

THE OBSERVER

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THURSDAY, APRIL 9, 1970

Divided Senate rejects Carswell

WASHINGTON (UPI) — A bitterly divided Senate rejected the Supreme Court nomination of G. Harrold Carswell yesterday in a second stunning repudiation of President Nixon's efforts to restore "the kind of balance" he says the court needs.

By a vote of 51 to 45, the Senate resolved its anguish over party loyalties and doubts about Carswell's fitness for the high bench. The votes of five moderate Republicans were decisive, but it was not until the roll call had neared its finish and Mrs. Margaret Chase Smith, the Main Republican, softly uttered her "no" that the outcome was no longer in doubt.

Thirteen Republicans deserted Nixon to join 38 Democrats in opposing the nomination. Twenty-eight Republicans and 17 Democrats—all from southern or border states—voted for Carswell. Four senators were absent, two of them ailing and two overseas, but had they voted, they would have canceled each other out.

Some Republicans who helped defeat Nixon's first

choice of Judge Clement F. Haynsworth Jr. for the Abe Fortas court vacancy last November, including Senate GOP leader Hugh Scott and his assistant, Robert P. Griffin of Michigan, went along with Carswell this time.

But others who supported Haynsworth refused to accept Carswell. These included Sens. Winston L. Prouty, (R. Vt.); Marlow W. Cook, (R. Ky.); and J. William Fulbright, (D. Ark.).

Scattered applause — rarely heard in the Senate chamber — greeted Mrs. Smith's vote, which was considered undecided to the last. Loud applause and whistles, and some booing as well, erupted in the galleries when Vice President Spiro T. Agnew was handed the tally and said:

"On this vote the ayes are 45 and the nays are 51. The nomination is not agreed to."

The White House had insisted the President was confident of victory until a little more than an hour before the vote began, but Nixon himself acknowledged to a group of visitors that he thought it would be "tight, very tight."

President Nixon said through a spokesman that he was "of course disappointed" and would name another "strict constructionist" to the court in due course, although he had no names in mind.

In Tallahassee, Fla., Carswell said: "It's a relief." He said he wasn't bitter about the outcome even though "it's always disappointing not to win."

Nixon spoke to Carswell by telephone shortly after the vote

and gained his agreement to remain on the 5th U.S. Circuit Court of Appeals.

Carswell, a former U.S. attorney and a U.S. district judge from 1953 to 1969, had been elevated with Senate confirmation last year without a dissenting vote to the 5th U.S. Circuit Court of Appeals. When he was nominated by Nixon on Jan. 19, leaders of both parties predicted a quick, smooth confirmation.

He was regarded as a "strict constructionist" of the type Nixon wanted without any of the financial indiscretions which opponents used to block Haynsworth.

But Carswell's 1948 speech pledging eternal loyalty to the concept of white supremacy, his role in turning the public golf course in his home town of Tallahassee, Fla., over to a private group to avoid the need

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Israeli crisis and Red China considered by Model UN

by John Abowd

For the first time yesterday in the history of the Model UN, the People's Republic of China was seated yesterday with full membership in that body.

Red China's admission highlighted Wednesday's opening session of the Model UN as delegates from seventy six nations convened at Stepan Center to discuss thirteen resolutions concerning world affairs.

Secretary General Michael Kendall opened the session with a welcoming address to the delegates. Kendall cited the "mutual understanding" of the member nations of the United Nations as the means to "peace and harmony" in the world. He stressed the idea that the MUN (Model UN) should have the "goals of peace and security."

The resolution asked the MUN to "restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only lawful representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and all the



The scene yesterday afternoon before the model UN granted Red China admission.

organizations related to it."

In the afternoon session the MUN defeated a resolution which condemned the "interventionist" activities of the U.S., North Vietnam, Russia and Cuba. The resolution asked the MUN to recognize the sovereignty of every nation within its borders.

The major activity of the evening session was the enactment of the Albanian resolution from the Political Security Com-

mittee supporting the recognition of the People's Republic of China and the expulsion of the representatives of Nationalist China.

Michael Kelly, the Assembly President, also gave an initial address. His remarks were mostly procedural however he concluded: "If we can't understand what draws us apart we can't understand what can pull us together."

An early decision based on the UN rules of Mike Kelly allowed Red China to speak during the consideration of this resolution. Joel Connelly, a Notre Dame graduate currently at the University of Washington, and Howard Dooley, a Notre Dame graduate student spoke as the Red Chinese representatives.

Connelly said: "No state has been subjected to the abuse that has been suffered by the People's Republic of China." He further noted that the only government which represents the people of China is the government of Red China. Tim Walch, a senior history major, introduced an amendment in the name of the Luxembourg delegation calling for a two China policy which granted full membership to both the People's Republic and Nationalist China. Because of a credential challenge which resulted in the disqualification of the Iraq vote and a bolt by Rich Hunter's Polish delegation from the Soviet bloc, the amendment carried.

The amendment altered the resolution by calling on the

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Board of Trustees hold open meeting

by Shawn Hill

An open discussion will be held today from 4 to 5 pm in the Center for Continuing Education at the conclusion of the Students Affairs Committee meeting of the Board of Trustees.

All students are encouraged to attend.

The goal of the committee's meeting is threefold: to "define problems in student affairs," to hear "presentations from responsible campus groups and decisions geared toward action", and "to make recommendations to the Board of Trustees or the other authorized University decision making bodies."

The Student Affairs Committee this morning will definitely hear presentations from the Nutting for President Committee and the University

Arts Council.

Former Student Body president Phil McKenna said that if any time then remains he will question the Trustees about their decisions in the future parietal hours.

The full board met in Miami over Easter and made a decision on parietals which was expected to be released earlier this week, but as of yesterday now word has been heard.

The morning session will open with the Nutting for President committee presenting and explaining its proposals for change in the university governing structure.

The University Arts Council will then present a proposal to the Trustees for extension of the June 1st deadline for collection of funds to retain the fieldhouse.

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SLF poetry reading includes Gary Snyder

by Bob Meyers

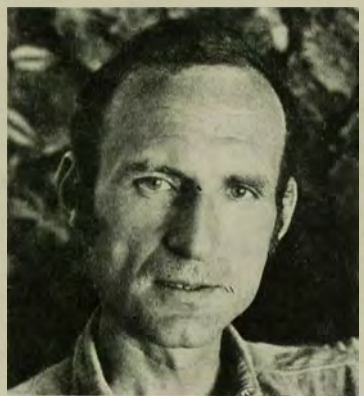
Highlighting the S.L.F. poetry readings will be San Francisco's Gary Snyder along with British poets Nathaniel Tarn and Anselm Hollo. In an attempt to get greater student-author contact the poets will also be reading and attending classes for the entire week.

Gary Snyder's poetry is an attempt to build for himself a new myth. He has become a proponent of the construction of a system that rejects the city and embraces the Eastern-Buddhist-Contemplative ethic. Gary Snyder is a poet who was vitally concerned with ecology long before it became popular. Snyder tells us that "As a poet I hold the most archaic values on earth. They go back to the late Paleolithic; the fertility of the soil, the magic of animals...the common work of the tribe." The move, then, has been made, and the poet offers us perhaps one of the best examples around of one man's creative potential.

Born in San Francisco in 1930, Gary Snyder grew up in the Pacific Northwest. He graduated from Reed College in Anthropology and Literature and from Berkeley in Chinese and Japanese studies. From 1956 to 1968 he lived mostly in Japan and traveled through India. He was a Guggenheim Fellow in 1968-1969. Mr. Snyder's books include *Riprap* (1969), *Myths and Texts* (1960), *The Back Country* (1968), *Earth House Hold* (1960) and *Regarding Wave* (1970).

Gary Snyder will be speaking in Washington Hall on Tuesday, April 14, at 8 PM.

One of the most vital and important movements of modern poetry derives much of its content from anthropology. As a professional anthropologist, Nathaniel Tarn possesses a singular understanding of the manner in which myth functions in society. Combined with this is radical activism and a dedication to natural conservation. Tarn states that "An anthropologist is often torn between his desire to preserve what he studies and his



Nathaniel Tarn

knowledge that the clock can never turn back."

A native of France, Nathaniel Tarn was educated at the Universities of Cambridge, Paris and Chicago and has done anthropological research in South America and the Far East. Now teaching in Princeton, Tarn has published ten volumes of poetry. Of the first, *Old Savage/Young City*, *The Poetry Review* says, "There is a proper savagery, a wealth of music and a depth of philosophy that are as rewarding as they are rare." In his latest volume, *The Beautiful Contra-*

(continued on page 3)

University has cabinet structure

This is the second in a five-part series written by the Nutting for President Headquarters.

The only statement of the duties of the President of Notre Dame is found in the bylaws of the University (Sec. III, p. ii):

1) general direction of University's affairs 2) appointments 3) ex officio member of all committees of Board 4) preside over academic functions 5) represent University before the public 6) sign contracts, deeds, legal instruments for University's business 7) make an annual report on general condition of University to Board 8) submit annual budget to Executive Committee.

Below the President, there is a "cabinet type" of government, with each of the University's six vice-presidents charged with a particular administrative area. For a description of how this sort of university government works, we have called on Rourke and Brooks' discussion ("The Rise of Cabinet Government" in *The Managerial Revolution in Higher Education* by Francis Rourke and Glenn C. Brooks, Johns Hopkins Press, 1966, pp. 109-113):

More and more the task of managing the internal university affairs has been delegated to an assortment of vice-presidents in charge of such matters as business, student, or academic affairs. As a result a new layer of top-level officials has become firmly fixed at the summit of

the administrative hierarchy. Where once he reigned in solitary splendor, the university president has now come to share responsibilities for governing his institution with a variety of other executive colleagues.

With this type of government, according to the authors, the most important fact is that these vice-presidents commonly sit together with the president in an "executive cabinet, which meets on a regular basis to handle most of the major decisions that come before the university, including budgetary allocations, plans for campus expansion, and other matters of a critical nature." This cabinet is quite formal in character, yet "very often it is a highly informal arrangement" which marks its actual operation: a group of advisors with whom the president habitually meets to discuss the university's most pressing problems.

This leads to a situation, which often exists in government, where there is an official cabinet and an unofficial "kitchen cabinet", both operating at the same time and often in opposition.

Cabinet government

What is the nature of this cabinet government?

The new pattern of cabinet government stands in sharp contrast to the administrative tradition of higher education. . . Criticism of the modern day university president has focused on the fact that he is, more

often than not, an administrative caretaker rather than an academic trailblazer in higher education.

This criticism of the present university president has its parallels in other institutions which have adopted a "new pattern of cabinet government." But still, Rourke and Brooks conclude:

The university president is now required not so much to be an innovator in the matters of education as to be an effective manager of a vast and complex educational enterprise.

It is in this "context" that the emergence of cabinet government of university administrations "simply reflects the necessities imposed by size and complexity." The president, in fact, becomes a prime minister; for there is no other way for him to administer the university. As we suggested, "business firms went through this process" at an earlier date than universities.

Effect

The effect of this new system of governance is to have the "chief executive share authority over decision making with other officials." This results in the "advantage of division of labor," and is necessitated by the "wide range of subjects over which decisions must now range."

What happens to the president in this system:

The emergence of the cabinet system by no means implies the abdication of the president from a position of central responsibility in the governance of the university . . . in point of fact, a university president is far more than a prime minister. The only certain power which the cabinet as a whole has over him is that of giving advice, which he may or may not choose to accept.

Furthermore, according to these authors, it is quite certain that no university official is in a better position than a president to "stimulate or enhance capa-

cities for academic achievement on campus." Yet the modern president "does not himself tend to be an innovator" as presidents before him. Yet the influence extends much further than this:

. . . even if modern university presidents are not themselves trailblazers, their influence goes a long way toward determining whether or not trails are blazed on campus.

To demonstrate this fact the authors point to "one university in our sample" which has made tremendous progress in the past decade as a result of such a president, for the president can play a "catalytic role in stimulating renewal and innovation in the individual academic departments."

Criticism

A major criticism of the cabinet government is that "it acts to cut the president off from the faculty, department chairmen, deans, or indeed from the grass-roots sentiment on the campus generally."

From this perspective the cabinet is viewed as a bottleneck in the system of university communications.

To overcome this problem, Rourke and Brooks suggest that the president "assign special assistants in his own office to the task of keeping channels of communication open to all segments of the university community." A further function of these aids can be to keep vice-president "in check" by providing the president with his own source of information from "the outside."

There is some problem as far as making generalizations. The number of offices included within a university cabinet varies considerably from one campus to the next. Further university vice-presidents have a wide range of responsibilities, for as yet there is no agreed upon layer of operation for these executives. That the number of

vice-presidents has greatly increased is quite clear:

The proliferation of vice-presidents which has occurred at this level of administration is amusingly illustrated on one campus where the president could not recall the names of all his vice-presidents in the course of an interview with one of the authors.

The description of "cabinet government" concludes with a very important observation, which is quoted in full because of its bearing on our discussion of structural revision at Notre Dame:

However varied the duties of the vice-presidents may be, there are two quite different sets of interests or viewpoints in any cabinet. One is the academic or educational perspective, and the other is the fiscal or house-keeping point of view. Virtually all major decisions on university policy turn ultimately on some resolution of the inherent conflict between a university's objectives and its capacities.

Rourke and Brooks conclude by suggesting that the cabinet form of government offers the best framework for balancing the activities of the university.

It seems to us that those who have structured this university were operating in a way which makes Rourke and Brooks theoretical discussion most insightful. This is the University of Notre Dame appears to be so structured (with a "cabinet form of government").

Application to Notre Dame

A more specific statement about how decisions are made at Notre Dame, and one which is far from complete (and perhaps a bit over-zealous) comes from the March '69 issue of the *Scholastic*:

Presidential decision-making is an unchallenged philosophy at Notre Dame. No one disputes Hesburgh's final authority. In point of fact, buck-passing places many matters in the hands of the President which should have been decided on the vice-presidential level. Issues are deferred to the point that either Hesburgh decides or there is no resolution.

. . . decisions on almost every level are deferred to the President. . . Strong opinions are rarely expressed, especially in the field of academic affairs. . . The vice-presidents and their assistants are thus to a large degree administrators who exert little or no pressure on the President of the University.

Here, then, we have as complete an answer as we can now provide to the question—how is

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Nutting supporters turn efforts to Trustees

by Steve Hoffman
Observer News Editor

In a tabulation of signatures of the Nutting for President Petition, Nutting Headquarters reported yesterday that more than 1,000 people had voiced approval of the Chancellor-President move. According to spokesman Karen Grabowski, many more signatures should be forthcoming from the twenty-five people who are canvassing their own dorms.

The Headquarters also an-

nounced the reception of its first response from a member of the Board of Trustees. In a letter dated March 31, 1970, Mr. J.A. LaFortune of Tulsa, Oklahoma requested that the Nutting Committee "forward... information concerning Dr. Nutting and his credentials."

Biographical sketches were immediately sent to Mr. LaFortune.

Miss Grabowski also noted that efforts will continue to be made to explain and explore the

possibilities of implementing the Chancellor structure.

Five students spokesmen for the "Chancellor-President-Hesburgh-Nutting" movement will address the Student Affairs Committee of the Board of Trustees this morning at 9:00 a.m. in the Center for Continuing Education. Ken Guentert commented: "this is an opportunity to confront those who can really make decision on the proposal."

"The Committee, composed of eight members of the Board

of Trustees, and six students, could provide direct access to the Full Board which meets on May 1," Guentert observed.

In the hope of getting all of Dr. Nutting's friends and supporters together for an evening of dining and intellectual pleasure, the Headquarters has scheduled a FUN-raising dinner for Wednesday, April 15.

Ray Carlson, 313 Alumni Hall, who will be handling all of the arrangements, noted that tickets will be available nightly in the outer lobby of the

Library, and by telephone at 233-7232 between 10-12 p.m..

The dinner is for Faculty and Administrators, as well as for students and other friends of Dr. Nutting. Fr. Hesburgh has been sent a complementary ticket and a special invitation.

The dinner will consist of spaghetti, salad, bread, dessert and a drink. Donations are \$1.75 per person, and serving will begin at 6:15 p.m. at Shag's place, 119 Mill court.

Dr. Nutting will be in attendance as guest of honor.

ISO leadership expands activities

by Dave McCarthy

A luncheon party was held yesterday between Father Daniel O'Neil, Director of the Office for International Services, and new Officers of the International Students Organization.

The newly elected officers are as follows:

Mishaël Maduakolam, president; Miss Sari Bellini, vice-president; Miss Elsa Schimilinski, treasurer and SMC co-ordinator; Miss Billie Sink, secretary, Bill De Talance, Notre Dame co-ordinator.

Mishaël, a native of Biafra, said that he wanted to see the ISO transformed into an active and influential body worthy of its name. He added that in the past the ISO had faced such problems as lack of activities, influence of National Associations, an all male atmosphere, academic pressure on members, and lack of publicity. Mishaël will concentrate upon a re-definition of the ISO as to goals and objectives together with increased enrollment in the organization.

The ISO is expanding its activities to include establishment of areas of common interest with the National Associations, activities with international bodies in neighboring

universities, selection of a foreign student of the year, an ISO newsletter to circulate monthly or bimonthly. There will also be a special orientation for incoming freshmen.

The new president added

emphatically that, "foreign students here should be made to feel a sense of belonging to at least a section of this community." Mishaël affirmed that, "I will make time for this important assignment."

Tarn coming

(continued from page 1) *done*

dictions, Tarn's rare knowledge of myth allows him to combine it with cogent ecological statements.

Anselm Hollo says that after years of formal study and the "phantasmagoria of mass media work," he still finds himself a "traveling man", yet a householder as well. He calls himself "the mobile householder as the early Navajo." There is a polarity in his poetry ("Finns and North American Indians at geographically 'opposite' ends of cultural string game") that becomes basic and makes it spark. Anselm Hollo's poetry is, simply, concerned with sex, politics,

walking and ultimately, the problem of finding out if you really know how to walk at all.

Anselm Hollo, a native of Helsinki, Finland, was born in 1934. He considers his first apprenticeship to his father who was a writer, translator and philosopher. He is as well known for his translations as for his poetry. His numerous translations and collections include *Red Cats*, and *it is a song, Faces and Forms* and *The Coherences*. Mr. Hollo is currently teaching at the University of Iowa at the Creative Writers School.

Mr. Tarn and Anselm Hollo will be reading in Washington Hall on Wednesday, April 15, at 7:30 PM.

Cabinet viewed as bottleneck

(continued from page 2) *done*

Notre Dame governed? A more extensive analysis of the decision-making structure at Notre Dame might include statements from the holders of the various high level positions addressed to "how, and in what way, decisions are made at Notre Dame?", as well as other indications of the way university problems are actually decided.

With this outline before us we will in the next segment turn our attention to the question of a "Chancellor-President" structural revision; we shall ask: How will Notre Dame be governed under this new administrative framework?

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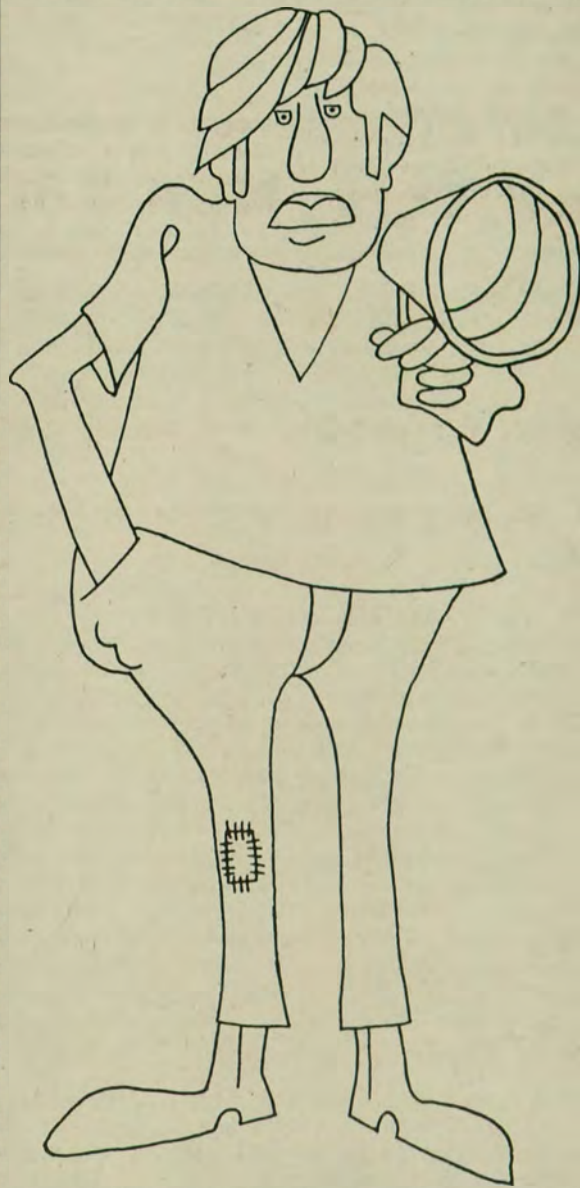


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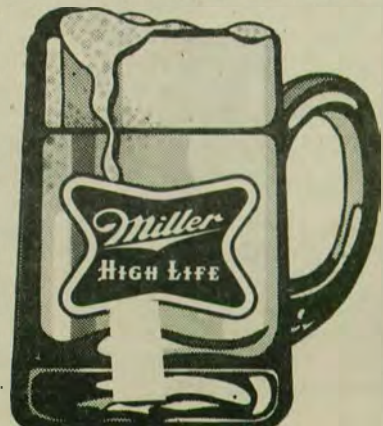
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THE OBSERVER

An Independent Student Newspaper

DAVID C. BACH, Editor

GAETANO M. De SAPIO, Publisher

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NOTRE DAME, INDIANA

Editorial:

A lesson for the President

Yesterday the Senate rejected President Nixon's nomination of G. Harrold Carswell to the Supreme Court. Three of the last four nominees to positions on the Court have been rejected. One member of the court was rejected elevation Chief Justice because of conflict of interest. Another was denied a seat for the same reason. Judge Carswell was rejected primarily because of questions about his competence.

In rejecting three nominees, the Senate has shown that it expects a high standard for Supreme Court Justices. President Nixon, in a letter to William Saxbe of Ohio, stated that he felt that the Senate was tampering with the President's traditional freedom to appoint candidates of his own choice. But such scrutiny is entirely within the constitutional authority of the Senate. The body not only has the power to reject nominations but the responsibility to do so when, in the mind of the Senate, the man is not qualified to sit on the highest court in the land.

A Supreme Court justice must be of the highest judicial calibre. It is the president's responsibility to select a nominee now who will meet the ethical and professional standards that the Senate and the position demand. There are enough important cases before the Court that should be heard by a full nine man court that the rejection of another nominee can not be tolerate.

The President promises to nominate another "strict constructionist." If so, he should be a man of the highest judicial standing and not one picked to please a sectional or special interest group. The ultimate standard must be his judicial competence and not his philosophy.

The country is facing a major crisis of confidence in the judicial process. Competence in the highest court is one way of stimulating a feeling of trust toward the judicial system.

Guy DeSapio

New York, New York

There are times when one has to wonder whether the Indians knew what they were doing when they sold Manhattan to the Dutch. People say that they got a bad deal when they gave it up for only 24 dollars but given the miracles of compound interest and the present rate of inflation, an investment in some growing American firm would probably have netted them enough to buy the island back at its present value.

But the Indians left the money market to the new tenants and they, in turn, have paid dearly over the years for the use of the island.

Downtown where a group of traders used to buy and sell securities under a buttonwood tree now stands the New York Stock Exchange. Visit it any day and you can see the toll that the proponents of capitalism must pay to help keep the economy on its feet. There on Wall Street are the many ulcers, nervous breakdowns, and the windows that old timers point to telling of an acquaintance who escaped from the whole mess in the early thirties.

Further uptown is the Village home which is close to many of the young people who are trying to get away from that system in different ways or to destroy it. On Sunday afternoon liberated women can get into the Electric Circus if they can prove somehow that they have liberated busts and have left their bras back home. The Electric Circus was the site of a recent bomb explosion. There have been others in the Village. The home-made bomb factories of those who are out to destroy the ugly system to make the world safe for peace have been blowing up accidentally. Meanwhile down on Wall Street they have installed bullet proof glass in front of the visitor's gallery over the exchange to try to keep a defender of freedom from dropping a stick of dynamite in the lap of the AT&T specialist.

Walk out in the streets and a taxi cab driver will run you over for a thirty cent token at 45 miles per hour in a 15 mile per hour zone. During the rush hour you can watch people push eight abreast in the subway stations; the wonder of it all is that they will stand in lines 100 feet long to do it. Some stations have problems keeping the trains on time — it seems that people are periodically getting pushed onto the tracks by the herds behind them.

Try getting away from it all by going further uptown to Central Park. You can row on the lake or take a long slow walk through the trees or watch the people jogging or riding bikes to keep in shape — as long as you do it in the daylight. At night you might get mugged or if you're under a tree, pounded over the head by the citizen's committee that patrols to keep the homosexuals out of the bushes. Or you can go to the U.N. only to be told that you can't ride the elevator upstairs to look at the meeting rooms unless you paid the \$1.50 for the guided tour. They can't have just anyone roaming around free in a building that is dedicated to the freedom of everyone.

But if you look further than all that you can find what makes the city move. There is something more that makes a visit electric than merely the sight at the corner of 42nd and Broadway on a warm spring night. It's the man who will sell you a fresh pretzel or a warm hotdog anytime on the street corner, the little ladies who sell flowers, it's the food and friends at Mama Leone's, it's the kid with the Mets cap and the old man in the park who only knows that the air has been a little bit dirty in recent years. It's their town. It's their world. There are a lot of people like them.

Letter

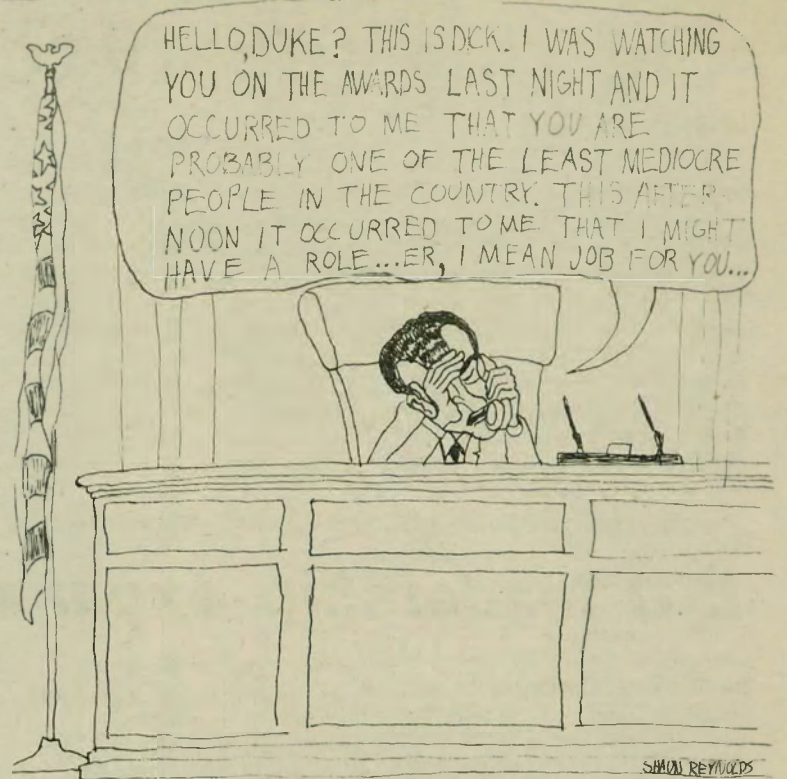
Editor:

The contentions by Mr. Rice (Letters, Wed., April 8) are absurd, and serve as a direct insult to me and the Academic Commission staff. Obviously Mr. Rice does not know the facts behind our scheduling and subsequent cancellations of appearances by Frank Shakespeare and Frank Borman. In addition we have sought Barry Goldwater, Spiro Agnew, John Tower, and Robert Finch, who easily represent the antithesis to Mr. Rice's "revolution" preachers. We are, indeed, presently attempting to contract U.S. Attorney Thomas Foran — this we have mentioned to the press many times. Furthermore, as the editor's note points out, William Buckley (who appeared here only two years ago) has a \$3,000 figure, which is out of the question.

The manner in which Mr. Rice throws about such terms as "propaganda", "brainwashing", "extravagant", "disproportionate" and "revolution", borders on idiocy. As a Professor of Law it would seem that Mr. Rice more than anyone in the Academic Commission would respect well and adhere to the procedure of getting all the facts before making a judgement. As I have never talked to Mr. Rice, and as none of my staff has, concerning the questions raised in his letter, it is evident that he does not know what he is talking about. His comments, moreover, appear more disturbing than any of the "brainwashing" that the 4,000 people in attendance experienced March 22 at Mr. Kunstler's speech. If I am responsible for 4,000 people of the Notre Dame - St. Mary's Community, and the general area taking interest in a lecture, then I am proud of it.

Sincerely,
Pat McDonough

Editor's Note - The \$3,000 fee for Mr. Buckley is his present fee. Chuck Nau, Academic Commissioner when Buckley appeared 2 years ago, said that the fee paid then was \$1,000.



A Forum

Campus Opinion

Edited by Glen Corso

This letter was sent to us by Sister Ellen Fitzgerald. The lecture she is referring to was one given by Dr. Garret Hardin on March 23. My comments on abortion will appear in tomorrow's *Observer*.

Normally letters will continue to be printed in a separate space, but I felt that Sister's letter is a good starting point for discussion on abortion.

Dr. Garrett Hardin's remarks, as reported in the *Observer*, March 24, should not pass unchallenged. He objects to theological and ethical arguments against abortion, which he says use "traps" and "logical ploys" to replace rational discussion with ambiguous phrases. Yet his own phrasing is not just ambiguous; it is dishonest, relying as it does on distorted analogies, scare tactics, gross exaggerations, semantic sleight-of-hand, and, yes, "logical ploys."

The original fertilized egg is merely an information bank," Hardin explained, just like the blueprint for a house. If you destroy the blueprints for a house you are not destroying the house." True; but if I owned a blueprint that was in the process of growing into a house all by itself, and I destroyed it, I could with some accuracy speak of having destroyed the house.

"Once you realize that there are at least a hundred million spermatozoa in each sexual ejaculation you realize that you are absolutely stymied. You simply cannot adhere to this doctrine of never killing or allowing life to be killed. No matter how pious you are you cannot dream of having a hundred million children every time you have relations with your wife. This is beyond the means of the most devoted wives." This incredible bit of rhetoric contains, even at first glance, five outright falsehoods. Most basic seems to be Dr. Hardin's ignoring of the simple biological fact that human life develops from an ovum after it has been fertilized by one sperm cell. Surely we might expect better of a biology professor.

"If we call an embryo a human being then why can't we call human beings embryos?" Now, really. If we call a child a human being, why can't we call all human beings children? Or—Women's Liberation Movement, take note!—if we call a woman a human being, why can't we call all human beings women? (Or blacks or chicanos or Indians, for that matter?)

The whole problem of abortion and life-before-birth needs much serious medical, psychological, social, ethical, and theological study. But no cause is served by the sort of obscurantist, anti-intellectual tactics indulged in by Dr. Hardin. I might add that, having done some reading on the Third Reich lately, I was more than a little disturbed at the many points of resemblance between Hardin's social-eugenic theories and the practice of Adolph Hitler.

The Model United Nations ran yesterday and will continue into today with the students learning first hand how difficult the art of diplomacy is. However, the UN has numerous shortcomings, the greatest being the obstinacy of the member states who comprise it. Acting in the unfamiliar role of a devil's advocate I would like to advance the contention that the US should disengage itself from the United Nations. With the advent of the hot line and satellite communications, plus the growing US-Soviet detente, the need for the UN as a common meeting ground has diminished. The US pays a huge amount for the upkeep of the UN and receives nothing but barbs from members nations for its troubles. I do not think it is worthwhile for us to remain in the organization.

Position papers and clarifications of points specifically for this column should be addressed to
Campus Editor
The Observer

Box 11, Notre Dame

These presentations should be no longer than 3 typewritten double-spaced pages.

I'd like to thank my Mother, my Co-workers, my pet Guana

by T. C. Treanor

Something old, something new, something borrowed, and something blue took the 1980 Academy awards by force tonight in the sometimes tear-filled Hollywood Bowl.

The Something Old was John Whine, the fat but balding sex symbol who last night accepted his first Academy award ever for his "best actor" performance in the box-office smash "Gritface."

Whine, who has been acting since 1863, won his first award in an emotion-packed atmosphere. Appearing before the crowd-sober this time- Whine, thanked everyone involved in the production of "Gritface." From the producers on down to the darkies who swept up," and promised to "trade in the oscar at a pawnshop for a tank," which he intends to use against the University of California at Berkley. Then, inexplicably, this 250-pound he-man broke down and cried. When asked to comment about this later, Whine said, "I would have cried a lot more if they had passed me up again."

In "Gritface," the one-eyed, drunken Whine played a one-eyed drunken lawman.

The something blue was "Midnight Sawhorse," the movie that rated the studio's controversial "OW" rating and the Academy Award as "Best Movie." The "OW" rating which admits no one under eighty-five without a pacifier," was awarded to the film because of a scene in which the heroine is brutally raped and murdered by a rhinoceros.



New Editor Treanor caught relaxing at home in this candid shot.

Formaldehyde shortage forces editorial change

Editor-in-Chief Dave Bach yesterday reluctantly announced that T.C. Treanor would become Dave Stauffer's successor as Features Editor.

"He (Stauffer) was beginning to stink," Bach reported, commenting on the three-weeks-dead Stauffer's removal. "The Student Government people were complaining."

Treanor won the position by defeating two crippled nuns in an arm-wrestling tournament. "That last one was tough," he said, commenting on the tourney, "but we were running out of formaldehyde for Stauffer and somebody had to do something."

Stauffer will be interred in the Executive Editorship later this week. Treanor, who was interred quite some time ago, commented on the type of page he wished to develop.

"We will foster search for the truth, community, and constant ego gratification, particularly the latter. This is only the first of many."

When told that "latter" implies two elements, Treanor reportedly commented, "shut the hell up."



"Best Actor" John Wayne, as he stepped up to receive his award.

The story concerns the everyday Majority, was also up for an award, but lost. The something New was Goldie Hawk, MGM's newest smiling Syncophant. Upon

receiving the award, Miss Hawk gushed for a solid half hour, providing a real mess for the janitors to clean up.

The something borrowed was the brain of a chimpanzee, used by sexpot Rachel Welcher. Miss Welcher gibbered through fifteen minutes of introduction, bouncing around the stage and managing to drop her lines, three cue cards, and an oscar.

Comedian Bob Hopeless again quipped his way through the presentation, in a performance marred only by a string of Woodrow Wilson jokes that seemed to be lost on the younger set.

The awards also featured a dramatic reading by David Eisenhower and a song-and-dance routine by Circuit-Judge-turned-star G. Harrold Carswell. It was interesting to note that both Eisenhower and Carswell received four votes for "best actor."

Special awards were given to the fifty-three people who stayed through the marathon production.

The awards, held late this year because of the oscar maker's strike, managed to honor every film made with a budget over \$150.00. Included were: Liph Thorenthon, who received the award as "most malicious cute five-year old," for his performance in "Family Affront," the never-ending screen adaptation fo the revered television series: director Igamar Bird, who was "most graphically Obscene," in his movie, "I am Burple Purple," and director Sid Snerd, "least graphically Obscene," for his effort, "Blind Man's Buff."

"Champagne Keeps Falling in my Gizzard," won the award as best song, and the award for "most innovative film" went to "Birth of a Nation."

... And now, here's Spiro

WASHINGTON (UPI) — It was early Sunday morning, and two old hand Washington Democrats were leaning against a wall outside an after dinner party room in the Statler Hotel. One of the Democratic pros in the hallway - there was no room inside the suite - said to his colleague, "God knows what sort of image Nixon could take into 1972 - it might be murderous."

What produced this left-handed compliment was this:

At the end of the Gridiron Club's annual dinner, after the traditional toast to the Chief executive, President Nixon did not make the customary response from his place at the head table. Instead, he walked in semi-darkness around the banquet room to center stage. What's more, he took Vice President Spiro T. Agnew along.

The lights came up again and Nixon was standing, beaming in the spotlights, offering to prove that Agnew was, indeed, a man of his own spirit and direction. First the President and Agnew did what nightclub and TV aficionados would call a standup routine. The President propounded questions designed to show Agnew's utter freedom of expression and action. And the vice president answered with meek positive expressions, the personification of a yes man. Curtains behind them parted to disclose two upright pianos. Nixon wanted to show

that an administration that plays together stays together.

After denying vehemently, as one of the Gridiron skits had maintained, that his administration had a Southern strategy, Nixon then attempted a series of piano duets with Agnew, choosing a medley of tunes which had been presidential favorites over the years since the New Deal.

With each song, however, to the President's feigned shock, Agnew ended

up playing "Dixie."

They finally reached a point of musical agreement and played a thumping version of "God Bless America" which brought the staid audience to its feet, singing loudly. The Nixon-Agnew team closed out the evening with the Gridiron's traditional goodnight song "Auld Lang Syne."

All of which was what the Democratic pros were talking about. How do you lick a piano act playing "God Bless America?"



Maguerite Davis appears as Lady Macbeth and Robert Evans appears as her tortured spouse in the National Shakespeare Company's production of "Macbeth." The touring company, under the sponsorship of the Contemporary Arts Festival, will present the classic tragedy April 11 in the O'Laughlin Auditorium of St. Mary's College.

Box kite bugs controllers

LINCOLN, Neb. (UPI) — Would you believe a 6 foot by 4 foot kite at 2,200 feet?

Air traffic controllers didn't and neither did a few pilots who had to dodge the unbelievable thing.

But Lincoln police did when they investigated d and found 11 University of Nebraska students taking advantage of gusty winds and dry weather to get the huge box kite airborne.

Stalin's daughter weds American architect

PHOENIX, Ariz. (UPI)—Svetlana Alliluyeva, the daughter of Soviet dictator Josef Stalin, said yesterday her marriage to a prominent architect will bring her closer to American life and she hopes to become a U.S. citizen.

Miss Alliluyeva, 44, who

defected from the Soviet Union in 1967, married William Wesley Peters, 57, in a private ceremony near here Tuesday.

At a news conference yesterday, the couple described their meeting only three weeks ago when Miss Alliluyeva came to visit Taliesin West, the

architectural school of the late Frank Lloyd Wright.

Peters is chief architect for Taliesin Associated Architects, the organization which has carried on the Wright Foundation's work. He had been an associate of Wright since 1932 and was formerly married to the Wright's eldest daughter, also named Svetlana. She was killed in an auto accident in Wisconsin in 1946.

Miss Alliluyeva decided to visit Taliesin West and the Wright "family" after corresponding with another Wright daughter, Iovanna, who lives here with her mother. The Kremlin born Svetlana said she moved by the "unique quality" of Miss Wright's letters and the

coincidence of the name of the sister who was killed.

Called "Miraculous" Mrs. Frank Lloyd Wright, also a native Russian, told reporters she felt a "closeness" to Miss Alliluyeva from the moment they first met.

Peters said his decision to marry the attractive Miss Alliluyeva came about through the "almost miraculous circumstances."

He recounted her defection from her homeland in protest against lack of freedom and said it seemed more than coincidence that she had found her way to Taliesin West, which he described as "the essence of American democracy."

She said she felt it is "a

hopeless dream" to try to bring her children by her first two marriages to this country. "But I hope some day we eventually will be reunited here," she said.

The new Mrs. Peters said it will be "in God's hands" whether they have children of their own.

Goldie Hawn given Oscar

LONDON (UPI)—"My mother told me when I got the role that I was going to get an award," giggled Goldie Hawn. "Myself, I just didn't believe it at first, but now I do."

She was the "surprise" winner of the Oscar for best supporting actress as the dizzy blonde in a love triangle in her first motion picture, "Cactus Flower."

Didn't Believe It Miss Hawn told UPI during an interview at Shepperton Studios outside London, "I didn't believe it, I didn't think I was going to get it."

"You know, I was up against some pretty stiff competition and so forth and I went to bed. I woke up very excited and I didn't believe it."

She said she first heard the news when "Al Newman from Columbia Pictures called me as soon as he heard. That was 6 a.m."

"After thinking about it I definitely believe it now, it's pretty nice. It's very important and it's a great thing and I feel very honored," she said.

"An interesting thing is that when I got the part and told mother, she said, 'You're gonna win an award for that,' and I said, 'C'mon mother, I mean it's mother talking right. But she insisted and I said, 'Ok, we'll see' and left it at that and now look what happened."

Goldie occasionally let out her now famous "scatter brained giggle" of the "Laugh In" television show, when speaking of her Oscar.

"My husband says he's going to mount it on my car giggle, he said he's going to mount it on the hood long giggle, but he better not," she said.

When she called her parents in Tacoma Park, Md., outside Washington D.C., she said her mother told her "I can't pull daddy off the ceiling."

Return address needed on mail

Brother John Schulte of the Notre Dame Treasury Office has informed the *Observer* that his office has been receiving a large number of returned letters mailed by Notre Dame students without return addresses.

Brother John requests that students indicate their names and return addresses on the envelope in order to insure proper handling of their mail.

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Mattingly's measles may mar moon mission

CAPE KENNEDY (UPI) — Space Agency officials said Wednesday they were considering substituting a backup astronaut for Thomas K. Mattingly whose susceptibility to the measles threatened a one month delay in the Apollo 13 moon landing mission.

Public affairs officer Alfred Alibrando said backup command module pilot John L. Swigert was under consideration as a possible substitute for Saturday's launch.

Swigert, he said, appears immune to the measles and "is fairly well prepared" for the mission. "Whether we go with him or not, that decision has not been reached," Alibrando said. Such a switch would mark the first time in U.S. space history that a backup pilot was called upon to fly a mission under such conditions. On one of the Gemini flights the two prime crewmen were killed several weeks before the launch in a plane crash and the backup crew flew the space mission.

Doctors, however, were continuing to make new laboratory tests to determine if Mattingly's condition has changed from tests run earlier Wednesday. Physicians said the tests showed Mattingly could become ill with

the measles in space if launched Saturday.

is delayed until the next launch opportunity, May 9, it would cost taxpayers \$800,000, the Space Agency said.

crewmen, veteran James A. Lovell and Fred W. Haise, were found to be immune to German measles, a common children's disease. All three were exposed to the measles last week when backup astronaut Charles Duke fell ill with the disease.

Dr. Charles A. Berry, the Apollo medical director, said Monday that if tests on the astronauts' blood showed that any of the pilots were without disease fighting measles antibodies, "the odds are very high

that they would get it."

"The latest analysis indicates that command module pilot Thomas K. Mattingly has no immunity to this disease," the Space Agency said in a mid day statement. "This finding creates the possibility that unless there is a change in Mattingly's condition between now and launch, he could develop German measles in space."

Berry said earlier that measles "certainly could" disable a moon pilot.

Delay Costly

If the \$375 million expedition The other two Apollo 13

Today's Agenda

The afternoon agenda is as follows:

- 1:15 p.m. John Barkett, President of Morrissey Hall, Introduction.
- 1:25 p.m. Jim Motschall, President of Fisher Hall, Description of a typical hall.
- 1:35 p.m. Tom Suddes, President of Holy Cross Hall, What's good about hall life.
- 1:45 p.m. Reverend Thomas E. Chambers, Rector Morrissey Hall, Role of the Rector.
- 1:55 p.m. Reverend James L. Shilts, Rector Farley Hall, Role of the Rector.
- 2:05 p.m. Dr. John Houck, Student Life Council Member, General Concerns about Hall Life.
- 2:15 p.m. Reverend Daniel Boland, Counseling Center Administration Building, Counseling and Hall Life.
- 2:25 p.m. Reverend Maurice Amen, Rector Flanner Tower, The ideal hall.
- 2:35 p.m. Orlando Rodriquez, Vice President Morrissey Hall, Effects of drinking and parietal hours legislation.
- 2:45 p.m. Reverend James Riehle, Dean of Students, Effects of drinking and parietal hours legislation.
- 2:55 p.m. 10 minute break.
- 3:05 p.m. Rick Urda, Student, Judicial System.
- 3:15 p.m. Mike Lindburg, President of Breen Phillips Hall, Hall Government.
- 3:25 p.m. Reverend Jerome Wilson, Vice President for Business Affairs, Hall Facilities.
- 3:35 p.m. Reverend Ernest Bartell, Asst. Rector Flanner Tower, General Concept of Hall life.
- 3:45 p.m. Ray Connell, Student, Individuality versus responsibility.
- 3:55 p.m. John Barkett, President of Morrissey Hall, Summary.
- 4:05 p.m. Open Discussion until 5:00 p.m. (All students invited.)

UN strives for peace

(continued from page 1) MUN to "recognize that the government of the present Chinese delegation represents the people of their respective island known as the Nation of Taiwan."

The amendment resolution was passed 25-14.

The amended resolution was passed 25-14 amid controversy over the number of required eye votes and the quorum present and Red Chinese delegation was seated.

Kelly had originally ruled that the resolution required a two-thirds majority vote for passage, but an appeal resulted in only a simple majority needed

for passage.

When Kelly announced the appeal vote as 17-14 with 3 abstentions not to hold the chair, the Israeli delegation called for a quorum check. Even though the necessary quorum of half the member nations had not voted in the appeal Kelly ruled that the vote was legal since the quorum call had come too late. Since further business was impossible, the session adjourned.

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Nixon 'disappointed'

(continued from page 1)

to integrate it, and his record as a judge whose opinions were reversed more often than is usual—summed up as "the mediocrity issue"—combined to defeat him.

Nixon put his political prestige on the line—and doubtless offended some senatorial sensitivities—when late in the controversy he accused Carswell's opponents of challenging his constitutional authority to appoint Supreme Court justices.

In the House of Representatives, talk revived even before the Senate vote of impeaching Justice William O. Douglas, attacked for his former links with a foundation which listed a Las Vegas gambling casino among its sources of income.

Impeachment proceedings were not considered a serious possibility. A House impeachment is comparable to a grand jury indictment. In such a case, the Senate would sit in judgment of Douglas. No justice has ever been removed from the bench.



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First spring weekend a busy one

This will be the first of many busy spring weekends for Notre Dame athletes. No less than four varsity teams will be in action. Also numerous club teams plan to battle over Saturday and Sunday.

JIM MURRAY

Verdict First, Trial Later

© 1970, Los Angeles Times

To some of us, the commissioner of all baseball had two choices—he had either to suspend Denny McLain for life; or legalize gambling.

His decision is one of the classic under-the-rug sweeps of history. Even for baseball, it is a monumental equivocation, in fact, even for Alice in Wonderland. The verdict first, the trial afterward.

The times call for compassion, he had said. The times apparently call for carte blanche. Denny McLain got the kind of "punishment" you would expect for a curfew violation.

It's not that I think the punishment is too lenient. I think it's too severe. Clearly, the commissioner of all baseball does not consider buying into a bookmaking establishment any more serious than missing the bunt sign. I had an uncle who went to jail for it once, but, in baseball, it's apparently considered a legitimate outside activity—like posing for deodorant ads.

I think this is what comes of putting a lawyer in as czar of baseball. Naturally, a good lawyer is never going to find for the plaintiff, or the state, or the government. He's going to find for the defendant.

Under the adversary system of law, society is armed only with a set of codes it cannot understand, ambiguous at best, incoherent at worst. Compound this with a crafty counselor who holds that under no circumstances should an individual be held accountable for his own actions, that the blame should be shifted to the guy who left his key in the car, to society, to chromosomes, or to the atomic bomb, and you can see that, to the legal mind, what Denny McLain did or did NOT do was, at most, trifling. The commissioner must really be irritated at Denny that he did not do something really serious so that the commissioner could really show his magnanimity.

Retribution is in disfavor anyway with social scientists. They point out that it has not wiped out crime in 5,000 years, and it may be forgiveness will succeed where punishment didn't.

They have a point there. Retribution has never deterred the 2% of the population who turn to crime. Of course, what we do NOT know is, how many of the remaining 98% would have joined them had they not feared retribution?

But, with the word "felony" fading out of the lexicography, baseball may have to substitute a statute titled "misdemeanor throwing-of-games" and note that it is punishable by being sent to your room or being forced to pick up the locker room towels for a week.

I find it interesting that Denny McLain's teammates are as shocked by the pusillanimity of Denny's wrist slap as the Watch & Ward Society. Presumably, a couple of them have had occasion to throw a character in a pinstripe suit out the door a few times for waiving a fistful of bills under their noses and suggesting they drop a few fly balls or walk a few guys with the bases loaded.

Maybe a jury of his peers would be less lenient with a suspected player than a man who is more concerned that the neighbors find out than he is with the mischief itself.

I think some system of getting at the facts, and laying them before the public, would be better than the locked-door chamber confrontation with the emergence a few hours later with the announcement "Charlie says he didn't do it."

The trouble with compassion is, it cannot be retroactive. So, on the day Denny McLain takes the mound again, let's, at least, lay a wreath on the grave of Shoeless Joe Jackson and the rest of the Black Sox, re-admit their records to the book, and put them in the Hall of Fame. After all, all they did was go in partners with a bookie, too.

Suns at L.A. tonight

There is only one divisional semifinal left unsettled in the National Basketball Association. Los Angeles and Phoenix will need the seven games to decide the winner in the West semifinal.

The seventh game was necessitated Tuesday night when the Lakers upended the upstart Phoenix club 104-93. This will be played this evening in Los Angeles.

The winner of this series will then meet the Atlanta Hawks in the Western final.

In the East, New York and Milwaukee have won their semifinals and their first clash will be

Baseball

Clarence J. "Jake" Kline's boys will travel to Bowling Green for a two game series on Friday and Saturday. The Irish



suffered a disastrous trip to Florida over Easter vacation and they'll be trying to get back on the winning track in the north.

Bill Orga, last year's leading hitter, and improved Phil Krill (of Erie) have been the bright spots in an otherwise gloomy spring.

The team record stands at 1-5.

Tennis

The tennis team, fresh off of a big win over Purdue will travel to Evanston, Ill. to play another Big Ten foe in Northwestern.

Sophomore Buster Brown, Mike Reilly, Rob O'Malley, and freshmen Rob Schefter and Gil Theisson all registered victories over their Boilermaker opponents.

The netters record this season is a promising 3-2.

Golf

The Notre Dame golf team will compete against approximately 12 teams in the Bob Kepler Invitational at Ohio State this weekend, after taking 19th place out of 40 in the Gulf American Classic over vacation.

Bob Wilson was ND's low man

in the Florida tourney with a score of 314 over 72 holes at Cape Coral and Golden Gate. Freshman Martin Best was next with 315 and carded 73 in the first round for ND's low single round score.

Other standouts for the Irish were Robert Battaglia, 319; Mike LaFrance, 321; Bill Cven-gros, 322; and Jim Dunn, 326.

Rugby

The Notre Dame Rugby Club was inactive over Easter break this year but the ruggers did add one victory before leaving for home. Penn State was the Irish second victim of the season. The Nittany Lions were sent away on the short end of an 11-0 count. The win came two weeks ago on March 24 at home.

Palmer Chiropractic School will be the next opponent for ND as the two clubs will battle on Saturday at Stepan Center.

The record for the Irish now stands at 2-0-1.

Lacrosse

The Notre Dame Lacrosse Club's varsity squad or first team has the weekend off. The "B" team or junior varsity will play

on Sunday, however.

Wayne State will provide the opposition for the Irish. The match will be held at the Stepan Center field.

The varsity record is an impressive 3-0. The club has survived two overtime matches so far this season.

Kenny Lund, Tim McHugh, Bob Perry and Jerry Kammer have been a few of the more outstanding performers for the Irish so far this spring.

Track

The track team will participate in its second relays event this weekend. Coach Alex Wilson's squad will travel to Athens, Ohio to participate in the Ohio Relays.

The Irish have been hampered by some minor injuries to a number of its runners and their success on the cinders is a bit uncertain.

Football

The first big scrimmage of the spring football season should take place Saturday afternoon at Cartier Field. The skirmish will bring to an end the first week of drills.

The Masters begins today

AUGUSTA, Ga. UPI-Even though it backfired last year, Billy Casper plans to play it nice and easy again in the Masters golf tournament.

Casper, one of the all time greats of the '60's but never a winner here in 13 tries, came within a stroke of winning the Masters last year after leading for three rounds.

"There was nothing wrong with my plan last year," the 38 year old Californian insisted. "I simply ran into a little bad luck on that final front nine and didn't have enough time left to make it up."

The Masters begins its 34th run over the par 72, 6,980 yard Augusta National this morning.

Since they weren't able to practice yesterday afternoon, the 83 entrants, including 16 foreigners and more than a dozen amateurs in a field weaker than the usual PGA tournament, will take part in a pitch and putt contest on an adjoining par 3 course.

The firing is scheduled to begin at 9 a.m. EST and, in keeping with a long masters tradition, the first twosome off the tee will include 87 year old Freddy McLeod, the 1908 U.S. Open champion, and 85 year old Jock Hutchinson, the 1920 PGA champ.

The field will be cut to the low 44 scorers, and ties, and anyone else still within 10 strokes of the 36 hole leader after the second round Friday. The final two rounds, Saturday and Sunday, are being nationally televised CBS with no area blackout as prevailed here prior to last year.

Three time champion Jack Nicklaus, only man to win the Masters two year in a row 1965,66; South Africa's Gary Player, only foreigner to win here 1961; and non winning but long hitting Tom Weiskopf, who has been under par in his last seven Masters rounds, are figured along with Casper as this year's favorites. And there's always

support for four time champ Arnold Palmer.

As for defending champion George Archer, 1968 champion Bob Goalby or 1967 champion

Gay Brewer: none of the men who have won the Masters since the Palmer Nicklaus string was snapped three years ago have had much to crow about since.

Ted Green's trial

OTTAWA (UPI) — Ted Green's (Boston Bruins defenseman) lawyer expected to try a double-barrelled argument to prevent his client from becoming the first National Hockey League player ever convicted of assault for a fight during a game.

Edward J. Houston, defending Green on a charge of common assault before Provincial Court Judge Michael Fitzpatrick, said he would argue that the charge was invalid because hockey players "consent" to the danger of fights during games.

In addition, the lawyer said he planned to produce a witness who would testify that Green was "speared" prior to his stick

swinging battle with forward Wayne Maki of the St. Louis Blues.

Crown Prosecutor John Casels said he would argue that "consent" was not a sufficient defense for an assault charge.

Referee Ken Bodendistel was scheduled to return to the witness stand when court resumes.

Two photographers, Robert Carroll of United Press International and high school student Ted Grant, were called to the witness stand Tuesday to present photographs they took during the fight.

Carroll and Grant said they did not see the alleged spearing incident.

MAJOR LEAGUES

National League					American League				
East					East				
	W.	L.	Pct.	GB		W.	L.	Pct.	GB
New York	1	0	1.000	...	Baltimore	2	0	1.000	...
Philadelphia	1	0	1.000	...	Boston	1	0	1.000	...
St. Louis	1	0	1.000	...	*Detroit	1	1	.500	½
Pittsburgh	0	1	.000	1	*Wash.	1	1	.500	½
Chicago	0	1	.000	1	New York	0	1	.000	1
Montreal	0	2	.000	1½	Cleveland	0	2	.000	2
West					West				
	W.	L.	Pct.	GB		W.	L.	Pct.	GB
*Cincinnati	2	0	1.000	...	California	2	0	1.000	...
*Houston	1	0	1.000	½	Minnesota	1	0	1.000	...
San Diego	1	0	1.000	½	*Oakland	1	0	1.000	...
*Los Angeles	0	1	.000	1½	Chicago	0	1	.000	1
Atlanta	0	1	.000	1½	*Kansas City	0	1	.000	1
*San Fran.	0	1	.000	1½	Milwaukee	0	2	.000	2
St. Louis 7 Montreal 2					*night game not included				
Cincinnati at Los Angeles, night					California 6 Milwaukee 1				
Atlanta at San Diego, night					Baltimore 3 Cleveland 2				
Houston at San Francisco, night					Oakland 1 Kansas City 0 (6th inn.)				
					Detroit 0 Washington 0 (6th inning)				