of Cox and his broken commitments to Congress, still warrant the impeachment proceedings.

Father Theodore Hesburgh, president of the university, was more cautious in his approach to the prospective impeachment proceedings. "The situation at the present time is extremely fluid and I think that we should wait and see what will happen in the next weeks. Right now here is some unfinished business that must be attended to. An independent special prosecutor must be named to carry on the Watergate investigation." Hesburgh added that Nixon "may be off the hook for the moment," in referring to the impeachment proceedings.

The next move in the investigation into the Watergate burglary and break-in will be up to

Judge John Sirica after he will be presented with the tapes of presidential conversations. As Hesburgh stated, the next few weeks will be extremely crucial to Nixon's fate in office.

THE OBSERVER

Impeachment views

Wednesday, October 24, 1973

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Richardson endorsed efforts to secure tapes

By MIKE FEINSILBER

WASHINGTON (UPI) — Elliot L. Richardson Tuesday endorsed prosecution efforts to secure the White House Watergate tapes, but declined to advocate or oppose impeachment of President Nixon for firing special prosecutor Archibald Cox.

The former attorney general, who resigned Saturday rather than carry out Nixon's order to discharge Cox, told a nationally televised news conference that the American people must decide whether Nixon should remain in office.

"On the fairness with which you do so may well rest the future well-being and security of our beloved country," he said, looking into the television cameras that faced him in the Justice Department Great Hall.

For two minutes, he was prevented from speaking by applause and cheers from

Justice Department employees who served under Richardson for his five months' tenure there. His wife, Anne, at his side, beamed.

Richardson wholeheartedly defended Cox, whose refusal to accept Nixon's compromise on the issue of access to the Watergate tapes and other White House documents led to his firing Saturday night and demands in Congress that Nixon be removed from office.

"I would have done what he has done," Richardson said.

At the same time, he declined to call Nixon's action a violation of a court order. Richardson rejected the view, which he said he found in the White House and among Republicans elsewhere, that Cox was out "to get Richard Nixon."

He called Cox "true, sincere, genuine" in his desire to

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Despite international tempests, students enjoy smooth sailing on St. Joseph's Lake

Byzantine rite activated at N.D.

by Jane Thornton
Staff Reporter

"There's no way a Byzantine priest can serve a liturgy by himself," says Fr. Robert Kerby, the only Byzantine Melkite priest between Akron and Chicago. "He must have a congregation. Thus, organization of Byzantine liturgy means organization of a community who will sustain the liturgy."

Assistant History Professor Kerby and Fr. Andrew Ciferni, assistant rector of Holy Cross Hall, invite all students interested in a regular or occasional celebration of the Eucharist in the Eastern rite to attend an organizational meeting Thursday, October 25, at 7:30 p.m. in the Halfway House of Holy Cross Hall.

Other students "wishing to broaden their perspective in regard to other Christian traditions of liturgy and church life" are also welcome, Ciferni said.

In a recent interview, Kerby elaborated on the differences between the Byzantine and Roman rites, and his efforts and the difficulties encountered in activating the Byzantine rite on campus.

Kerby received both a B.A. and M.A. from Notre Dame in History and American History, respectively, and a Ph.D. in American History and British History from Columbia University. He specializes in nineteenth century U.S. political history. He has studied at Fordham, Union, St. Joe's, St. Basile's and was ordained in Cairo. Publications include *The CONFEDERATE Invasion of New Mexico* and *Kerby Smith's Confederacy*.

The Melkite clergyman asserted

that most "Roman Catholics are probably scared of the different Byzantine liturgy. 'When I say the Roman Mass, it's very different and strange. I'm not saying that one liturgy is better than another.' He claims this fear to worship in another rite shows 'A lack of appreciation of how catholic the Catholic church is.'"

What are the differences between the Byzantine and Latin rites?

"First of all, nobody in his right mind preaches a rite," cautioned Kerby. "What we do is preach the gospel, that the Incarnation is a reality and Jesus did enter into our lives. It can be expressed in different ways."

Cultures created the different ritual strains. Since the Latin rite emerged in a petrate society, the Latin celebrant says Mass by reading the "Big Red Book", as Kerby termed it. The Byzantine rite, on the other hand, arose in an illiterate society and the readings are rare, and the liturgy tends to be poetical and repetitive, rather than didactic.

The rough Frankish era bred the plain and simple Roman liturgy, Kerby claims the Byzantine imperial liturgy has one thing the western rite lacks, "urban grandeur which can be very important for urban people who lack a sense of grandeur."

Kerby maintains the Byzantine liturgy is highly structured and loosely structured at the same time, terming it "an ornately ritualized dialogue. The name of every person there is mentioned, so familiarity is built into the ritual. We don't make a sharp distinction between layman and priest. People never show on time and walk around during the service," he said.

Observer Insight

Contrasting the experimental Roman liturgies with the traditional Byzantine liturgy, Kerby declared "as long as we (Byzantines) do the liturgy in the context of liturgy, the freedom is not as terrifying as in the Roman liturgy."

During the innovative Roman Catholic liturgy, he charged that, "No one but the priest knows what's going on. We find freedom of expression within our ritual because we don't worry about what's coming next."

Eschatology, or the theology of the afterlife, presents another area where the rites differ. Kerby pointed out that the "Latin liturgy looks forward to the coming of the Kingdom, while the Byzantine liturgy celebrates the presence of the kingdom on earth."

Kerby's efforts last year included occasional liturgies in various halls during which he said he felt he was "putting on a show

rather than celebrating the liturgy to give thanks." Kerby and Ciferni felt the 40-45 persons attending the Lenten liturgy at Holy Cross Hall warranted attempting a weekly liturgy and, thus, this Thursday evening's meeting.

The Melkite priest cited organization of a community and the formation of a liturgy acceptable to all Eastern rites as the main obstacles he has encountered in activating the Eastern tradition on campus.

"No priest," Kerby emphasized, "can really represent the tradition by himself. If he is to be represented on this campus, he must be represented by a community and the priest is one member of this community. Rather than putting it on as a show, we're taking time to gather people from different backgrounds to form a community."

Kerby feels there are sufficient

campus Melkites, Ukrainians and Maronites, among others, to create a community.

The second problem Kerby notes is finding a liturgy to serve the more than 12 Eastern rites. Most Eastern rite Notre Dame students are Maronite in the Syriac liturgical tradition, not the Byzantine tradition. Although Kerby has the Syriac liturgy of St. John, it is not the Maronite version. He expressed hope that tomorrow's meeting will determine who wants what.

"To get the Byzantine liturgy started on campus involves work," Kerby stressed, "Liturgy is defined as the work of the people."

Characterizing liturgy as the celebration by and the possession of the church, he noted "We (the community) are disinclined to make changes in its structure." He maintained that liturgy belongs to the historical church, i.e. the time, space and community of the past, as well as the modern church. Thus the commitment to the liturgy is to be taken seriously.

Boyle found mentally competent in murder

WASHINGTON (UPI) —Former United Mine Workers President W.A. "Tony" Boyle was declared mentally competent Tuesday to stand trial on charges he conspired to murder his union rival, Joseph A. Yablonski.

A government psychiatric report, which was not contested by Boyle's attorney, said, however, there "is a definite possibility that Mr. Boyle might attempt suicide in the future."

Boyle, 71, has been hospitalized since Sept. 24 after taking an overdose of barbiturates.

He had been scheduled to appear in court the next day for a hearing on extraditing him to Pittsburgh where a federal grand jury indicted him in the slaying of Yablonski, his wife, and daughter.

U.S. Magistrate Arthur Burnett

rescheduled the hearing for Nov. 9. It had previously been reset for Wednesday.

Boyle's attorney, Charles Moses, told Burnett that Boyle would not contest the government proceeding to have him transferred to Pittsburgh for arraignment.

(continued on page 7)

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Indiana Bell

Classical guitarist at Washington Hall

Parkening to perform this evening

by Christopher Manion

Wednesday night Christopher Parkening, classical guitarist, comes to Notre Dame. At the age of 25, Parkening has already stunned critics from Tokyo to Madrid; he is the highest-selling artist on Capitol records classical label, Angel, and a full Professor of Music at the University of Southern California.

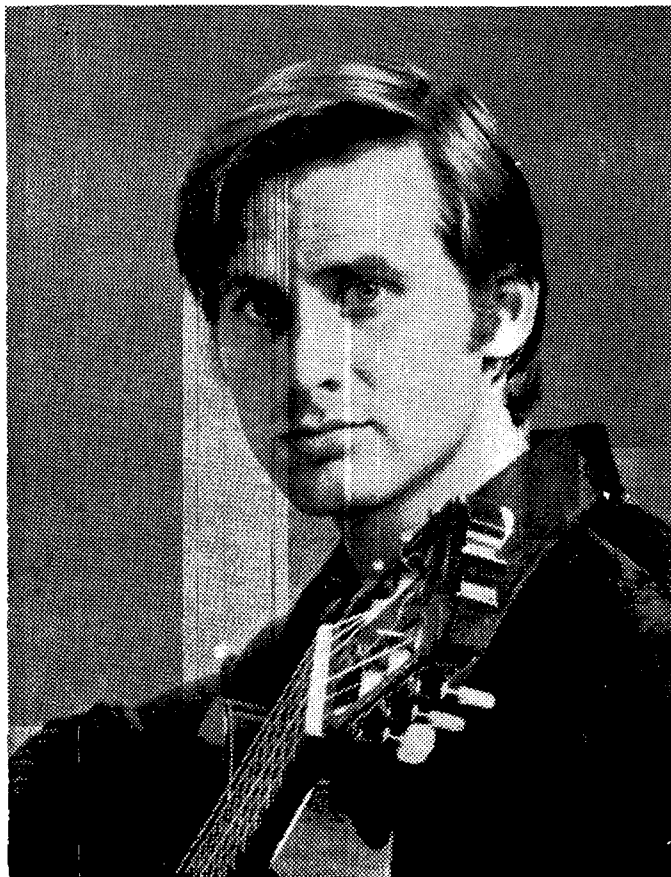
Parkening began his studies on the guitar at the age of eleven—an age considered to be quite late for a classical performer. He took the guitar as a challenge, and, for the most part, taught himself until Andres Segovia, the greatest master of this instrument in the world, invited him to his classes, first as a student, and then as a judge, all before Parkening was out of college. For the last five years he has been touring the world with Columbia Artists.

This past month, on nationwide TV, the Boston Pops Orchestra members gave him a standing ovation. He has been invited to record Rodrigo's guitar concerto with the London Symphony Orchestra, Eugene Ormandy conducting, this coming summer.

The classical guitar is considered the ultimate in the many applications of the guitar in the contemporary world. Segovia began years ago to bring the guitar back to its place as a respected instrument with its own repertoire and technique; this standard had been developed centuries ago, in Spain and Italy, by such greats as Carcassi, Sor, and Carulli.

Parkening's concert amply represents these contributions as well as his own: he has transcribed several impressionistic pieces for his next album, pieces by Ravel, Debussy, and Poulenc. In every way he seems destined to be one of the most acclaimed artists in the world.

In addition to his musical talents, Parkening has managed to win various national championships in his favorite sport, fly-fishing. He is an accomplished sportsman, an avid USC fan, and raises Arabian horses on his ranch in the Idaho mountains. Student tickets are a bargain three dollars, and are still available at the music department; remaining tickets will be available at the door of Washington Hall. The concert begins at 8:00 p.m.



Parkening: Studied under Segovia

Student government tackles drug problem

by Kit Barron
Staff Reporter

Just what is the Student Government doing about the drug and dope situation on campus? While the students voice criticism of government's lack of response to the drug-dope issue, Student Body President Dennis Etienne is quick to affirm the corrective action being taken to alleviate the problem.

In an interview yesterday afternoon H-Man confirmed the Student's Government's concern about the drugs on campus. "We have not been negligent in taking a stand," stated H-Man, "However, our main concern is to protect the rights of the students involved and the students at large. I have not yet been presented with any evidence of wire tapings or any other unethical practices going on."

H-Man suggested that the student body's skeptical attitude towards student government's involvement with this issue could be attributed to the student

government's failure to publicize "every move we make."

Firmly opposed to hard drugs and drug dealing, Provost Greg Smith and Administrative Assistant Jim Roe reiterated the harsh consequences of drugs violations. Members of the Student Government have discussed the issue with Dean of Students John Macheca, President of the SLC Dr. Phillip Faccenda, and other concerned students.

"We see the university's dilemma," stated Jim Roe, "and recognize the action the administration must take to preserve the welfare of the university. Even though the dope problem is in a great deal of flux, we must protect the students' rights and can't deny the individual circumstances."

For many of the same reasons the university refuses to condone the use of marijuana, the Student Government does not condone the use of dope. "But, not condoning marijuana does not mean that the student government condemns it," said Etienne.

Health professions speech

Representatives of four major health professions will present an introduction to their respective professions tonight at 7:30 in Galvin Life Sciences Auditorium.

Practitioners of podiatric medicine, optometry,

osteopathic medicine, internal medicine as well as a fourth year medical student will discuss their fields. Upon the conclusion of the evening's program, the participants will hold an informal question and answer session.

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THE OBSERVER

AN INDEPENDENT STUDENT NEWSPAPER

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John Kloos
Advertising Manager

Wednesday, October 24, 1973

The Tho Rejection

Politica aside, one can not help but admire the candor and integrity of Le Duc Tho in refusing the Nobel Peace Prize for his work in negotiating the Paris peace agreement.

In refusing the Nobel Prize, Tho pointed out that it would be absurd for him to accept a peace prize when there was no peace, and indicated that he would consider the award only when there was a real peace in Vietnam.

Two members of the Nobel Prize committee felt compelled to resign because they felt the choice of Kissinger and Tho was inappropriate; there is no peace in Vietnam today. To dignify the fighting which has never really let up since the Paris Agreement by awarding the Nobel Peace Prize to the people who negotiated that arrangement will not help world peace.

Certainly Tho and Henry Kissinger worked hard in order to arrange the peace agreement, but its only real effect seems to have been to remove the men of the United States from the war. The hostilities continue with the United States backing the South Vietnamese, who are fighting our old enemies.

More than merely pointing out a poor choice by the committee, Tho's rejection

of the award raises the question of why Henry Kissinger did not feel compelled to reject his Nobel Prize. Tho pointed out that there was no peace in Vietnam, a fact which Kissinger certainly knew when he accepted the award.

A peace that is a peace only on paper is not worthy of the Nobel Peace Prize; a refusal of the Peace Prize by Kissinger would have helped awaken people to the fact that the peace is not a real peace. Kissinger would have made a far greater contribution to a real peace by echoing Tho's condition for acceptance: "When the Paris agreement on Vietnam is respected, guns are silent, and peace is really restored in South Vietnam, I will consider the acceptance."

Dan Barrett

the observer

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'HALF!!'

doonesbury



garry trudeau

Opinion

One Day In October

greg aiello

Four years later, another Senior year, and baseball magic is loose again in New York. The God of Almighty Victory hovers over northeast shores and the dread city becomes a festive place. The Mets are at it again and who said religion was dead?

(I sit in front of the TV with a New York Times and watch the world turn.)

The Mets take the field and this is it--one game with the Reds for the National League Pennant. If the Reds win is it another victory for evil Communism (Rose attacks Harrelson at second base)? That baby-faced All-American Tom Terrific Seaver, who four years ago said, "If the Mets can win the World Series, why can't we have peace in Vietnam?", takes the mound. He doesn't look sharp. The enemy attacks and is about to score, but Seaver works out of it.

(Israeli jets attacked Damascus today, causing many civilian casualties and heavily damaging the Soviet cultural center. Official sources said that about 100 civilians had been killed or wounded in the raid, which was carried out by six Israeli Phantom jets. Among the dead were a Norwegian member of the United Nations Truce Supervision Organization, his wife and child and the wife of an Indian attached to the United Nations Food and Agriculture Organization.)

Singles by Millan and Jones. The anemic Mets threaten. And Ed Kranepool, the original, substituting for Staub, singles in two runs. 2-0 Mets. 55,000 cheer.

(A subsidized system of surveillance cameras and holdup alarms for 3,600 stores on major shopping thoroughfares is being set up by the Police Department to protect the city's shopkeepers from robbery.)

The Reds go down in the second one, two, three. 55,000 cheer and throw eggs at Pete Rose.

(An elderly man was stabbed to death in a subway car yesterday afternoon on an A train on the IND subway line in downtown Manhattan after he had engaged in a long argument with another passenger.)

The Mets are retired in order after a News Bulletin in which Edwin Newman announces the resignation of Vice President Agnew. Immediately after resigning Agnew pleaded no contest to one count of tax evasion and was fined \$10,000 and put on three years of probation. Spiro Agnew, that pompous paragon of Nixonism, bites the dust, a common crook. Millions cheer.

The Red third produces a run on Morgan's double, Jones' error, and Dreisen's sacrifice fly. 2-1 Mets. Suspense heightens. The Mets fail again in their half of the hird. The sun shines and the sky is quiet on this special day. Mayor Lindsay arranged for all LaGuardia jets to be diverted from their normal passage over Shea Stadium. What cannot be accomplished to please the God of Almighty Victory?

(Rome--When 75-year-old Rodolfo Macone went to the social security office, he was told: "You died last August. No pension for you." Officials said he would receive no money until he presented a notarized document certifying he was still alive.)

The Reds threaten again in the fourth, but Seaver works out of it again. He's not sharp. The Mets get two on in their fourth but don't score. In the Red fifth that menace, Pete Rose, doubles and then scores on Perez's single. The signs around Shea say, "Rose is a pansy" "Rose is a weed.... This Rose smells." The game is half over, the score is 2-2, the rope tightens.

(Buenos Aires--A labor leader was shot to death today in the resort city of Mar Del Plata. It was the fourth assassination since the return to power of Juan D. Peron.)

Garrett doubles to open the Met fifth. Thousands scream, "Let's Go Mets." Millan bunts, everyone safe. Jones doubles, scoring Garrett. Gullet comes in to pitch. Milner walks. Carroll comes in to pitch. Then Willie Mays, that blast from the past, drags his old body to the plate and pounds the ball into the ground about eight feet up the third base line and the Reds blow the whole thing out of respect for the great Willie. The Mets then bleed a few more hits, push across four runs altogether, and now hold a 6-2 lead. The fortune wheel is finding its mark.

(Aiken, S.C.--A class ring accidentally dropped in a toilet bowl here 15 years ago has turned up four blocks away, in a second-story toilet bowl.)

The Reds fail in their half of the sixth, while the Mets add another run in their sixth. Seaver doubles and Jones singles him in. Rose singles in the seventh but Seaver gets out of it. Met fans can feel it coming. It's building and soon it will come. Jim Simpson and Maury Wills feel it too.

(Baltimore--A grand jury has charged a teen-ager with murder in the death of a 75-year-old woman who committed suicide three months after she was raped.)

The Mets are retired in the seventh, but that's not important with their five run lead. Now here comes the Red eighth. One, two, three and one inning remains between the Mets and a Pennant. The fans are working their way down towards the field in preparation for the celebration. The Mets are out in the eighth.

(President Nixon, in a patriotic appeal for the "united action of all Americans," urged householders today to lower their thermostat setting by four degrees to help get the country through an oil-short winter.)

Three outs to go. The fans are spilling onto the field. Geronimo lines out, Stahl singles. The fans are getting crazier and there is an emergency evacuation of the Cincinnati women and children to the underground clubhouse. Hal King walks, then Rose walks. McGraw replaces Seaver for the Mets. The game is stopped so the fans can be cleared off the walls and railings. Morgan pops to Harrelson, two down, 55,000 cheer. Some of the Reds in the dugout grab bats in case Met fans decide to attack Pete Rose. Then Dreisen grounds out, Milner to McGraw, and there it is, the Mets win the Pennant, the Mets win the Pennant, the Mets win the Pennant!!!

(Detectives said yesterday that they had several leads in the stabbing and sexual mutilation murder of an 83-year-old grandmother who lived alone in a three-room apartment on what was considered a quiet, safe block in Queens.)

Chronology of Watergate

By JANE DENISON
WASHINGTON (UPI) —In mid-July, the Senate Watergate hearings were wallowing. John W. Dean III already had stunned the committee, press and public with allegations of high-level wrongdoing. John Ehrlichman and H.R. Haldeman were yet to come.

On Thursday, July 16 a handsome, nervous, and seemingly unlikely witness, Federal Aviation Administrator Alexander P. Butterfield, seated himself at the witness table. What Butterfield told the committee sharply changed the course of Richard Nixon's administration and perhaps

that of American history, for Butterfield disclosed the existence of Nixon's secret tapes.

Butterfield, a former director of administration for the President, said two of Nixon's offices and four of his telephones had been equipped for more than two years with listening devices to record his conversations "for posterity." The work had been done by the Secret Service on Nixon's orders.

Nixon, ill at Bethesda Naval Hospital with pneumonia, immediately ordered that no Secret Service agent should testify "concerning matters observed or learned while performing protective func-

tions" for the White House. The battle of the tapes had begun.

Reaction to Butterfield's bombshell testimony was first stunned disbelief, then swift official action. The tapes would prove who was telling the truth. Within the next two days, both the Senate Watergate Committee and Special Prosecutor Archibald Cox wrote Nixon asking for his tapes.

Nixon declined July 23. Prof. Charles Alan Wright, a constitutional expert hurriedly hired by Nixon, wrote Cox that to surrender the tapes would cause "serious and lasting hurt" to the essential confidentiality of the presidency. Nixon wrote Sen. Sam J. Ervin

N.C., chairman of the Watergate Committee, the same day to say the tapes would "inevitably" be misinterpreted and must remain confidential.

"Accordingly, the tapes, which have been under my sole personal control, will remain so," Nixon wrote Ervin. "None has been transcribed or made public and none will be."

Cox and the committee sent Nixon subpoenas for the tapes and related documents that very afternoon—the first time in 166 years that subpoenas had been served on a sitting president. The committee sought the tapes of five Nixon conversations with Dean about the bugging scandal. Cox demanded nine tapes involving Dean, Haldeman, Ehrlichman and other top Nixon aides.

Nixon refused to comply with the subpoenas July 26: "I cannot and will not consent to giving any investigatory body private presidential papers," he wrote Ervin.

Undaunted, Cox filed suit in U.S. District Court that afternoon. Responding Aug. 7, the White House said that to surrender the tapes would cause "severe and irreparable" damage to the presidency because "no longer could a president speak in confidence with his close advisers on any subject" if such a precedent were set.

The Ervin Committee waited to see the White House response to Cox before filing its own suit. When it did, on Aug. 9, it had additional ammunition—that Nixon had already waived any claim to secrecy because he had let Haldeman listen to two of them, one after he had left as White House chief of staff April 30.

Haldeman volunteered that information when he testified before the committee July 30—a revelation that prompted outraged howls from Ervin, who accused Nixon of "leaking" a favorable version through hearsay while hiding the real evidence.

Cox, the committee and the White House fired legal briefs at each other through most of August—Cox and the committee contending the tapes were "essential" evidence for their investigations; the White House insisting no president could function if his confidentiality were eroded.

On Aug. 14, the Gallup poll reported that only 31 per cent of those polled approved of the way Nixon was doing his job—the lowest ebb for any president in 20 years. The next day, Nixon made a nationwide address to accept "full responsibility" for the abuses in his administration and his reelection campaign. But he denied any complicity and said again he would never surrender the tapes because of the principle of confidentiality.

"I must and shall oppose any efforts to destroy this principle ...," he said.

Chief U.S. District Judge John J. Sirica heard oral arguments in the Cox suit Aug. 22 in the same Ceremonial Courtroom where the trial of the original Watergate Seven had begun nearly eight months before.

His decision, rendered exactly one week later, was precedent shattering: He ordered Nixon to turn the tapes over to him for review and he would decide which portions, if

any, should go to the grand jury.

Nixon's arguments of absolute executive privilege, Sirica said, tended to "set the White House apart as a fourth branch of government." Nixon promptly appealed. So did Cox, arguing that the tapes should go directly to the grand jury without Sirica's screening.

The U.S. Circuit Court of Appeals for the District of Columbia heard oral argument in the three-way suit Sept. 11 and two days later issued a "memorandum" suggesting that Cox and the White House try to negotiate an out-of-court settlement. Both sides reported Sept. 20 that "sincere efforts" at compromise had collapsed.

Forced then to face up to deciding the issue, the appeal court Oct. 12 upheld Sirica. In a 5-2 decision with two Nixon appointees dissenting, the court said Nixon must surrender the tapes for Sirica's inspection—but modified his order to set down elaborate guidelines about how the screening should be done and permitting Nixon to withhold state secrets.

Nixon's assertions of an absolute right to keep anything he chooses secret, said the court, "are invitations to refashion the Constitution, and we reject them." It gave Nixon until Oct. 19 to appeal to the Supreme Court.

Everyone—including, apparently, the President—expected this would be done. But the final act of the drama took a new turn in the following week.

Prompted by a growing White House belief that Cox had become "intolerable," Nixon decided to try the compromise road again. He suggested having Sen. John Stennis, D-Miss., "authenticate" summaries of the tapes for both Cox and the committee.

Ervin and Watergate Committee Vice Chairman Howard H. Baker Jr. bought the idea. So did Stennis. So did Attorney General Elliot L. Richardson in principle. But not Cox.

The President plunged ahead issuing a statement Friday night, Oct. 19, saying "compromise" had been reached with the Ervin Committee and ordering Cox not to carry his quest for presidential tapes and papers any further.

Cox vowed to fight on, stating his position at a 1 p.m. press conference Saturday, Oct. 20. At 8:23 p.m. that night, presidential press secretary Ronald L. Ziegler strode grimly to the podium in the White House press room to announce that Cox had been fired, that Richardson had quit and that Deputy Attorney General William D. Ruckelshaus had been "discharged" of further duties for refusing to go along with Nixon's plan.

The clamor for impeachment began almost immediately building to a crescendo over the long Veterans Day weekend. At noon Tuesday, Oct. 23, Nixon decided to abandon his fight to keep the tapes secret, at 1 p.m. Wright told Sirica the President would "comply in all respects" with the court orders.

Cox, now gone, had won. Ironically, the Senate committee had lost. The White House said the "Stennis Compromise" was now dead and that it would fight to uphold Sirica's Oct. 17 ruling tossing out the committee's suit for the secret tapes. It was July all over again.

Wall Street reacts favorably to Pres. Nixon's decision

NEW YORK (UPI) —President Nixon's decision to abide by a Federal court's order to release his Watergate tapes for judicial inspection spun the stock market around dramatically Tuesday.

The President's decision was

welcome news to Wall Street, depressed in recent sessions by news developments, with the President's heretofore determined stand on the tapes by far the most influential factor.

Then around 2:30 p.m. the news wires hummed with the

announcement by White House constitutional attorney Charles Alan Wright that the President would surrender the tapes as ordered by U.S. District Judge John J. Sirica.

With the news, the Dow Jones industrial average of 30 blue-chip issues—in minus territory up until then—swiftly moved into the plus column and within minutes had risen more than 12 points.

Turnover also accelerated and at one point the market's ticker tape was three minutes behind actual floor trading because of the hectic trading pace.

However, the spurt lost steam and by the market's closing time of 3:30 p.m. the Dow sported a gain only of 5.94 points.

Despite the market's sudden surge, declining issues retained their session-long lead over advances, with the close showing 740 issues on the downside against 686 on the upside.

Volume for the day totaled 17,230,000 shares, with more than 7,300,000 shares traded between 2 p.m. and 3.30 p.m.

Memorial exhibit honoring Kenna to open Sunday

A memorial exhibition honoring the late Rev. Howard J. Kenna, C.S.C., Indiana provincial of the Holy Cross Order, will open Sunday, October 28, in the Art Gallery. Father Kenna died September 13 in South Bend after serving 11 years as provincial.

Two benefactors of the Notre Dame gallery, Mr. and Mrs. James Griffin of New York City, proposed a special gift honoring the former provincial who relinquished his duties last summer. The gift included Josef Albers' recent portfolio of 66 silkscreens, "Formulation-Articulation."

Sewell Sillman, well-known lecturer, critic and publisher, will attend the opening of the memorial exhibition and present a talk on Albers' works. He is the publisher of Albers' "homage to the Square" and "interaction of Color," as well as portfolios of the works of Piet Mondrian, Walker Evans and Ad Reinhardt.

The public is invited to attend the exhibition opening and Sillman's talk at 3 p.m. Refreshments will be served.

Notre Dame receives \$270,000 in awards

Notre Dame has accepted \$270,687 in awards for the month of September to support individual faculty research projects as well as for facilities, equipment, and special educational and service programs.

Awards for research totaled \$240,572 and included:

—\$71,815 from the National Institutes of Health (NIH) for a study of the intermediary metabolism of parasitic roundworms and flatworms, by Dr. Howard J. Saz, professor of biology.

—\$59,104 from the U.S. Army for the development of germfree hamsters as a biomedical resource, by Dr. Morris Pollard, chairman of the Department of Microbiology and director of the Lobund Laboratory.

—\$50,742 from the U.S. Navy Office of naval research for deep sea engineering research, administered by Dr. Edward Jerger, associate dean of the College of Engineering.

—\$49,916 from NIH for a study of the response of germfree animals to specified microbial floras, by Dr. Morris Wagner, professor of microbiology.

\$8,995 from the U.S. Department of Commerce for analysis of photographs of the Union City, Okla., tornado, by Dr. Bruce J. Morgan, assistant professor of civil engineering.

Awards for facilities and equipment totaled \$2,000 and included the \$2,000 grant-in-aid from Leo Michuda and Son to William Cerny, chairman, department of music.

Awards for special educational programs totaled \$25,415 and included:

—\$5,000 from the Proctor and Gamble Fund as a grant-in-aid to the University administration.

—\$5,000 from the Proctor and Gamble Fund as a grant-in-aid to Dr. Julius T. Banchemo, chairman, department of chemical engineering.

—\$5,000 from Donald T. McNeill as a grant-in-aid to Rev. Donald P. McNeill, C.S.C., assistant professor of theology.

—\$3,000 from an anonymous donor for the Frank Sullivan Freshman Year Award, administered by Dr. Emil T. Hoffman, dean of the Freshman Year of Studies.

—\$2,500 from the Proctor and Gamble Fund as a grant-in-aid to Dr. Thomas T. Murphy, dean of the College of Business Administration.

—\$2,500 from the Proctor and Gamble Fund as a grant-in-aid to Dr. Yasaku Furuhashi, chairman, department of marketing.

—\$2,415 from Keith Y.S. Kwok to support a tuition scholarship administered by Patrick Horsburgh, professor of architecture.

The University also received \$2,500 from the Small Business Administration for a service program of counseling and technical assistance to small business concerns. The project is administered by Dr. Frederick W. Dow, Hayes-Healy professor of travel management, and Dr. Francis A. Yeandel, assistant dean of the College of Business Administration.

Boyle to be tried for murder rap

(continued from page 4)

"We do not intend, at this time, to dispute the indictment proceeding that has been filed against him," Moses said.

Under Monday's court action, Boyle is to continue to be confined to George Washington University Hospital, in custody of U.S. marshals until the Nov. 9 hearing, at which time he is to appear in court.

Boyle is to be examined again by a government psychiatrist before that date.

Both Moses and Malone stipulated Boyle's competency to stand trial.

Moses said he talked with Boyle about the procedures. "He said that it was fine," Moses told the court.

Soviets, Chinese exchange shouts

By BRUCE W. NUNN

UNITED NATIONS (UPI)—A new Soviet-American resolution calling for restoration of the Middle East cease-fire brought a shouting match between Soviet and Chinese delegates Tuesday and resulted in a brief suspension of an emergency Security Council meeting.

The United States and the Soviet Union patched up earlier difficulties and agreed on a resolution asking both sides in the Middle East to return to the positions they held when the short-lived Monday truce went into effect. It also called for dispatch of U.N. observers to oversee the truce.

Soviet Ambassador Yakov A. Malik asked for an immediate vote on the measure at the session called by Egypt to protest Israeli "aggression." But Chinese Deputy Foreign Minister Chiao Kuan-hua insisted upon speaking first.

Malik broke in on Chiao, making the point of order that his request for an immediate vote took precedence. Chiao said he had not interrupted Malik when he spoke and begged the Russian to keep quiet for the Chinese speech.

Repeated appeals for order by Sir Laurence McIntyre of Australia, president of the Security Council, were unsuccessful. Malik and Chiao continued to shout at the same time with other delegates clamoring to get into the verbal donnybrook.

McIntyre banged his gavel and declared the meeting was suspended for 10 minutes. The council reconvened at 5:33 p.m.

Delegates of the 15 member countries, their deputies and advisers and diplomats from other countries who occupy VIP seats around the council room poured onto the floor surrounding

McIntyre and arguing their points in a parliamentary bedlam.

Earlier the common front between the United States and the Soviet Union had broken down temporarily Tuesday over a proposed hardline Russian resolution demanding Israel return to the lines of the original cease-fire, which collapsed scarcely 12 hours after it went into effect Monday night.

The disagreement delayed the Security Council meeting called to discuss the resumption of hostilities between Israel and its Arab neighbors. The United States and the Soviet Union agreed during the weekend on a joint resolution adopted by the Security Council on a cease-fire, beginning at 6:50 p.m. Monday.

The disagreement was over a new resolution to be presented to the council after Egyptian Ambassador A. Esmat Abdel Meguid telephoned McIntyre at 7:30 a.m. to charge Israeli violation of the

cease-fire and to request an urgent meeting.

McIntyre called the meeting for noon, but prolonged private negotiations in an effort to work out a second Soviet-American resolution, paralleling the cease-fire measure adopted early Monday, caused postponement of the meeting until 4 p.m.

Diplomatic sources said the United States balked at co-sponsoring the resolution, which in its drafting stages, called for withdrawal of both sides to positions they held when Monday's cease-fire originally went into effect.

The United States canceled its usual daily news briefing and U.S. sources were not immediately available for comment on the diplomatic reports.

Diplomatic sources said Soviet Ambassador Yakov A. Malik was pushing a three-part resolution which:

--Reaffirms the cease-fire ordered by the council and calls for its immediate respect.

--Demands that military forces withdraw immediately to positions they held Monday, when the cease-fire, accepted by Israel, Egypt and Jordan, rejected by Iraq and ignored by Syria, was to have become effective.

--Calls for arrangements for policing the cease-fire. Although diplomatic sources said the United States opposed the second part of the measure, even more time was occupied in discussing arrangements for policing the truce.

Nobel Prizes announced

By PHILIP M. STONE

STOCKHOLM (UPI) — A Japanese and an American working for U.S. corporations Tuesday shared the 1973 Nobel Prize for physics with a Briton for their theories advancing the world of miniature electronics.

A German and an Englishman shared the Chemistry prize for work that could help solve automobile exhaust pollution. But a Swedish Academy professor said their theories had not yet any practical use.

In Hanoi, the North Vietnamese news agency said Le Duc Tho, the co-winner of this year's Peace Prize for ending the Vietnamese war, announced he would not accept the award because the peace settlement

has not been effective. Secretary of State Henry Kissinger, the principal U.S. negotiator at the peace talks, was the other winner.

Ivar Giaever, 44, born in Norway but now a U.S. citizen working for General Electric in New York, and Leo Esaki, 48, a Japanese working for International Business Machines in New York, share one-half of the \$122,000 Nobel prize for their discoveries regarding tunneling phenomena in solids, particularly their work in semiconductors and superconductors.

Brian Josephson, 33, of Cambridge University, won the rest of the prize for his theoretical predictions of the properties of supercurrent through a tunnel barrier,

particularly phenomena called, "Josephson Effects."

The Academy, describing the chemistry prize as one in "chemistry for chemists," made the award to Ernst Fischer, 55, of the Technical University of Munich, and Geoffrey Wilkinson, 52, of the University of London, "for their pioneering work, performed independently, on the chemistry of the organometallic so-called sandwich compounds." They share a \$122,000 dollar-prize.

Academy Professor Gunnar Brusewitz said the chemistry winners' study investigated how organic and metallic atoms can merge, although there was not yet any practical use for the method.

But, he said, "It may mean that the present lead in gasoline can be replaced with less dangerous metallic ingredients, creating less risks of exhaust pollution in large cities."

The winners were to receive their cash awards, diplomas and gold medals in a special ceremony Dec. 10 from King Carl XVI Gustaf.

Tapes sought to prove validity of stories

NEW YORK (UPI)—Lawyers for John N. Mitchell and Maurice H. Stans said Tuesday that the tape recording they want from the White House involves a conversation between the President and John W. Dean III about whether the President's brother Edward was involved in the \$200,000 Vesco campaign contribution.

As the trial of the two former cabinet officers was postponed until Jan. 7 because of the tape dispute, Assistant U.S. Atty. John Wing said he expected "some word from the White House" about the tape within two weeks.

The defense asked for the tape to try and discredit the testimony of Dean, former White House counsel and a chief prosecution witness.

U.S. District Court Judge Lee Gagliardi ruled last week that Dean may be barred from testifying unless Nixon releases the tape. Federal prosecutors, who have said that Dean's testimony is crucial to their case, requested the delay, granted by Gagliardi Tuesday.

Dean has testified before the Senate Watergate committee that he told the President Edward Nixon was involved "but as an innocent agent in the cover-up."

TUTORING PROGRAM TICKET EXCHANGE

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STUDENTS WHO WISH TO TURN IN TICKETS—
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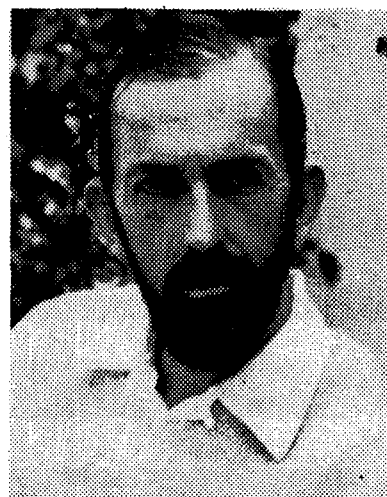
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Moreau Seminary

Thursday, October 25th

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8 to 1 vote

Supreme Court denies newsmen's review

By CHARLOTTE MOULTON
WASHINGTON (UPI) — The Supreme Court refused 8 to 1 Monday to review the contempt action taken by a federal judge against two newsmen who defied his order against writing stories about testimony at an open court proceeding.

In a brief order without comment, the Court let stand the contempt finding made by U.S. District Judge E. Gordon West against Baton Rouge reporters Larry Dickinson and Gibbs Adams. Justice William O. Douglas wanted to hear their appeal, but it takes the votes of four justices to place a case on the Court's docket.

The hearing involved Frank Stewart, a civil rights worker who was indicted in a state court on charges of conspiring to murder the mayor of Baton Rouge.

West opened the hearing by declaring "no report of the testimony taken in this case today shall be made in any newspaper or by radio or

television or by any other media." He said only the fact that a hearing had been held could be published.

Dickinson's story in The State Times and Gibbs' account in The Morning Advocate gave details of the testimony and West found them guilty of criminal contempt.

Last April 9, the 5th U.S. Circuit Court of Appeals upheld his action even though remarking that "the order they violated was constitutionally infirm." The appeals court said the two should have obeyed

West's order and challenge it through normal court channels rather than taking it upon themselves to violate it.

Dickinson and Gibbs were fined \$300 each on Nov. 8, 1971, for defying West's edict that no accounts be published of testimony given at a public injunction hearing to prevent prejudicial publicity at a possible subsequent criminal trial.

The court also: —Decided 5 to 4 to send a series of obscenity cases back to lower courts to be considered in the light of the court's ruling last term giving states and

communities more leeway to crack down on what they deem to be pornography. Douglas, in an angry dissent joined by Justices William J. Brennan Jr., Thurgood Marshall and Potter Stewart, charged the decision puts "every author, every bookseller, and perhaps,

every librarian...at the mercy of the local police..."

—Agreed to review a lower court ruling which set aside the court-martial conviction of Capt. Howard B. Levy, a Brooklyn dermatologist for refusing to train medics for duty in Vietnam.

Le Duc Tho refuses Nobel Peace Prize

HONG KONG (UPI)—North Vietnamese peace negotiator Le Duc Tho has turned down the 1973 Nobel Peace Prize, which he shared with U.S. Secretary of State Henry Kissinger, because he said the Paris peace

settlement on Vietnam has not been fully implemented, the Vietnam News Agency reported Tuesday.

He said he would consider accepting the honor "when peace is really restored" in Vietnam.

In a broadcast monitored here, the Vietnam News Agency said Tho rejected the award in a message sent Monday to Mrs. Aase Lionase, president of the Nobel prize committee in Oslo.

Le Duc Tho, a member of the ruling Politburo in Hanoi, and Kissinger were named co-winners of the peace prize for their efforts in bringing about a Vietnam peace treaty. The award was worth \$122,000.

It caused protests throughout Norway and two members of the Nobel Committee resigned.

(The Norwegian Nobel Committee in Oslo has not yet received any letter from Tho rejecting the prize awarded him eight days ago, Mrs. Lionase said. She told newsmen there would be no comment "before I have read the letter." Copies of the letter were also distributed by North Vietnamese diplomats in Paris.)

The Communist news agency quoted Le Duc Tho as saying in his rejection:

"Peace has not been really restored in South Vietnam. Under such circumstances, I feel it impossible to accept the 1973 Nobel Peace Prize that the committee has bestowed on me. When the Paris agreement on Vietnam is respected, guns are silenced, and peace is really restored in South Vietnam, I will consider the acceptance of this prize."

"We have to assume that both Egypt and Israel still are committed to a cease-fire," McCloskey said. "There are always dynamics of the battlefield that prevents a cease-fire from coming into effect at the stated hour. There is nothing to indicate either have changed their position."

McCloskey conceded that the proposed cease-fire never actually took place in the Middle East. "I could not say there ever was a time when the guns fell silent on the battlefield," he said adding that Syria had never agreed to a truce.

"We had hoped there would be complete compliance by all parties on the acceptance of the cease-fire resolution ... unfortunately that has not proved to be the case," he said.

McCloskey said that both the United States and Russia had not halted arms shipments to Israel and the Arab states. He said the current U. S. effort to resupply Israel was "going to continue."

He refused to place blame for the failure of the cease-fire initiative on any one party and said that the United States was now involved in intense activity to bring the cease-fire about.

Israel, Egypt and Jordan had accepted the cease-fire resolution while Iraq, Libya and the Palestinian Liberation Organization had not, he said.

McCloskey said the U. S. and Soviet Union had not reached agreement on how the cease-fire would be monitored or policed during Kissinger's visit to Moscow last week.

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Kissinger postpones trips to China, Japan

By JOHN F. BARTON
WASHINGTON (UPI) — Secretary of State Henry A. Kissinger Tuesday postponed his scheduled trips to China and Japan to devote all his energies to secure a negotiated cease-fire in the Mideast.

State Department spokesman Robert J. McCloskey announced the postponement but said it was not directly connected with the resumption of fighting in Middle East. He declined to elaborate.

Officials said the postponement had been agreed upon Saturday while Kissinger was enroute to Moscow but not announced.

McCloskey said the Asian tour would be delayed until new dates could be negotiated. Kissinger is expected to hold a press conference Wednesday, probably at the White House.

"There will be a joint announcement on this sometime soon," McCloskey told reporters. "There is now an intense diplomatic effort under way to secure the cease-fire on the ground in the Middle East in terms of the resolution adopted in New York," he added.

Fighting resumed between the Arabs and Israelis less than 12 hours after a truce resolution adopted by the United Nations Security Council was to have gone into effect.

McCloskey said that all the countries involved in diplomatic efforts to end the fighting had been contacted, including the Soviet Union.

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Ticket exchange program set for Navy game

by Rick Scharf
Staff Reporter

The Notre Dame-Navy football game on November 3 has been designated as the 1973 Student Ticket Exchange Game. The ticket exchange program, sponsored by the Neighborhood Study-Help Tutoring Program and the ACC ticket Office, allows Notre Dame and Saint Mary's students to donate their tickets to South Bend elementary school children can attend a Notre Dame football game.

"The exchange program is in its fourth year," explained Art Wesselman, co-ordinator of the program, and each year it has been a tremendous success." Last year 760 tickets were donated for the Missouri game and in 1971 over 900 children received tickets to attend the Navy game.

Students interested in giving up their tickets can take them to the 2nd floor ticket window at the ACC on Tuesday, Oct. 30, Wednesday, Oct. 31, and Thursday, Nov. 1, from 9 a.m. to 4 p.m. A receipt will be given by the ACC in exchange

for the tickets that can be used to pick up an Air Force ticket by the students who indicated in September that they wished to receive a ticket for the Thanksgiving Day game.

"Other than tickets the program also needs people to volunteer as drivers and monitors for the children who will attend the game," Wesselman explained. "The drivers will pick up kids at various South Bend schools on the day of the game, bring them to Stepan Center by 9:30 a.m., and return them to the schools after the

game. The monitors will pick up a child at Stepan Center at 10 a.m. and accompany them to the game." Meetings for students who are interested in being drivers or monitors will be held next Monday and Tuesday evening in La Fortune Center at a time to be announced later.

In addition to the elementary school children, the South Bend Council for the Mentally Retarded and the local cerebral Palsy Association

In addition to the elementary school children, the South Bend Council for the Mentally Retarded and the local Cerebral Palsy Association will also participate in

the ticket exchange if enough tickets are donated. "About 700 tickets are needed to accommodate all the groups which will be involved in the program," Wesselman pointed out.

Students who exchange their tickets will be able to watch the game on local television, Wesselman added. The ND-Navy game will be televised on WNDU-TV, channel 16, and broadcast over radio stations WNDU-AM and WSND-AM.

Any questions concerning the Student Ticket Exchange Program can be answered by Art Wesselman at 233-1745, Dan Novak at 7966, or Marianne McCarthy at 5731.

Legislation to create post

By STEVE GERSTEL

WASHINGTON (UPI) —While GOP senators voiced support for President Nixon, Senate liberals said Tuesday they would introduce legislation to create a post of special Watergate prosecutor to replace Archibald Cox.

Even though Nixon has complied with demands to surrender the Watergate tape recordings, Sen. Edward M. Kennedy said the need for an independent investigator "is even more essential now than ever." Nixon fired Cox Saturday.

Kennedy and Sen. Philip A. Hart, D-Mich., said they would introduce the legislation Friday, giving them time to get a broader sponsorship.

The bill, already backed by key Democrats on the Senate Judiciary Committee, would put the prosecutor under (U.S. District) Judge John J. Sirica's authority.

Sens. Lawton Chiles, D-Fla., and Adlai Stevenson, D-Ill., introduced identical bills of their own.

Before it was announced that Nixon would comply with the court order, Sen. Marlow W. Cook, R-Ky., sternly admonished his colleagues to stop prejudging President Nixon and



Kennedy: An independent investigator needed "now more than ever."

avoid becoming a "lynch mob" jury if Nixon is impeached.

In a Senate speech, Cook criticized senators, whom he did not name, who have called for Nixon's impeachment through the media and participated in polls.

"I don't think we should have a lynch mob," Cook said. "The Senate shouldn't constitute itself as a lynch mob."

"I hope if we do judge this case, we don't do it with a stacked jury," Cook added.

Sen. Wallace F. Bennett, R-Utah, said "some want to vent their political spleen, and some, looking beyond a hoped-for successful impeachment see it as a unique opportunity — a historical first — to transfer the Presidency from one party to another without the risk of an election."

"Impeachment talk may be in the minds of some, good smear talk, but there are no legal grounds for impeachment," said Sen. Carl T. Curtis, R-Neb.

President should be impeached?"

Richardson hesitated, weighing his words.

"The question of any ultimate judgment to be made on these facts."

Richardson issues no stand on impeachment

(continued from page 3)

conduct an impartial investigation.

He confirmed that some in the White House — he did not name them — had suggested firing Cox as a way to avoid a Supreme Court confrontation. But he denied that Nixon had planned the confrontation with Cox solely to find an excuse to fire him.

Midway into the news conference, he was asked, "Mr. Richardson, do you believe the

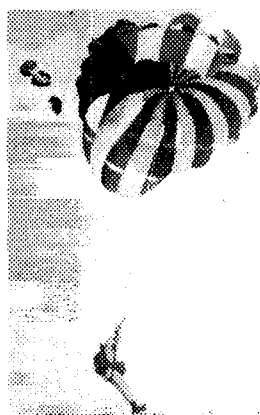
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Irish outfumble, outscore Michigan State in JV final

by Pete McHugh

Fourteen fumbles is a lot of fumbles. Many players might never play in a fourteen fumble game. Many coaches might never coach in a fourteen-fumble game. And 800 million Chinese together might never see fourteen fumbles. But Monday afternoon the Notre Dame and Michigan State junior varsity football teams accomplished the unlikely, as the Irish outfumbled the Spartans 8-6 and outscored the visitors 21-0 in a comedy of errors at Cartier Field.

The victory closed Notre Dame's JV season giving coach Denny Murphy's charges a 4-1 record for the year. Though the game was marred by the sloppy ball handling, the Irish defense shined, allowing the Spartans only 124 yards rushing and two completed passes.

In avenging last week's 7-0 loss to Michigan State, Notre Dame capitalized on Spartan blunders and superior field position for their three scores. A 18 yard touchdown drive, a 35 yard drive, and a 51 yard interception return accounted for the three Irish tallies.

Sophomore Tom Maschmeier set up the first touchdown with a 40 yard punt return to the MSU 18 yard line in the first quarter. Three runs by fullback TomParise put the Irish on the scoreboard as the sophomore from Longmont, Colorado crashed off-tackle for the final three yards. Junior Jack Stephan added the conversion.

A not uncommon Spartan fumble gave the Irish possession on the MSU 35 yard line in the second quarter. From there, quarterback Rick Slager moved his team inside the Spartan two before handing-off to sophomore Paul Linehan for Notre Dame's second touchdown. Stephan added the PAT.

Following Linehan's score, the game settled into a charitable affair in which each team wanted to give the football to the other. A typical series of plays occurred after Notre Dame's Tim Simon imprudently caught an end zone-bound Spartan punt and was tackled inside his own ten yard line.

In the first play of the series, the Irish donated the ball to Michigan State, no doubt in deference to their proximity to the goal line. The Spartans, however, would not be outdone by their hosts and returned the pigskin the very next play. Irish punter Tony Brantley restored some normalcy to the game with a 48 yard punt three plays later.

In the second half, the Irish defense dominated the action

sacking the MSU quarterback three times. Linemen John Galanis, Nick Federenko, and Ken Andler supplied the pressure in the backfield along with linebackers Ivan Brown and John Dubenetzky.

Freshman Mike Ostrader (5-10,175) from Galesburg, Illinois, put the game out of Michigan State's reach in the third quarter with a sparkling 51 yard in-

terception return for a touchdown.

Offensively freshman Jim Weiler and Slager were impressive in their final JV action this year. Weiler, a product of Cleveland's Cathedral Latin High School, rushed for 65 yards in 14 attempts and caught two passes for 27 yards to lead the Irish in both departments.

John Fineran

Blarney Stone(d)

Some call it pride

38-28
28-14
45-23

PRIDE...that's what it will be all about this Saturday afternoon on the turf of Notre Dame Stadium starting at 12:50 p.m. PRIDE.

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For three years, Notre Dame's seniors have been waiting, WAITING for PRIDE, Victory, Notre Dame. These three pairs of numbers, however, have meant PRIDE and VICTORY for another school other than du Lac. This school is on everybody's mind, for not only has this school won by these scores the last three years, its record over the past six seasons is 4-0-2 against the Irish.

Notre Dame, its students and alumni have seen their PRIDE slip away each year since 1966. Saturday, their team will meet John McKay and his Trojans of Southern California. What follows is the PRIDE of some of this University's seniors, the students who have suffered the most:

JINKS: "If there is a single thing that will stick in my mind from here on out about Notre Dame is will be our victory over Southern California this Saturday."

GARY BOCKRATH: "I don't know what to say without swearing. Let's just say I dislike them intensely."

JOE SWEENEY: "I am a Northern Californian, and being a Northern Californian I've had an extreme dislike for Southern Californians, especially during the past six years."

MARY ELLEN STUMPF (St. Mary's senior): "There can be no other time but right NOW."

MEATBALL: "My feelings for Southern Cal have been increasing every year because I feel the pride of Notre Dame and Ara Parseghian is being ruined much more than John McKay's is being helped."

NEIL CONNELLY: "We've got to beat them. WE'VE GOT TO BEAT THEM. That's all."

TOM HANSEN (Joliet, Ill. senior): "The only team we haven't beaten in the three years we've been here. No other team has ruined the past three seasons as USC has. I can't wait to get our hands on them this Saturday. It's going to be a helluva game."

ANNE CISLE: "I think we take a lot of abuse. Personally, myself, I think we are ready this time. I want to be here when we beat them."

This year's Fighting Irish have the PRIDE. This year's seniors have PRIDE, whether their team wins or loses. And that's what NOTRE DAME is all about...PRIDE. And that's why I love this place. PRIDE, IRISH, PRIDE.

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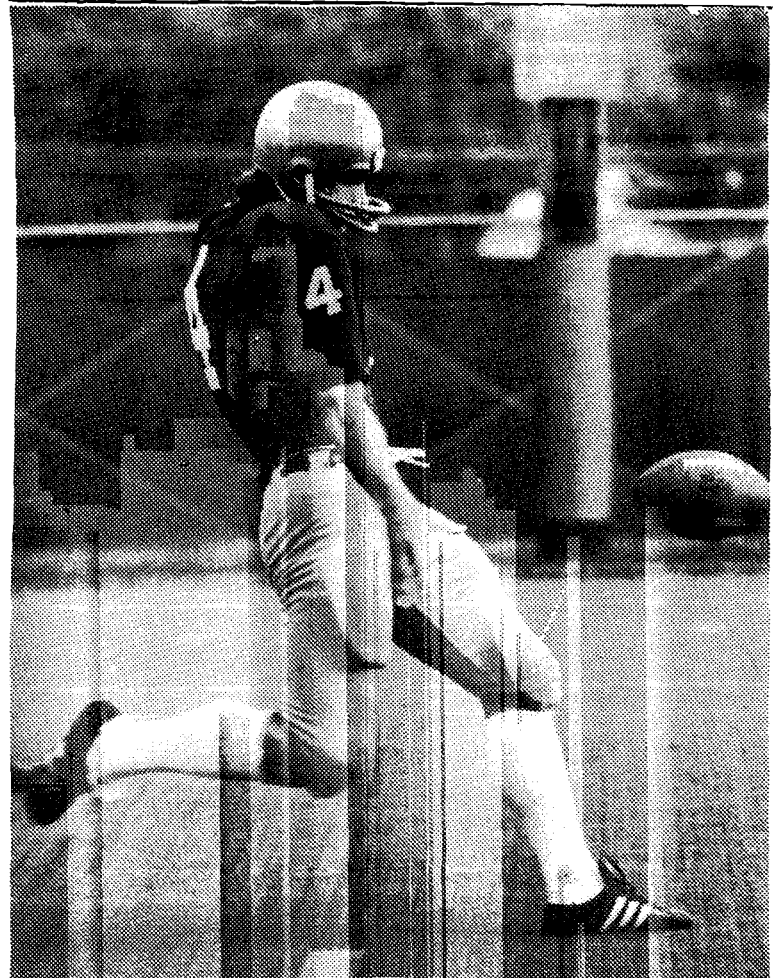
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Tony Brantley punts the ball away in Monday's JV win over Michigan State. Brantley's 48-yard kick late in the second half kept State away from the Irish goalline and preserved ND's 21-0 shutout.

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ND trounces Army; turns to USC

by Greg Corgan

The Cadets couldn't have picked a better time to host the Irish at Michie Stadium.

Since 1913, when the series began, and through 40 previous meetings the Notre Dame-Army contest had been played elsewhere, and although it came to Michie for the first time last Saturday, the Irish upped their series lead to 29-8-4 by trouncing the Cadets 62-3.

In the process coach Ara Parseghian and his charges avenged Notre Dame's loss to Army in 1944 when ND was drubbed 59-0 in the most one-sided defeat ever-

administered an Irish team. More importantly, though, Saturday's game at West Point gave Irish fans grounds for much needed optimism considering the upcoming showdown with Southern California this weekend.

The optimism came in light of the fact that the victory featured as potent an offensive display as the Irish have put together in recent years, and there were a minimum of turnovers. All-American candidate Frank Pomarico returned to the starting lineup, and the defense once again turned in a stellar performance.

In gaining their fifth straight triumph of the season, the Irish

scored nine touchdowns while gaining 593 total yards and 29 first downs. Drives of 66, 34, 59, 74, 55, 36, 42 and 82 yards and a 73 yard punt return by freshman Tim Simon accounted for the 62 Irish points in three quarters of play.

Coach Parseghian was particularly well-pleased with ND's first scoring drive of the afternoon.

"After Army scored their field goal in the first quarter, our ensuing drive was probably our best drive of the ball game. We had good execution and we moved well," Parseghian continued, "It was unfortunate for Army the way we scored. They kept giving us excellent field position and we capitalized on their turnovers. Army was trying to get back in the game in the second half and as a result they had to gamble. That can backfire. By the end of the game we weren't running anything except straight ahead plays."

After the opening series of the first half, the second team saw action for the rest of the afternoon and they came up with four more touchdowns, two by freshman Alphonse Hunter, one by quarterback Frank Allocco and the return by Simon.

Parseghian, feeling a bit embarrassed by the fact that the score was so lopsided explained, "When you put the second and third teams in the ball game there's nothing you can do about running up the score. They're all a little more eager, they want to perform well, and you don't know whether you're doing the opposing team a favor or not by playing your second and third teams. Still, we played the game and we won, and that's what is important."

Winning is important indeed, by a few more bright spots emerged from Saturday's contest at West Point. Pomarico, a senior guard and offensive tri-captain, made his first appearance with the first team offense since being sidelined seven weeks ago with an injured ankle.

"It felt pretty good," said Pomarico, "We didn't rush things, I didn't have to play, and there was no pain. It felt good to get in there and be a part of it all again."

Eric Penick, who scored his first two touchdowns of the season Saturday may have spoken for the entire squad when he added, "It's great to have Frank Pomarico back, it sure makes a difference. He does a good job."

Turnovers, specifically Irish turnovers, which have plagued the team in recent weeks were virtually nonexistent after a first quarter fumble by Wayne Bullock and an intercepted screen pass thrown by Tom Clements. Parseghian was pleased with these statistics considering the fact that all 58 players who made the trip saw action and no fewer than 14 of those players handled the ball.

The defense, minus Steve Niehaus, was still superb. The Irish "D," led by Bob Zanot's two pass interceptions, and a third by Luther Bradley held the Cadets to a mere 10 yards rushing and 72 yards via the pass with only eight first downs. "We had them stopped just about everywhere except for the little sprint sweeps they used in the first quarter," noted linebacker Greg Collins. "The only play they seemed able to run was that little counter play to the fullback and we adjusted to that soon enough."

In three days they'll be adjusting

Hoop scrimmage

The Notre Dame basketball squad will host an open intrasquad scrimmage this Friday afternoon at 5 p.m. in the Athletic and Convocation Center. The public is invited.

to Southern Cal, and don't think the Irish won't be ready.

As Collins mentioned in the lockerroom after the Army vic-

tory, and to no one's surprise, "To tell you the truth," he said "we were thinking about Southern Cal before halftime was even over."

Vic Dorr

The Irish Eye

Looking back

It was an unusual scene, one of surprising intensity and fervor.

The seventh-grader sat by himself in the corner of the kitchen, his body leaning slightly forward in the yellow vinyl chair. His hands were white from long moments of gripping the metal rim bordering the kitchen counter.

But the boy had no awareness of the appearance he presented. His attention was riveted to the plastic lattice-work surrounding the dial of the household radio. Only rarely did his attention stray past the radio to the darkening sky beyond the kitchen window, to the wind and dirty clouds of a November evening in 1964.

He knew little and understood less of what he was hearing. He was Catholic, and was just emerging from years of identifying with "good guys" and "bad guys." And now he identified Notre Dame as the "good guys" and Southern California as the "bad guys." Perhaps that's why he was so unprepared for what happened as the game wound to its conclusion.

The "good guys" didn't win in 1964. Craig Fertig passed, Rod Sherman caught, Tony Carey fell, and Southern Cal scored in the final two minutes to win and crush Notre Dame's precious, fragile dreams of a National Championship in Ara Parseghian's first year at South Bend.

The seventh-grader's reaction came as a surprise even to himself. As the game ended the boy's eyes stung and filled with salt tears. He slammed a small fist down on the counter beside the radio. He didn't understand what the loss meant, but he understood that it was a loss. He understood that Notre Dame, those "good guys" he imagined as Notre Dame, had been defeated. And he was heartbroken because of it.

Two years later, the boy had graduated to high school and transistor radios. He paid scant notice to Notre Dame's drive to the 1966 National Championship-excepting the 10-10 tie with Michigan State-but the game with Southern California, a game played, again, in the Los Angeles Coliseum-commanded his full attention.

And when the youngster flipped off his pocket radio after that game had ended-after it had ended with Notre Dame on top, 51-0-he felt happy in a bouncy, boyish sort of way. His "good guys" had won. They had beaten Southern Cal. The National Championship, even, seemed secondary to this.

Had the boy been told, at that moment, that Notre Dame would not defeat coach John McKay's Trojans for the next six years, he would have laughed with all the wisdom and maturity of a high school freshman.

"Surely," he thought, "this is only the beginning. Hanratty and Seymour are only sophomores. We'll go 10-0 the next two seasons, at least."

But the boy was wrong. Throughout the rest of his high school career, he never again saw, or heard, Notre Dame defeat Southern California. He read about O.J. Simpson's '67 rampage in South Bend. He read about one tie between the two teams and watched another on TV. But, during high school, he never read about, or watched, another Irish victory over USC.

Nor were the first three years after high school any kinder to him. From his room on the third floor of Sorin Hall, the young man watched a glorious season unfold in 1970. He watched Notre Dame sweep through its first nine games with an unbeaten record, and then prepared, along with thousands of other Irish students and fans, for another season-ending game in the Los Angeles Coliseum-another season-ending game with Southern Cal.

Two days after Thanksgiving, on November 28th, 1970, he sat in front of a television set and prepared for his first "real" National Championship. He savored the first few minutes of that game, as Notre Dame immediately drove for a touchdown.

"Notre Dame 7, Southern Cal 0," read the flickering TV screen moments after Joe Theismann's 25-yard touchdown run. The young man fidgeted in his chair, and felt tingles racing along his spine.

"No way they'll beat us now," he thought. "No way at all."

But he was wrong again. As a rain shower became a downpour, and a downpour became a deluge, the Trojans fought back. They led 21-7 after the first period, 38-14 midway through the third, and finished the game on top, 38-28. They won despite Theismann's aerial heroics, and despite the pleas, shouts, and muttered curses of one Notre Dame freshman and his cluster of friends.

"Revenge" was the cry picked up by the young man and his friends in 1971. "Wouldn't it be great.....?" was the hope they put into words. It would have been great if Notre Dame had been able to beat Southern Cal that year, but again, they didn't. In a game played in South Bend's misty, drizzly weather, USC loped home to a 28-14 decision.

Notre Dame trailed by only two points entering the fourth period before Anthony Davis killed Irish hopes by scoring his second kick return touchdown of the day.

USC triumphed 45-23 on the strength of a 20-point fourth period and Davis' six tallies, but the boy who had cried in 1964 felt only disappointment in 1972. He was disappointed not because a team of "good guys" had been beaten, but because a team of real people, the likes of Tom Clements, Frank Pomarico and Gerry DiNardo had been demolished in front of 70,000 fans in the L.A. Coliseum and a national TV audience.

And again, the boy was heartbroken-though in an entirely different sort of way.

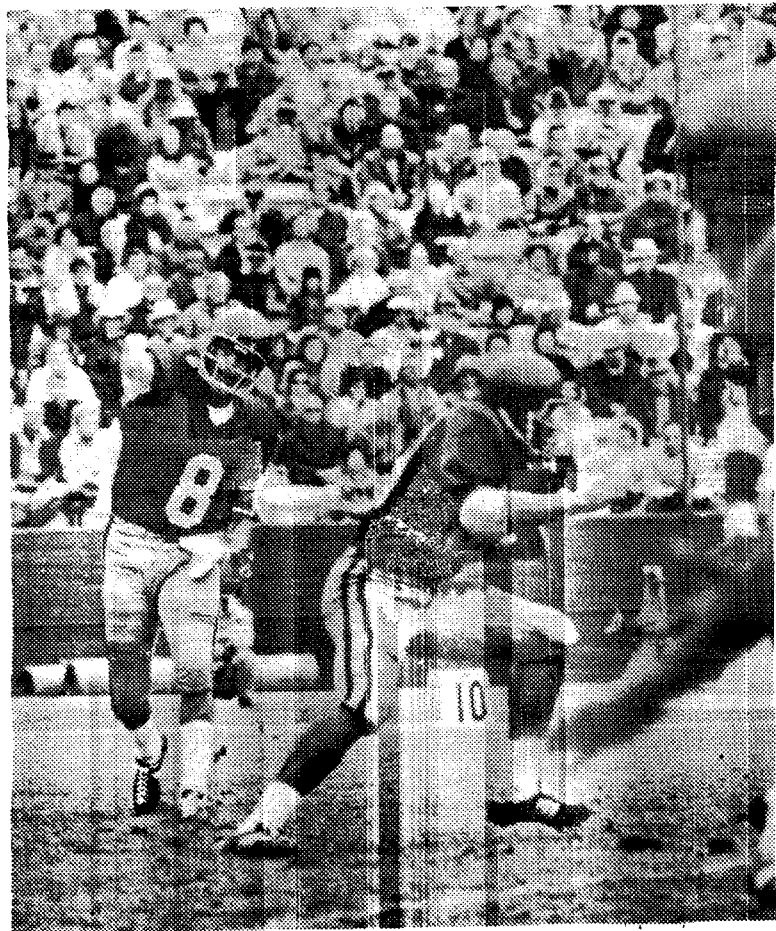
This Saturday, Notre Dame will play Southern California again. And when the game is played, 1964's seventh graders will be 1973's college seniors. More than one of them, on Saturday morning, will remember how sweet it was to beat the Trojans in 1966.

And at least one of them will remember what it was like to listen to a Notre Dame-Southern Cal game as a seventh-grader. And at least one of them will be hoping that, in 1973, any seventh-graders listening to the game will get a chance to hear the "good guys" win.

OBSERVER SPORTS



Army was the last opponent for Notre Dame's Fighting Irish...



...but undefeated Southern Cal is the next.