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**Scholastic**

March 29, 1974



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# Scholastic

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# The Way It Was

When we try to imagine the Notre Dame of the past, our minds somehow always return to Knute Rockne and visions of students lying prostrate in catatonic prayer for football victory. We think vaguely of some ominous padre snapping his whip at trembling boys as he herds them into church for compulsory Mass. But, what was it *really* like to be a student at Notre Dame, say, 50 years ago? Let us very briefly look at the du Lac of the late teens and early twenties — the years of war and the years when the nation soared in its own dreamworld of recklessness and abandon.

Imagine the young Noter Doter of 1917 catching his first view of this fair campus. He steps off the streetcar and faces the benevolent bronzed face of Father Sorin. Straight ahead is, of course, the Golden Dome and a few buildings to the left and right of it. There is no O'Shaughnessy Hall and there are huge barns where the South Dining Hall now stands. There is no Law School behind him for our present Psychology Building was once called Hoynes College of Law.

Our boy is a freshman and will probably live in Corby Hall if he can afford a private room. If not, he will live in the Administration Building. He will have a cubicle on the third floor with his own bed and chair. His study hall is on the second floor and the washroom is in the basement. And his shower is — BRRR — outside! (Would one *rather* live off campus?) The high school is also in the Administration Building and St. Edward's houses the 7th, 8th, and 9th graders whom Father Sorin has called the Little Princes.

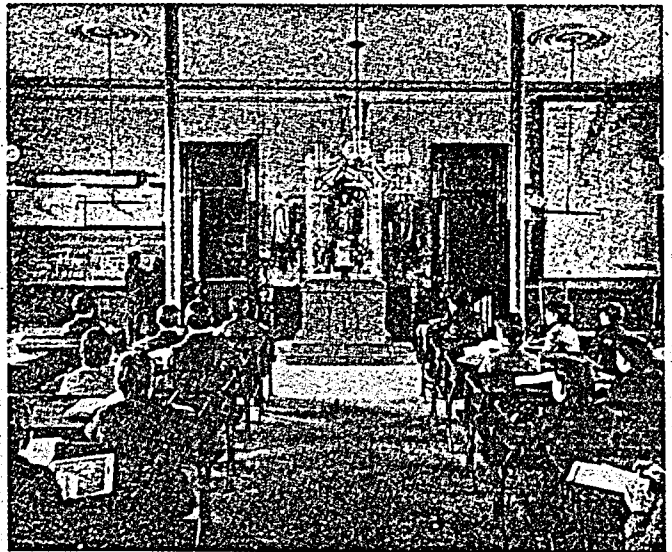
Soon our freshman finds that there is no over-sleeping at Notre Dame. He is awakened at 6:15 each morning because the University believes, in military-school fashion, that a man should get up and "get his day going." Morning prayer is at 6:45 — classes begin at 8. At the end of the well-ordered day, there is night prayer. At 10 p.m. the lights go out.

This WWI N.D. is militarized. All students drill on the morning of Thursday, their free day. (Saturday is a class day.) On two Fridays of each month there is a formal review before a colonel. Notre Dame boys who enter the service are given the rank of lieutenant immediately.

As for discipline, this freshman cannot smoke a cigarette for if he is caught with one, he will be sent home. He is compelled to go to Mass on Thursdays and Saturdays (and Sundays, of course). If he misses Mass he will get demerits — 200 and he's campused for 2 weeks, 1,000 and he's sent home.

But there are luxuries — our student is waited on at meals by student waiters. As an upperclassman he will be able to live in Walsh, known as "The Gold Coast," in which he may have his own suite with a sitting room, living room, bedroom and bath.

Contact with St. Mary's is practically nil until the 1920's. Our student has probably graduated without ever meeting a St. Mary's girl. (He may have never even seen a woman here — there are no women secretaries here until the 1940's.) As the Roaring 20's roll in, Domers find that they can visit the girls across the road on Sunday afternoons between 4:00 and 5:30. Punctually at 5:30 Sister comes around clapping her hands signaling the time for leaving. The boys (men?) play games, hiding in the drapes, forcing Sister to hunt for them and shoo them out.



A "Minim" Class Room



The only approved place to take a belle from St. Mary's is to a victory dance after a football game. These dances are held in South Bend at the Palace Royal. But Cinderella must be home before midnight or she will, if not turn into a pumpkin, be in serious trouble.

In the 20's the ban on cigarettes has vanished and compulsory Mass is only on Sundays and Holy Days. Drinking is forbidden on campus under pain of expulsion but some students manage to find their way to homes in South Bend to partake of the Prohibition Special — bathtub gin.

The voice of student government is first raised in the form of the Student Activities Committee. This committee begins in 1922, and in '23 is headed by a student named John Cavanaugh who later goes on to the priesthood and to the presidency of Notre Dame. Because students want more control over their lives, they form the SAC but their demands are far from being as grandiose as parietal hours; they wish for things like walkways which are not inundated with water. But it is made clear to them that the final authority rests in the Administration and that any authority given them is merely derivative. The rules they draw up must be approved by the University and they are, in essence, a gratuity on the part of the Administration. The students lash out against this dominance through a pamphlet entitled "Revely" issued in 1923 and slipped under the door of every student. It protests the authoritative rule of the University and the submissive cooperation of the SAC.

One achievement of the SAC is the obtaining of a Grid-Graph. On the days of away games, students flock to the gym at 50c a head to watch the game on the electrically lighted board bearing the names of both

teams and of the players. When a player gets the ball, his light comes on and the entire play may be followed by means of this marvellous device. There are even cheers at half-time (no SMC cheerleaders, of course). . . . and all through the courtesy of Western Union and the SAC.

A person very much influencing students at this time is, of course, the great Knute Rockne. Never before has such a dynamic character graced this campus. Much more than a football coach, he is an inspiration. Interhall athletes are strong, and Rockne sometimes comes out to referee interhall football games. It is often from these hall teams that varsity players are chosen.

Another man of great influence is Father John O'Hara. Coming to Notre Dame as a young priest full of zeal, he takes the position of Prefect of Religion. Pope Pius X has come out strongly in favor of daily communion as an aid in living the Christian life and Father O'Hara implements this belief here. It isn't strange for a student to receive communion outside of Mass. Students are frank in their admission of their need for Christ in their lives, they humbly admit their own weakness. Father O'Hara holds their trust and respect, he is their Father Confessor and they believe in him. He is definitive in his decision but not coercive. Believing that religion and discipline should be kept completely separate, he would never report a student who misbehaves.

In this brief remembrance lastly there is the bull session — those late night talks in which friendships are formed, ideas experimented with and difficulties hashed out. In a school in which life is totally campus-oriented and totally male, bull sessions are the seeds of brotherhood.

And this is Notre Dame. . . .

# Confessions of an Assistant Rector

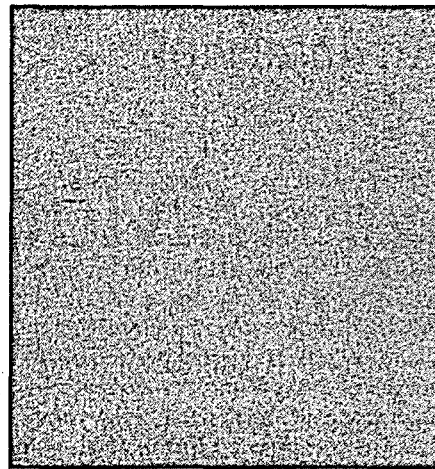
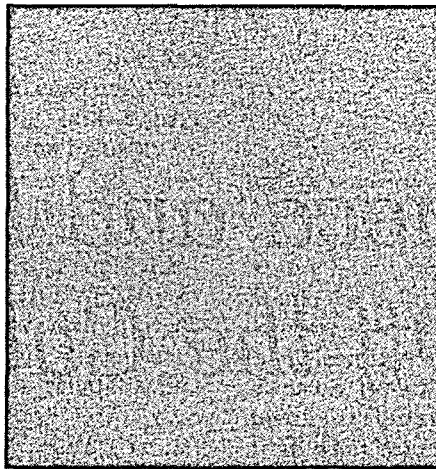
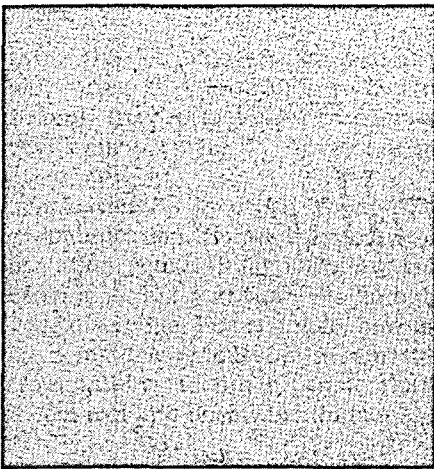
I once knew a child-man of twenty fragile years named Tom. I met him one day in a shared smile. In this smile and others, one recognized a spontaneous sense of playfulness that is best represented by Zorba's dance on the beach. With him, one seemed able to penetrate the conventions of age and sterile roles. He enabled many people to rediscover the forgotten child within. In a way, through Tom, I myself rediscovered a sense of play that was somehow left behind with my belief in Santa Claus. I found once again the myriad of wonders that can occupy a warm, slow-moving afternoon by the lakes. One can only become acquainted with a flower, dazzling and arresting in its fertile beauty, in merely one afternoon; friendship takes patience and time. Tom could define the term tree; not from the dusty perspective of dictionaries, but from the knowledge of a swinger on branches.

Yet, one sensed that beneath the smile lurked an omnipresent loneliness and a spirit that was troubled. One sensed that he felt like a left-handed person living in a right-handed world. As I found out later, Tom never felt that he was loved by his parents. His father was remote, a veritable *pater absconditus*. He was submerged in his work, and the necessity to succeed expressed in terms of martinis and suburbia. His mother, due to this, was herself lonely, for she thought that she had married a flesh-and-blood man. So she grasped Tom as the token of an all-too-infrequently celebrated communion. Yet, Tom almost desperately wanted to be held and played with by his father. But work always, always, intervened like a demanding extra member of the family. The father, being a demanding man himself, seemed always to set the highest of goals for Tom. Even at twelve, Tom felt as if he was struggling for a Nobel Prize. Achievement was assumed. Kind, gentle, encouraging words were usually absent; one sensed that they were always the result of slips, never the manifest token of affection.

Tom came to Notre Dame. He won through the debilitating loneliness often enshrined in hall life and he learned to dance.

There are several roles that are ascribed to the position of Assistant (Associate) Rector. At one extreme lies the conception of the Assistant (Associate) Rector as a sophisticated janitor and emergency problem solver. Both of these conceptions, in and of themselves, are debilitating. In the janitorial category one performs functions such as unlocking doors and trying to accomplish physical hall improvements. Yet, to accept this as the role model is simply to confuse ends and means. The problem-solving model is closer to reality, at least in terms of my experience. All too often it seems that one spends most of one's time quieting drunks, ending pimp wars (even between halls) and occasionally talking to confused "heads," the suicidal and/or the depressed. While all of these things are important, crucial for those who dare to publicly call themselves Christians, they lack the vision required to help to direct a hall to a common, accepted and articulated end. One is often too busy responding to inanities such as water fights to even think about such things. The situation is like that of an excellent fire department which is terrific at putting out fires with a minimal loss of life and property, but has no fire-prevention program (or a shared understanding of why such a program is necessary).

Another extreme position is one that I have often heard voiced by undergraduates. It is to the effect that the Rector or Assistant (Associate) Rector is the local agent of a far-removed, tyrannical administration. This view is often expressed in statements such as "It's your hall." Though such an understanding provides a readily acceptable basis for discipline (from an undergraduate point of view), it actually represents a misunderstanding. Rules are not applied for their own sake from a position of lofty, Zeus-like power; they are applied to particular flesh-and-blood persons. The most important criterion of decision is the individual and not the pseudosanctity of an abstract principle. Thus, such a view really makes rule enforcement more difficult, for it subtly subverts the principles upon which decisions are actually based, and it invites misunderstanding. Regardless though, this understanding really represents an invited paternalism, and it establishes an "us against them" mentality. On these



grounds, such an understanding must be rejected.

Faculty colleagues suspect that I am merely mad for living on campus. Yet, it is important not only to tell them that they are wrong, but also to carefully articulate the reasons. To be a Rector or Assistant (Associate) Rector is to stand for the human things while living in a hall in which ethics often does not proceed beyond calculated self-interest justified in terms of rights. One has the right to be a monster—a crass manipulator of men/women for pleasure or profit—as long as he/she does not disturb the social peace in a major, visible way. Otherwise, it seems, all is permitted. One lives in the vortex of an unmitigated pleasure principle that is often driven by various passions to where its tyrannical whims burst forth.

Yet, there are many stories of open-handed generosity, especially between roommates, which make the foregoing wane in comparison. I once knew a junior in Farley who halfheartedly attempted suicide. Though Psych Services helped, it was really the manifest, gentle affection of his roommate that allowed him to win through the lonely, dark nights. Such things are more common than one would think, but they are often greatly overshadowed by the crude and crass aspects of hall life.

To be an Assistant (Associate)-Rector or Rector is to stand open to other men and women as a public friend. It is to teach that the paradigm of human togetherness is not utility but generosity, not self-interest but a squandering of the self. It is to befriend men and women who need such a relationship to grow, to become, in a shining way, what they are. In the nexus of such relationships, people challenge each other to strain every nerve, to agonize, to live a life of manly/womanly excellence (*virtus, arete*). The limiting case is to burn oneself out in the quest for such manliness/womanliness. In the case of the bodily excellences, this is adequately represented by Pheidippides. At its best, an entire hall could conceivably recognize this and begin to shine as some skyscrapers reflect the sun. Such a hope, perhaps only realized in speech, keeps one on campus.

Yet, such a life is most often difficult. One consequence is that many of one's relationships tend to be one-sided. To put it another way, there are many among us whose use of the word "friendship" refers to only a sense of pleasure or utility. Thus, one lives with the soul-filled tension of Philemon who discovered the eternal problem of a Christian living in a world which maintains other values. Thus, as much as one is able, one strains to be an *alter Christus*. One attempts to be generous, especially to those who reject such generosity as ridiculous, absurd or disguised paternalism. In a sense, one teaches in such actions that the Cross is truly the nexus of not only the relationship of God to man, but also of men to each other. Given the tragedy of all love—including the Divine—this is the most important teaching.

There really is no reward for this except that in personal moments of forsakenness, strength comes; and one lives in a new way. One realizes that there are senses to the term "life" which are only hinted at by the best of poets.

Tom learned to live because others loved him. He had friends who squandered themselves for the sake of the beauty which he denied was in his soul. Though he screamed and kicked, and shouted about freedom and paternalism; he grew as they did. All of them, together, won through the pain, loneliness and suffering. Tom put his parents behind him, accepted and returned the friendship of others and began to shine as a man of the excellences. In many ways, he began to live the dance of Zorba on that beach.

*After serving for four years as an R.A. in Farley, Michael Melody was named Assistant Rector of Howard Hall this past fall. An Instructor in the Collegiate Seminar Program, Mike is presently finishing his doctoral dissertation for the Government Department.*

# Macheca and Lally: Off the Cuff

**Scholastic:** Do you feel that the social situation has improved in any way since you took over? How do you feel after almost a year in the Student Affairs Office?

**Macheca:** It'll vary depending upon what your viewpoint is, and what your expectations are of the social situation. I would say that, depending on who you talk to, they might feel that there *has* been an improvement or that there hasn't been. It also gets down to what your expectations are with regard to social life. I would like to feel that the University can make a commensurate commitment to social life, and I don't mean just parties, as they have made to the kind of commitments that Notre Dame makes; a commitment to excellence in academics and athletics. We can make commitments to the social area as well, especially as part of the evolution involving coeducation.

**Scholastic:** Parties seem to really have posed a dilemma this year. On one hand, being that Notre Dame is such a residential campus, we all acknowledge that parties are really in many ways the focus of campus life. On the other hand, they've also been a focus of a lot of campus problems. Now at the beginning of the year, there was a fear that the Office of Student Affairs, in an attempt to solve the problems of parties, was going to sort of put the damper completely on parties. There's some hope that there's a sort of middle ground, and I'm really not sure if we've quite figured out what the middle ground is.

**Macheca:** Well, one of the things—there was a suspicion that there would be changes made, just because there had been a reorganization in Student Affairs. And, interestingly enough, Father Lally and I, both, from the beginning, have emphasized the area of student responsibility in social activities; but with the emphasis on responsibility, *not* just freedom. Now, you had a situation where there were abuses. There's no question that there's a concern on this campus for the abuse of alcohol as a problem. Some people you talk to will say it's the biggest problem we've got here, the attitude toward alcohol and the insensitivity to it as a potential personal problem, not just necessarily as a community problem. So we felt that the rules that we had made it very difficult for us to take any kind of an active role in trying to improve the situation, because they said you couldn't do any of these things. So there wasn't any way that you could get involved in a program that dealt with a problem that you don't acknowl-

edge, at least in terms of not allowing it. So we saw that as something very necessary, to have a rule that reflected what the actualities of the situation were. And then we felt that there are social events which involve alcohol which are appropriate to a university campus and appropriate to the kinds of residence halls, the kinds of facilities, the kind of life-style that we have on this campus. That's what we began to work toward. Now what happened that caused a lot of confusion was the whole Sorin incident. What people failed to realize with it was that that whole thing happened under the original rules, last year's rules, before the new rules could come out; and we were very much concerned that we would have problems in the beginning of the year, because we wanted the SLC and the Administration of the University to have some sense that what we were doing had some significance, that we weren't just making a paperwork change, that we weren't just changing a rule that nobody pays any attention to, but that there was going to be a significant difference, and there was a reason to change the rule. So we had to, from the standpoint of good faith and mutual respect, try to live within the existing rules, hopeful that the rule would be changed. But that original Sorin incident kind of exacerbated the whole understanding and began what a lot of people refer to as paranoia.

**Lally:** I think we let the students know that we were going to try something new, and we learned that very often your intentions can't be conveyed just as well as you think. The students bring a lot of good will *and* a lot of needs to the whole social situation here, and in trying to be responsible from our end for the maintenance of the good order of the University and the people in this community, we've, I think, failed sometimes to appreciate the fact that we're not always very well understood. I think the continuing dilemma is to bring the students to engage in and be concerned with our common problems, to say to them not "We will devise rules and standards whereby your parties will be run" but instead to say "Here are our concerns from our point of view as administrators." Naturally our social concerns are going to be different from the students'. But we're saying, "Would you help us solve these common kinds of problems" instead of saying, "Well, this is the package that we're going to lay on you and that you're going to have to live with." I think we've conveyed some of that, but I also think that we've been misrepresented in terms of those concerns. Somebody has to be responsible for our concerns, or I



think the job will only be partially done. I don't find very often that students are lacking in good will, but I think they're lacking in understanding, and in part that's our problem, to convey our problems to them.

**Scholastic:** So in other words the problem is one of communication. Somewhere between discipline and affirmation your role as affirming gets lost. People don't often see what you term the "rehabilitative" quality of your discipline. For example, how is one "rehabilitated" by being tossed out for a semester. But we've heard from talking to other people that that rehabilitative model can and does work in cases.

**Macheca:** In a disciplinary case, you get into a very personal situation, especially the way we've approached disciplinary problems. We try to be as totally informed as we can about the situation or the incident, about the individual who's involved in that incident, and we look to many different sources for our information. We may talk to other students. We've had cases where the president of the hall has been involved, in terms of the investigation as well as the adjudication of a problem. Also the R.A.'s and the Rector are brought into it. So you get a situation where you're working with where a person is, what his strengths and weaknesses are, and where he is in his own personal development. Now the problem is that you can't just go shouting those kinds of things from forums or talking publicly about an individual's degree of maturity, or a problem he has with alcohol or with drugs or with his emotional life. Now granted, all cases don't wind up being so deeply personal that they get into these kinds of problems. But what you're doing is digging into an individual's total being, and trying to make a decision that takes this into consideration as well as the good order of the University and the upholding of the rules and the behavioral expectations of this community. And the problem is that you just *can't* make public comment, and that's where the relationship between the rehabili-

tative or developmental model is lost to so many people because they don't see what happens. There are many cases you could cite where you could see and understand how you got from point A to point G, which would be a final decision. Most of our work, actually, is done *after* a decision is made; you work with somebody coming off a decision, especially if it's a tough decision, tough on him. You try to keep him from becoming bitter, or you work with him to show him that what you're doing is hopefully for his own good. But these are the kinds of things that you just cannot get out and air in public. They're very personal kinds of situations. It's much like anybody who's dealing in a developmental relationship where he cares about an individual and would like to make him a better person by virtue of always having someone to tell you that you've made a mistake when you have. Here hopefully we can work together to understand our strengths and weaknesses.

**Lally:** I've given a lot of thought to your question, because it puts you in a particular dilemma. That is, whatever punishment or penalty accrues to a particular offense is really coming off a value stance on the part of an educator or an administrator, depending on how you want to see us. We'd like to see ourselves as educators. I don't suspect that, at the given time that you nail someone with a particular penalty, they're going to be very grateful for it. That just isn't going to happen. . . . Most of our educational processes have been abstractive, intellectual, overly theoretical, and have not asked for any other investment on the part of the student but that he produces intellectually. What we're saying is that, as educators here at Notre Dame, some of the things that we feel are important are going to involve personal investment, on our part as well as the students'. And I think it's good that students hold administrators to the values they represent. In other words, I can't just simply represent values to you. I have to have inculcated those values in my own life. Otherwise I've got no business talking to you.

**Scholastic:** From a student point of view, there's a real problem with suspension, if a record of it goes on the student's transcript. It's the kind of thing that could follow you for the rest of your life, especially when you apply for a job or something. Once the suspension is over and the student is hopefully rehabilitated, is there a possibility of having the record of the suspension removed from the transcript?



**Lally:** Well, you know, Edward Kennedy, from what I understand, was suspended from Harvard for getting someone to take a Spanish exam one time. I think that's a matter of public record. But I don't think it need necessarily dog a man to the point where any kind of success is just unwarranted. The flip side of living in a culture that lets you choose your own values is that it's a permissive culture that doesn't nail a man for the rest of his lifetime. You can't ask us to waive what a man did here at this University. Now frankly, we very seldom suspend anybody. I don't know where anybody around this place thinks that all we do is boot people out right, left, sideways and forwards. We're engaged in many more rehabilitative models than suspending people. Nobody has come around and asked us about those particular cases. I've been waiting for them to do it because I think we'll look pretty good when we finally get around to having someone look into it.



**Scholastic:** Well, then let me ask about them.

**Macheca:** But you can't really comment like that on cases. However, there is a possible situation where some students might volunteer to have their cases put up as study cases. We have one guy who has indicated that as a possibility. But we just don't know yet. We haven't ironed out all the wrinkles. It's a very interesting case, though, and has a lot of positive things to say. But it's not sure yet.

**Scholastic:** Do you see the possibility of making greater use of, say, the student judicial board or perhaps a sort of student court for disciplinary cases?

**Lally:** Well, students are not given to levying the kinds of penalties that will uphold the values which we consider important. Students are very conscious of their rights and they ought to be. Sometimes you find yourself in an adversary position vis-à-vis the value being upheld with the students that students themselves are simply not willing to support. And I wouldn't expect

them to. If I were a student and I were being judged by my peers, I would expect them to have more sympathy with my point of view than I would the guy upholding the values. And they didn't hire me to represent student views. They hired me, I hope, to uphold some values that they think are important. Now I can go easy on a guy when I think that there are a lot of factors involved which mitigate the circumstances. John and I have felt all the time that the bind isn't really with the number we let go, who are very many; but it's the occasional guy that you feel you have to go hard on, for really important reasons. That's the crunch decision. Now we've waived more guys through this place, and established good relationships, I think, with goodly numbers of students that have come to our office. So we don't really feel that we're bad guys. If you can nail us on any single thing, it would be that we've been really too soft, as far as the values themselves go. I feel that way, at least; deep down I feel that.

**Scholastic:** What values in particular are you talking about?

**Lally:** I think the abuses students have for one another in terms of ripping one another off; whether in terms of ripping students off of their reputations, the kind of rip-offs that accrue when someone is simply after financial gain, the kind of thing where students sell one another defective stuff, or run a party that is, in fact, just a bilk-off; the kinds of things where students are not conscious of the particular rights of other students to want privacy, to want a decent place to live; the kind of wanton destruction of property that really impinges upon students' rights to live in a decent place; the attitude here that makes students cheat and do things that are pretty disreputable, though it's hard really to affix responsibility for that.

(What we're really concerned with is) how the students treat one another, how the Administration treats the students, and frankly, sometimes, how students treat the Administration. I get pretty pissed off at being misinterpreted and misunderstood when the people involved don't really make a hell of a big effort to find out what I really had on my head. I think that's an injustice. I think to deal in caricatures, to deal in innuendoes, to misrepresent, is a worse sin in some instances than going out and getting drunk, although I think going out and getting drunk isn't so great either.

We could count on the fingers of one hand the stuff that we've dealt with first semester that we'd call really serious stuff.

**Macheca:** The biggest thing that I see is the selfishness of young people (now, of course, older people are selfish, too) where their actions are motivated by their own personal interest, whether it's ripping off the telephone company, whether it's just convenience because they want to do it their way as opposed to a way that makes sense to a community in which they live, and even when it's with regard to other people, their physi-

cal needs, ripping off another individual in terms of interpersonal and intersexual relationships. This is what bothers me the most; and also the insensitivity to it. So what we're saying is that to make a mistake, to do something unthinkingly and somewhat instinctively which is self-gratifying or self-indulgent or just plain selfish, you can do these kinds of things without realizing it. And part of our job is to say, "Stop and look at what you're doing. What are you saying about yourself and your values by your actions?" And so, in confronting, I often use the analogy of the Knight of the Mirrors in Man of LaMancha where the Knight confronted Don Quixote with "This is what you are" and made him see himself. I think what we're saying in our daily rap sessions in the halls, what we feel we're all about and what kinds of Christians we are is one thing, but what our actions say about what we really are is where we really come to the test. And the actions sometimes result in bringing you up to this office. And when you come up here to this office because of certain actions, these actions are indicative of values. And that's when we try to confront on a value basis.

I'm married; I have a wife. I screw up and my wife says, "What are you doing?" I've got somebody who's going to tell me when I'm not being the kind of person she knows I should be, or that she knows I would want to be. But who's telling any of you what you're doing right and wrong? Do your friends tell you? That's one thing about the student peer group; they will not confront each other on values, because what it really gets down to is that in many instances they don't care enough to get into that kind of a hassle, that they're going to tell you when your values are slipping or are less than what they should be. And that's why it's not an easy thing to do. That's why our jobs are as difficult as they are, because we're confronting on values. We're telling people, "You haven't gotten your thing all together yet, even though you thought you did." And sometimes that's hard to listen to.

**Lally:** See, I think the thing that I understand in terms of values is that, for the value to have some meaning for you, it also has to involve some self-investment. And students are not conscious of the fact that you really have to be self-invested in the value for it to have any meaning. It's got to have some meaning for you to invest in it, but you, in a sense, become what you have given yourself to. What we want to do very often is engage in a non-incarnational model of education which lets you just simply reflect and intellectualize and move away from the kind of involvement that says, "Yes, I not only know what the values are as far as being represented, but I also invest in them. I *become* those values in a sense." And that's an important part of this thing because, in a sense, the University can no longer depend on the family or the school to have given you any values before you come here. Now, that's a surprising kind of statement, but it mirrors what's happened in the larger society that we live in. People come to us with so many different values

that they simply say, "Well, I don't think there's anything wrong with running, stark naked across the north quad." And when you listen to him, you become convinced the guy's basically in good will. And nobody doubts their good will; but they're wrong, they're really wrong. They're wrong because there are a lot of other people who have different sets of values and are offended by it.

**Scholastic:** You read my mind. I was just going to ask you about streaking.

**Lally:** Well, the thing I feel about streaking is, I don't want to overreact, but I'm not going to sit here and watch the whole neighborhood go goofy with a bunch of guys running around naked.

**Macheca:** The other thing with streaking is that it's not just an isolated thing, as Terry pointed out. It is offensive to other people and it has, in some instances, become very hurtful of other people. We've had some guys who have chosen to act out far beyond the idea of just going from one building to another. And that's not streaking, that's something else entirely. I have reports of actually obscene and indecent behavior on the part of guys streaking. And they weren't necessarily streaking at the time. This is a whole different thing than just streaking. Some people say that anyone who streaks has some basic inadequacies. I don't know whether I'd go that far, because there are the join-in kinds of mentalities.

... Part of our job is to say, "stop and look at what you're doing. What are you saying about yourself and your values by your actions?"

**Scholastic:** It almost seems like the current version of swallowing goldfish.

**Lally:** But there's a little larceny involved in all that, at least in the one instance of streaking where I caught the stalker. The guy did it for one simple reason; he did it for twenty-two dollars. Now we talk about ripping off the place but, in fact, this is people ripping off each other's dignity for money.

Nothing would make me happier than to see people around here force each other to be conscious of set values and live according to them. If the students could do this all by themselves, God bless them. I'd close up shop and go back into parish ministry or something.

But since that isn't a reality, it's our job to try to get across that values are something we all can and must share.

**Macheca:** Sexuality is another big thing we have to deal with. You can get-together with a group of seniors, and ask them how many times they've heard someone give a defense of monogamy or of pre-marital chastity, and they'll probably say, "Never." But it's important to emphasize that we're talking about values, not rules. And that's something we all have to share.

**Scholastic:** Do you have any plans for changing or expanding the Office of Student Affairs?

**Macheca:** Well, if you try to operate in a rehabilitative model that's something that takes an awful lot of time and work. So we're hoping to expand the office. We're presently interviewing with the hope of finding a woman to hire as an Assistant Dean of Students. And she wouldn't just be here to handle women's cases. There's no question that a woman would provide us with a different outlook, perhaps a fresh approach. And naturally women on campus would probably find a woman easier to relate to.

We're also looking toward a closer working relationship among the Student Affairs staff; between the Administrators and the Rectors and the R.A.'s, etc. We're looking for all involved to share the commitment to value-oriented education, because it's something that takes a lot of time and dedication. I can't overemphasize, for example, the role of the R.A. in this whole thing. He's our link to the students. I've been having the hall staffs, one hall at a time, out to my home for dinner, so that we can get to know each other as *peoplé*. Because that's so important if we're going to work together well. If you bring a caring dimension to discipline, it takes a lot of time.

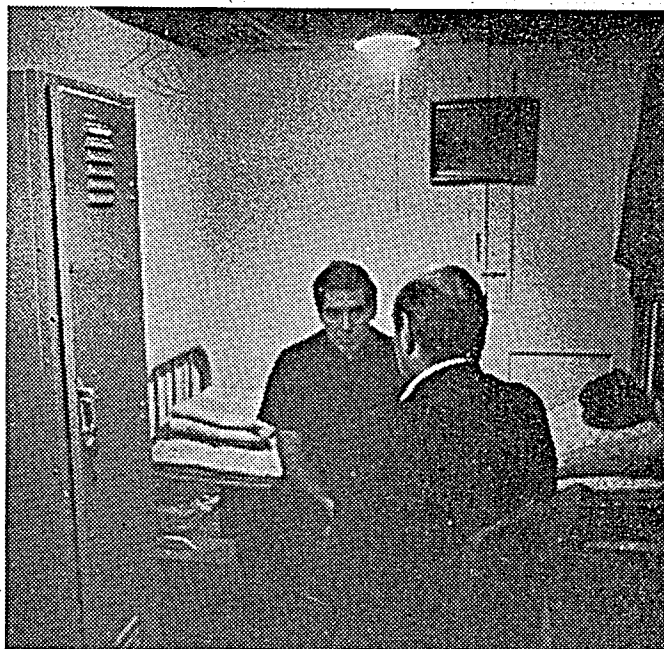
**Lally:** Naturally, in interviewing for that new Assistant Dean of Students, our primary concern is that it be someone good, someone we can work well with. We'd prefer that it be a woman for a number of reasons. It's not just tokenism, though she will serve as sort of a symbol of how we want to be equally attentive to the needs of the women on campus.

I think our other biggest goal now is communication. We want to get across to the students just what we're doing and why.

**Macheca:** That's why we look forward to interviews and things like this. We want to communicate with the students, to let them know what we're doing and thinking. We can't really get anywhere if no one around here understands what we're all about.

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## THE CLARETIANS

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# The Rod and The Staff

Rev. Robert Griffin

As one of the senior people working in the residence halls at Notre Dame, I have lived long enough to speak honestly about the doubts I have, or the misgivings I feel, in the affairs of God or of men. In September, I wrote in a *Scholastic* article of my hopes for the year; of my belief that Notre Dame was at the point of a new kind of awareness of itself, and its responsibilities, as a Christian community. Now, in March, I am troubled by the way that things are going. Because I feel obliged to be honest, I take the risk of making a fool of myself by commenting on situations I probably only half understand. But fools, as well as the wise Socrates, can be silenced by a cup of hemlock.

In my own beloved Keenan, it has been a peaceful year, thanks to a fine staff and hall residents I am proud of. (Keenan Hall's president, Charlie Cardillo, must be the best hall president since the founding of the University.) The year, in many ways, has been one of the best of my campus life. But I am aware, within the hall and outside it, of campus unrest over the loss this year, as last, of large numbers of juniors and seniors who are being forced off campus. As a rector who watched and waited for three years while his hall developed from a freshman dorm, to a freshman-sophomore dorm; to a freshman-sophomore-junior dorm, until that happy year when we had our first group of seniors living in Keenan — as a rector who has undergone such an experience, I cannot watch the forced departure of large groups of upperclassmen, who could be setting a style and tone of leadership in the hall, without a strong sense of resentment. I wish that the University would do something practical about this situation, like building a new dormitory.

Another kind of restlessness I have felt centers around the office of the Dean of Students. Mr. John Macheca and Fr. Terry Lally are dear, good men; and I count both of them as friends; Terry, in fact, is one of my closest associates on campus. But I have been disturbed, as the students have been disturbed, about the amount of decision-making that goes on in their office. As a responsible priest with a responsible staff, I feel that I can direct the merry-making of my students at the parties they give, without help from those zealous administrators, John and Terry. If I fail at this, I am willing to accept their admonishments. If I fail consistently at this, I am willing to surrender to them my job.

Moreover, I am annoyed at the list of offenses, designated as University Offenses, which should be referred

to the Dean of Students' office. Streaking, for example, was recently designated a University Offense. It didn't use to be a University Offense, and the rector could handle it. Now, each case of streaking should be referred to the Dean of Students. (Streakers Keenan, the ten dollars we fined you wasn't deterrent enough. We will renegotiate penalties in the morning.)

If I knew there was more wisdom at work in the gray, grizzled heads of Dean Macheca and Terry Lally than there was in the senile noggin of the rector of Keenan, consulting with his staff, I would be willing to see even such an ordinary pastime as breathing designated as a University Offense; and would insist that students settle under the Dome like hall fellows of the Dean's office. But I think that the Dean of Students, for all his good will — and it is immense — is as capable of error as the rest of us. That is why a number of rectors, out of their own sense of pastoral responsibility and personal concern for offending students, feel that most forms of rule-breaking should be handled within the hall. They feel they must protect their students from forms of discipline that are less prudent or rehabilitative than they think their own to be. (This was the year, it was hoped, when there would be no *us* and *them* between the dorms and the Dome.)

I regret being critical of the processes and decisions by which the Dean of Students' office must work; but some tensions are healthy tensions. For myself, I need to speak publicly about matters that I have been thinking and mentioning privately. I have such a healthy respect and admiration for the ways in which Terry Lally and John Macheca have cared about students, and how they have worked to help them — intervening with police departments, for example, on behalf of students who have landed in jail — that I am tempted to be silent with my misgivings. But I cannot always be exhorting students to live the godlier, more communal life, without sometimes admitting to them that the campus they live on is not paradise.

There are other, more cosmic problems in campus life than the ones I mention here, but I don't want to involve myself in a discussion of parietals. The staff in Keenan tries to enforce the parietal regulations. But if, in addition to the violation of the norms provided for women's visitation, students also engage in acts of sexual intimacy (which I regard as unwise, and potentially self-harmful), quietly and privately, behind closed doors, I don't see how any member of a hall staff, no matter how deep his concern, can prevent this mischief without behaving like a house detective. Speaking for myself, I feel I would make a very poor house detective.

I hope the rumor is not true that says the security forces are keeping a head count of the parietal violators leaving the dorms between three o'clock and eight o'clock in the morning. I don't mind it so much as my dog, Darby O'Gill, minds it. He feels that such secret scrutinies are not only an administrative commentary on the efficiency of the hall staffs and rectors, but also upon himself as a watchdog.

Darby wanted me to say: if there are such keepers of the vigil, gumshoeing around, he never said he didn't love them. The cocker spaniel is wise enough to know that it pays to be nice to policemen.

## Opinion

# A Question of Christianity

Notre Dame has long held to its essential Catholic principles and its ideal of a Christian community. But now, in the name of defending the principles of a Catholic university, the administration is violating the principles of a Christian university. This is the clear import of the recent Dillon Hall affair, only the latest in a series of battles over the administration's proper authority. The administration violated the principles to which it is pledged in three ways: the rule itself imposes religious belief by coercion; the enforcement violates the human dignity and the Christian rights of the students; and such actions destroy the mutual trust essential for a Christian community.

It might be argued that the University, as a community dedicated to certain ideals, can expel anyone for refusing to accept those ideals. It might even be argued that in refusing them the person cuts himself off from the community and the University is merely making it official. But our community has many non-Catholic, and even non-Christian members and tolerates considerable dissent — as is proper for a great university. Only certain actions come under this "love it or leave it" philosophy.

The distinctions between public and private matters are important here as well. Some say that premarital sex, even behind locked doors and between consenting adults, should be prohibited because of its effect on the spiritual quality of the University. But such arguments, which can point to no specific violation of another specific individual's specific rights leads too easily to a state where "everything not forbidden is mandatory." Of course, the administrators should be concerned about these things, but their concern should be expressed by persuasive counselling, not by coercive thou-shalt-nots.

Certainly if being Christian means being Christlike, this rule is not Christian. Vatican II recognized

Christ's example in its statement on Religious Freedom: "The truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power . . . for of its very nature the exercise of religion consists before all else in those internal, voluntary, and free acts whereby man sets the course of his life toward God. No merely human power can either command or prohibit acts of this kind." This injunction applies not only to governments but to religious bodies as well which "ought at all times to refrain from any manner of action which might seem to carry a hint of coercion or persuasion that would be dishonorable or unworthy. . ." The point is brought home in the document on education which affirms the "sacred right" of youth to "weigh moral values with an upright conscience and to embrace them by personal choice." Because this right rests on human nature the Council pointed out that it "continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it."

Not only does the rule violate Christ's example and the pronouncements of the Council, it violates the administration's own commitment stated in the preface to the new judicial code that announces that "a Christian community cannot force moral convictions on anyone. But it can hope to establish a climate in which those moral convictions, nourished by intellectual growth, are developed in a Christian way." Forced exile from this climate, then, would hardly be conducive to moral development.

The enforcement of this unchristian rule is also unchristian. True, the University does have the legal right to enter our rooms because of the waiver we had to sign to get a room at all. According to our room contracts "the University reserves the right to . . . enter rooms without a search warrant for the purpose

of maintaining security, discipline, and the orderly operation of an educational institution." It is obvious that in an emergency, for instance, a fire when the student is away, a university official would have a legitimate right to enter.

But the waiver is much broader than that, and it is interpreted by the same administrators who do the entering. It is, in actuality, a legalization of arbitrary invasion of privacy. Further, the forced choice between the waiver of rights or the wilds of South Bend "might seem to hint of coercion." And since the only way to prove a violation of the rule is to catch people in the act, precisely this kind of enforcement is essential if the rule is to mean anything.

This enforcement again contradicts both Vatican II and the administration's own declaration. The Council, in its document on the Church Today affirmed the "growing awareness of the exalted dignity proper to the human person, since he stands above all things, and his rights and duties are inviolable. Therefore there must be made available to all men everything necessary for leading a life truly human such as . . . the right to protection of privacy. . . ." The administration, in its preface to the code seems to agree, claiming to be "respectful of the individual's rights to human dignity and freedom," and saying that "Notre Dame is not intended to be a coercive place."

But it is not the unchristian rule or its unchristian enforcement that is the most damaging; it is the fact that these are indirectly contributing to the destruction of a Christian community at Notre Dame. The

preface to the code says it well: "It is this mutual love and service that give those of us at Notre Dame our shape and identify as a Christian community." Without it we are merely a mob of people hanging on to an organizational skeleton. Yet there is little mutual love lost between the student body and the administration. The administrators may be men of integrity but a large segment of the students thinks they are arrogant oligarchs. They point to such things as the handling of the Lewis Hall incident, the railroading of the new calendar (nearly stymied by a few dedicated students) and the suspending of the Dillon student, and say that the only way that the administration responds to them is to shaft them. . . . This is exaggerated, but it is difficult to love someone you think is an arrogant oligarch.

Judging by its actions, for we have nothing else to judge it on, the administration has used unchristian methods to shore up what it must see as a failing ministry. It has lost faith in its ability to persuade students of the truth so it resorts to unchristian coercion. It has lost faith in the students so it must violate their Christian rights. It has lost faith in a Christian community so it runs the University as a not-so-benevolent dictatorship. To preserve a narrow Catholicism it has started to sacrifice a broad Christianity. Notre Dame has lasted many years and it will last many more. But if it lasts as a place where a faithless administration perpetually contends with a sullen student body over shreds of principles, will it really be Notre Dame?

*pat hanifin*

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# "High Crimes and Misdemeanors"

If Richard Nixon were to be removed from office through the process of impeachment, Gerald Ford would become President of the United States. On the 15th of April, 1970, Mr. Ford, then a Congressman, proposed the impeachment of Supreme Court Associate Justice William O. Douglas. He made a speech on the floor of the House of Representatives concerning its power to impeach. In his now-famous speech, he defined an impeachable offense as

whatever a majority of the House of Representatives considers it to be at a given moment in history; . . . whatever . . . [the Senate] considers to be sufficiently serious to require removal of the accused from office. . . .

Few, if any, scholars would concur with this broadest of "broad" definitions. Fewer yet would adopt that narrowest of "narrow" views which requires an indictable offense for impeachment. What is an impeachable offense?

To address ourselves to this question, we must first understand what an impeachment is and is not.

## *Impeachment Itself*

The *Oxford English Dictionary* tells us that *impeachment* originally meant "to impede, to impair, to fetter" or chain. The Second Edition *Merriam-Webster New International Dictionary* states that it now means an "accusation, a calling to account for some high crime or offense before a competent tribunal, an arraignment, especially of a public officer for misconduct while in office."

The most common misunderstanding of the word is that it means "to remove from office." Clearly, it does not properly mean this. If one is asked "Do you think Nixon should be impeached?" one is actually being asked if he should stand trial. Since our system of justice gives a presumption of innocence to the accused, no pollster has any business asking if a party should be convicted. Courts (including courts of impeachment) decide if charges are borne out by the evidence. The public and its oft-uninformed opinion do not.

An impeachment and impeachment trial are not ju-

dicial activities. That is, they are devices designed to resolve an essentially political question: shall this person continue to hold this office to which he was elected or appointed? It uses a political forum: the Congress. And, upon conviction, its sanction is political: removal from office and disqualification from further office. The judicial coloring of the proceedings is genuine enough. The House of Representatives hands down the articles of impeachment while styling itself "the grand inquest of the nation." This is often described as being the "equivalent of an indictment" from a grand jury. The Senate then becomes "the high court of impeachment," conducts a "trial" and renders a "verdict." Furthermore, the Chief Justice of the United States presides.

But, regardless of the trappings, the process' forum, question and sanctions remain essentially political. "The critical focus should be, therefore, not on political animus, for that is the nature of the beast, but on whether Congress is proceeding" within the limits of the Constitution. Justice Story noted that impeachment was "a proceeding purely of a political nature. It is not so much designed to punish an offender as to secure the state against gross official misdemeanors."

## *The English Background*

American law, of course, is the child of English law. We take the concept and procedures of impeachment from the English, too. But, here, the debt is owed to Parliament, not the common law and equity courts.

The British recorded impeachment trials as early as the fourteenth century. The King, often the adversary of the Parliament, was unimpeachable. But, his ministers were not. Commons could show its displeasure of the King's policies by impeaching those who carried them out. Parliament also used this weapon against the corrupt. (Francis Bacon, the giant of the philosophy of science, was removed from the office of Lord Chancellor of England in one such proceeding.)

But in no sense was a criminal offense required. The phrase "high crimes and misdemeanor" is not derived from the criminal law. It is parliamentary in origin. Thus, Commons impeached government officials for procuring offices for persons unfit and unworthy for them, neglecting to safeguard the seas as a Great Admiral was required, putting a seal on an ignominious treaty, misleading the sovereign. These charges bear out Story's commentary.

One odd note was that any commoner or peer could be impeached under the English procedure. He need not be an official of the government.

There have been no impeachments in the United Kingdom since 1806. Why? The House of Commons controls the very tenure of the chief executive of modern British governments, the Prime Minister. They can obtain his resignation and those of his entire Cabinet by a simple majority vote of "No Confidence."



### *The American Constitution*

The word "impeachment" is found in our Constitution seven times.

Article I; Section 2, Clause 5:

"The House of Representatives . . . shall have the sole Power of Impeachment."

Article I; Section 3, Clauses 6 and 7:

"The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be in Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the Members present.

"Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

Article II; Section 2, Clause 1:

"The President . . . shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in cases of Impeachment."

Article II; Section 4:

"The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Article III, Section 2, Clause 3:

"The Trial of all Crimes, except in cases of Impeachment, shall be by jury. . . ."

(The removal of the President and the resultant situation are mentioned several other times.)

Treason is defined in the Constitution in Article III, Section 3. Bribery has a common law definition which generally coincides with the popular understanding. The question centers on "or other high Crimes and Misdemeanors." We shall approach this in three ways: analysis of the language itself, investigation of legislative intent (which, here, is the understanding of the Constitutional Convention of 1787), and a review of the precedents. In this situation, of course, precedents are those of Congressional impeachments and trials, rather than those of court decisions.

"High Crimes and Misdemeanors" is a confounding phrase. Misdemeanors is a class of crimes, the other class being felonies. This suggests that "high crimes and high misdemeanors" was not the thought intended, for a misdemeanor is a minor crime by definition. A felony

is a high crime, of course and contrasts with a simple misdemeanor.

In spite of the seeming logic of these observations, the history of our legal language turns them all on their collective head. Raoul Berger, the Harvard Law Professor, provides us with his scholarship on the matter in *Impeachment: The Constitutional Problems* (Harvard University Press, 1973).

At the time when the phrase "high crimes and misdemeanors" is first met in the proceedings against the Earl of Suffolk in 1386, there was in fact no such crime as a "misdemeanor." Lesser crimes were prosecuted as "trespasses" well into the sixteenth century, and only then were "trespasses" supplanted by "misdemeanors" as a category of ordinary crimes. As "trespasses" itself suggests, "misdemeanors" derived from torts or private wrongs; and Fitzjames Stephen stated in 1863 that "prosecutions for misdemeanor are to the Crown what actions for wrongs are to private persons." In addition, therefore, to the gap of 150 years that separates "misdemeanors" from "high misdemeanors," there is a sharp functional division between the two. "High crimes and misdemeanors" were a category of *political* crimes against the state, whereas "misdemeanors" described criminal sanctions for *private* wrongs. An intuitive sense of the difference is exhibited in the development of English law, for though "misdemeanor" entered into the ordinary criminal law, it did not become the criterion of "high misdemeanor" in the parliamentary law of impeachment. Nor did either "high crimes" or "high misdemeanors" find their way into the general criminal law of England. As late as 1757 Blackstone could say that "the first and principal [high misdemeanor] is the *mal-administration* of such high officers as are in the public trust and employment. This is usually punished by the method of parliamentary impeachment." Other high misdemeanors, he stated, are contempts against the King's prerogative, against his person and government, against his title, "not amounting to treason," in a word, "political crimes." Treason is plainly a "political" crime, an offense against the State; so too bribery of an officer attempts to corrupt administration of the State. Indeed, early in the common law bribery "was sometimes viewed as high treason." Later Hawkins referred to "great Bribes . . . and . . . other such like misdemeanors"; and Parliament itself regarded bribery as a "high crime and misdemeanor." In addition to this identification of bribery, first with "high treason" and then with "misdemeanor," the association, as a matter of construction, of "other high crimes and misdemeanors" with "treason, bribery," which are

unmistakably "political" crimes, lends them a similar connotation under the maxim *noscitur a sociis* [the meaning of a word is or may be known from the accompanying words].

In sum, "high crimes and misdemeanors" appear to be words of art confined to impeachments, without roots in the ordinary criminal law and which, so far as I could discover, had no relation to whether an indictment would lie in the particular circumstance.

#### *Legislative Intent: Framers of the Constitution*

The provisions for impeachment made in the Constitution of the United States all find their purposes in our Anglo-American history. The respective powers of the House and Senate are the legacy of the prerogatives of Commons and the House of Lords. "Although English impeachments did not require an indictable crime they were nonetheless criminal proceedings because conviction was punishable by death, imprisonment, or heavy fine." (Berger, p. 67) The American approach was to "de-criminalize" the proceedings by sharply limiting the sanction to political consequences. Having done so, they could in good conscience allow for possible criminal indictment for the same actions without the double jeopardy (of the Fifth Amendment) applying. The British monarch had once pardoned a peer whom the House of Commons had impeached, but the Lords had not yet tried. To forestall any such "mischief," the framers of the Constitution explicitly forbade it in Article II. If they had not, civil officers would be little concerned with the prospect of impeachment, and the power of Congress would be thus blunted. The separation of the function of accusers and the functions of jury makes obvious procedural sense. The two-thirds Senate-vote requirement lessens the prospect of capricious removal and of a faction's denial of the executive's mandate.

Currently, there is much concern that impeachment will somehow "destroy" the Presidency. But, clearly, the impeachment process was planned by the Constitutional Fathers concurrently with their planning of the Presidency and the Executive Branch. Furthermore, impeachment was, just as clearly, aimed specifically at the President.

The original draft was worded "the Executive is to be removable on impeachment and conviction (for) malpractice or neglect of duty." In the debate of the Federal Convention on the 20th of July, 1787, Col.

George Mason of Virginia, known as the Father of the Bill of Rights, argued:

No point is of more importance than that the right of impeachment should be continued. Shall any man be above justice? Above all, shall that man be above it who can commit the extensive injustice? When great crimes [are] committed, [I am] for punishing the principal as well as the coadjutors . . . Shall the man who has practiced corruption and by that means procured his appointment in the first instance, be suffered to escape punishment by repeating his guilt?

Impeachment was provided for by a vote of 8-2, but the impeachable offenses were redefined. Treason and bribery were grounds agreed to by all parties. Edmund Randolph suggested adding "abusing his power." Col. Mason again spoke:

Treason as defined in the Constitution, will not reach many great dangerous offenses. . . Attempts to subvert the Constitution may not be treason as above defined.

He moved to insert "or maladministration" after the word "bribery." Madison countered, "So vague a term will be equivalent to tenure during the pleasure of the Senate." Mason withdrew the motion and substituted "high crimes and misdemeanors," borrowing from the English Parliamentary history that he knew so well. Use of this language implied a carry-over of the English concepts of the non-criminal nature of the offenses required, the requirement of graveness and seriousness of the offense, and the political nature of the process.

#### *The Precedents*

In American history, there have been twelve federal impeachments. Only four persons have been convicted and removed from office. They were all federal judges. Of the other eight, some resigned before trial. The most famous impeachment is, of course, that of President Andrew Johnson. But, his trial was such a shabby political action that it provides few legal guidelines. It might be noted that none of the eleven articles delivered against him involved an offense against the Constitution or laws of the United States, except, possibly, a violation of the Tenure of Office Act (later declared unconstitutional).

The first convicted judge was John Pickering. He



was found to have been drunk on the bench and to have used profanity in the courtroom. The next convicted judge was W. H. Humphreys. He was charged with acting as judge in a Confederate state — and was tried by the Senate during the Civil War! These two cases provide little guidance to us due to their uniqueness. The last two cases do give us some insight.

In 1912, Judge Robert W. Archbald was impeached and convicted. He was charged with accepting money from wealthy parties (who did *not* have cases before him), speculating in the coal business, and accepting money solicited by his clerk from attorneys who practiced in his court. His conduct, though, was not seen as criminal but rather “exceedingly reprehensible and in marked contrast with the high sense of judicial ethics and probity.” It is clear that the Senate removed him for his unethical behavior.

In 1936, Judge Halstead L. Ritter was impeached, convicted and removed from the bench of the federal district court in Southern Florida. Six of the seven articles of impeachment adopted cited such offenses as splitting fees with a former law partner from a case in which Ritter gave judgment to the partner’s client, collecting other forbidden fees, and not reporting this on his tax return. The Senate had a majority vote, but not the required two-thirds, on these six articles. On the last article, a conviction was had, 56 to 28, and

Ritter was removed from office. What did the seventh article charge? First, a restatement of the first six articles’ charges. Second, the charge that:

The reasonable and probable consequence of the actions or conduct of Halstead L. Ritter, hereunder specified or indicated in this article since he became judge of said court, as an individual or as such judge is to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice therein, and to the prejudice of public respect for and confidence in the Federal judiciary, and to render him unfit to continue to serve as such judge.

Judge Leon R. Yankwich wrote in a Georgetown Law Journal article in 1938 that

This ruling definitely lays down the principle that even though upon specific charges amounting to legal violations, the [Senate] finds the accused not guilty, it may nevertheless, find that his conduct in these very matters was such as to bring his office into disrepute and order his removal upon that ground.

#### *Conclusion*

From an analysis of the language of the Constitution in its legal and historical context, from a study of the drafters’ stated intentions, and from a review of the Congressional precedents, we can see that “high crimes and misdemeanors”:

1. does *not* mean an indictable crime, either felony or minor violations.
2. does *not* give the Congress unlimited power of removal, Mr. Ford notwithstanding, but rather, has a definitely delimiting meaning.
3. does require a “political offense” which must be serious. This could include abuse of office, neglect of duty, unethical conduct bringing his office into disrespect, and violating the public trust.

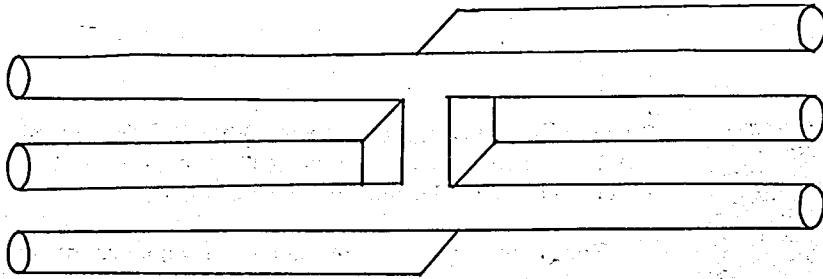
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Dennis Owens is a second-year law student from Kansas City. A graduate of Rockhurst College, he has founded both the *Hoynes Reporter*, the law school’s yearbook and the *Notre Dame Journal of Legislation*.

# Week in Distortion

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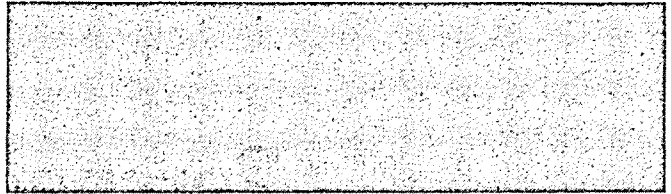
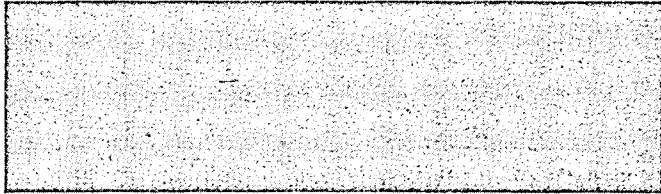
I'm sick of writing *Week in Distortion*.

I'm also sick. Yeah, I know what you're thinking, but I have a cold and a sore throat, and next year's rookie *Week in Distortion* writer was supposed to come up with his debut article but didn't. So, this week, you get to write *Week in Distortion* yourself. Just pick eleven digits from one to six and write your story by the numbers. Dice can be used to guarantee randomness.

Here we go:

1. Fifty naked, screaming students
  2. Dean of Students John Macheca
  3. University Provost James T. Burtchaell
  4. SBP candidate Ray Capp
  5. N.D. Security Chief J. Arthur Pears
  6. Scholastic writer T. J. Clinton
1. streaked full speed through the Huddle yesterday.
  2. made headlines by announcing a new unwritten University rule.
  3. plotted to replace the Holy Trinity.
  4. plastered the campus with tasteless posters.
  5. smashed down the door to a student's room late last night.
  6. received a record number of obscene phone calls and bomb threats last week.
1. Meanwhile, lost in the steam tunnels,
  2. When contacted by reporters in the White House files
  3. Later, on a throne in St. Peter's Basilica
  4. Afterwards, in a smoke-filled La Fortune retreat
  5. Simultaneously, at the St. Joseph County Jail
  6. Somewhat later, in the torch-lit depths of the *Science Quarterly* offices

1. Father Flanigan, local energy czar
  2. the mysterious Brother Gorch
  3. R. Calhoun Kersten
  4. the latest heir to the Abowd publishing empire
  5. hundreds of rioting coeds, looking for T. J. Clinton
  6. noted scientist Mark Frisse
1. played a Notre Dame Band record backwards and heard the following:
  2. released a secret list of student's names with the comment
  3. sat in silence while a voice from heaven spoke, saying
  4. published an *Observer* editorial to the effect that
  5. received a message from outer space claiming that
  6. said, in the voice of Mercedes McCanmridge
1. "Naked is beautiful."
  2. "We only want to help you, whether you want help or not."
  3. "I'm only in search of a little power."
  4. "You gave him your body!"
  5. "This is the New Age of Decadence."
  6. "This is my beloved Son, in whom I am well pleased."
1. Bystanders
  2. The St. Joseph County Police Force
  3. The men in the white jackets
  4. A noted administrator and his secretary
  5. Michael Carl Goetz and three unidentified girls from St. Mary's
  6. The Notre Dame Glee Club
1. strove vainly to control the crowd
  2. were nonplussed
  3. rode the elevators in the library all day
  4. had fun at spring football practice
  5. skinny-dipped in the Library reflecting pool
  6. sang the Victory March

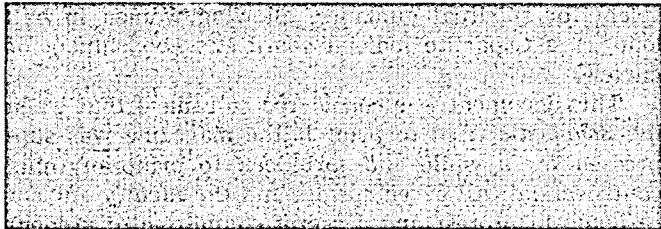


1. in search of more excitement.
  2. in a fruitless attempt to avoid *Observer* reporters.
  3. while waiting for something else to happen.
  4. which was a "clear and imminent danger."
  5. which brought tears to the eyes of spectators.
  6. which resulted in the loss of a football ticket.
1. Finally, students expecting to move off campus
  2. To top the whole affair, the entire population of Breen-Phillips
  3. In conclusion, the entire basketball team
  4. At the close of the festival, noted author Norman Mailer
  5. In addition, all the University trustees
  6. At the close of the Mass, Darby O'Gill, Father Griffin's pet cocker spaniel

1. accosted passers-by on the South Quad.
2. used the goalposts to smash down Mr. Macheca's door.
3. vowed to replace Father Burtchaell.
4. was (were) caught by the rector in violation of parietals.
5. possessed by demons, left for Georgetown the next morning.
6. decided to write a story for the *Scholastic* on the matter.

Congratulations!

You have just written your first campus news story! A few more tries and the *Wall Street Journal* might let you write an article on Notre Dame.



**ERRATUM**  
 In the *Week in Distortion* article, in the fifth group of phrases, 6 should read as follows:  
 6. said, in the voice of Mercedes McCambridge  
 —t. j. clinton

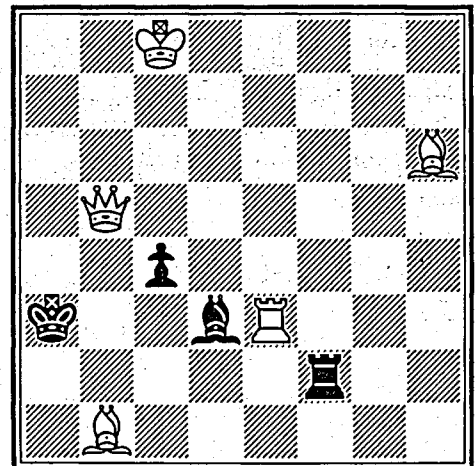
# The Crooked Book

## ANSWER TO LAST PROBLEM

1. Q-B3 (A mutate, six mates being changed by the key.)

GEOFFREY MOTT-SMITH  
*Chess Review*  
 1935

White mates in two moves



SOLUTION IN NEXT ISSUE

# Perspectives on Student Government

The recent student body elections, focusing on the administration's actions against student rights, have revived the possibility of a return to the strong, rights-oriented student governments of the past. Yet everyone agrees that the radicalism of the Sixties is dead, leaving a void in the student strategy book. Still, a look at the crises and tactics of the past may suggest something for the future.

Back in the "good old days" of 1960 students were carefully guided by the fatherly administration. Curfew was at 10.00 p.m., lights-out (no electricity was provided) at 11:00, and morning Mass check three times a week at 7:30 a.m. Coats and ties were required, cars were forbidden, specified areas of South Bend were off-limits on pain of "grave penalty," and the student press was never to question the "wisdom of the administration." The rules had been substantially the same for decades and the administration looked forward to many more such happy decades.

The first cracks in the monolith came with the Great Corby Hall Riot when several hundred furious but disorganized students made an assault on a symbol of the not-so-benevolent paternalism. Early the next year 19 students, most Woodrow Wilson nominees, subtly threatened to release an 80-page critique of student life to the Ford and Rockefeller Foundations. The administration loosened up slightly, dropping lights-out, compulsory Mass attendance, and off-limits areas.

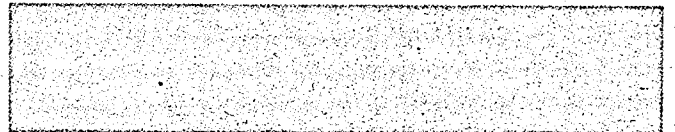
The next year, '62-'63, administration retrenchment produced the "winter of our discontent." Massive food fights were only for starters. SBP Kevin Hart's proposal for stay halls, with all four classes mixed together, was supported by many administrators but rejected by Hesburgh, who compared himself to Lincoln and spoke of moral courage. Meanwhile the *Scholastic* was taking an independent tack, even calling for a

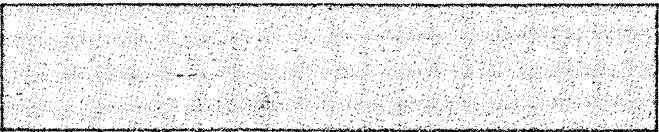
Chancellor-President system with Hesburgh as Chancellor and a layman as President. The climax came when a student government committee drew up a "Declaration of Rights and Grievances" which denounced the administration policy of *in loco parentis* (that has been around quite a while) and called for 13 reforms including freedom of off-campus students to rent apartments, cars for seniors, 24 hours of electricity in the halls, one or two priests in each hall solely for spiritual guidance, allowing women in hall lounges, a tripartite judicial board and abolishment of curfew.

This document was considered so radical that when the *Scholastic* tried to print it the magazine was suppressed for a while and forbidden to print anything controversial. All seven editors and the faculty advisor resigned in protest and a secret committee of student government officers replied by passing out mimeographed copies of the Declaration in the dark of night. With national attention focused on the battle both sides retreated; censorship was quietly dropped.

After two relatively quiet years Lenny Joyce, the founder of ND's own SDS, began the "great radical period" in the elections of 1966. The Dunn-Fish contest had fallen into trivialities so Joyce organized the Popular Front Party uniting the SDS with the YAF, and in a week-long moneyless campaign rolled up 30% of the vote, even after the right wing had split when it looked as if he would win. Both opposing candidates adopted his "17 Theses" which demanded a wide range of student rights and the creation of a student union to handle service projects. Before the year's end the curfew was dropped, o-c students could have cars and rent apartments, and rules on women and liquor were tacitly relaxed. The new SBP, Jim Fish, began the student union.

In November of '67 Robert Sam Anson took over the dying *Voice* and resurrected it as the *Observer*. The paper quickly gained a radical reputation and when, on the spur of the moment, Anson reprinted a *Berkeley Barb* article using the word "screw," another censorship crisis erupted. This time it was Fish's student government that wanted the muzzle but the attempt finally failed and the *Observer* went its merry way.





The '67 elections produced Chris Murphy whose action program fizzled when he took a full-time job as a traveling salesman for the University's money-raising project, SUMMA. He was followed by Richard Rossie with a strong program of willingness to confront the administration and alumni "in any way necessary." The SLC began by passing the first parietal hours and relaxed drinking provisions. (A few years before Hesburgh had threatened to throw out 2000 students and 14 rectors before he would allow parietals.) Hesburgh announced the "15-minute rule" in February of '69—demonstrators blocking free access would be given 15 minutes to disperse before ID's were collected.

The rule was used the following November during the term of Phil McKenna, who was elected on a platform of getting student equality in the University community. Dow and CIA recruitment was blocked and 15 minutes after a warning, ID's were collected from everyone in sight, including one student who wanted to be recruited. Ten students were suspended. The racial question became crucial as the University and the student government tried to decide how to deal with the influx of black students.

Dave Krashna became the first black SBP and a month later the Cambodia invasion and Kent State killings fueled the high point of student radicalism at Notre Dame. Over the pleas of Hesburgh, Krashna called a student strike, and classes were replaced by demonstrations and teach-ins. The period was marked by disaffection with the University as well as the nation: the *Scholastic* called for Hesburgh to resign and be replaced by a younger man (one suggestion was Fr. Burtchaell) and a poll showed a large segment of the graduating class felt that Notre Dame had failed them socially and intellectually.

The emotional peak of the days of rage could not be maintained for long, the '70-'71 year began the decline into apathy. The Princeton plan for a two-week break at election time to let students get into politics was defeated; half the students did not even vote. But the debate did produce an interesting statement by Fr. Burtchaell in a *Scholastic* interview:

I view the recess as essentially a fall vacation which is conveniently scheduled to coincide with the period of peak political activity . . . any decision of this scope must be made by the entire University, that is by the people who make up the University, both faculty and students. It is up to the individual members of the University to vote for or against a fall vacation.

John Barkett won the narrowest election in recent memory on a platform of communication with the administration. He communicated quite well with the administration but hardly at all with the students. Widespread dissatisfaction with do-nothing pooh-bahs resulted in the election of unwilling King Kersten and the bread and circuses Oligarchy. His court saw itself as a service organization and student apathy continued, unaffected by the brief blowup over the Lewis Hall incident.

Last year's elections were utter chaos, with three constitutions, two general elections, 14 candidates, one non-candidate (Kersten), and a brief period of martial law. Out of it all came H-Man Etienne. His term has been marred by administration attempts, particularly with the calendar and judicial rights, to return to the good old days of *in loco parentis*. Except for a strong but losing battle organized by Academic Commissioner Chris Nedeau on the calendar, the Etienne regime has been generally inactive in mobilizing student support.

But the recent SBP elections offer some hope of reversing the trend toward apathy and despair for change. Pat McLaughlin's election, based on emphasizing student rights, offers some hope, but the hope is darkened by the failure of half the student body to vote.

Further tactics for change remain very much a question mark. The governments from '66 to '70 gained their biggest reforms by mobilizing a student body, which while moderate compared to many others was far more radical than our present group is. Barring extreme and unlikely reaction by the administration (it is moving in small steps now) we will not see the chance for such tactics again. McLaughlin hopes to be able to work through the present political system, particularly the SLC, with faculty support for change. But the chief danger of this come-let-us-reason-together approach is that the SBP may (as happened to Murphy and Barkett) be cut off from his popular support and end by working for, rather than with the administration. What must somehow develop is a system of "creative tension," of checks and balances, in which cooperation can exist along with occasional political tangles to maintain a balance between separate parts of the same community.

—pat hanifin

# The Pedagogy Blues

A few years ago, I read an essay entitled, "The Student as Nigger." I forget the author's name; nor can I recall with precision the evidence — a marshalling of impressions rendered as fact — which indicted teachers as slaveholders and comforted students as the university's most oppressed majority. Although few concrete statements yield to memory, I remember reading the piece with a profound sense of exhilaration. There was a whisper in the wind that a messiah might arrive bearing a system of deliverance, guaranteed to move the student beyond the reach of a mad professor's whimsy. I discovered the essay while rebounding off a first-semester sophomore-year paranoiac stroke during which one of my teachers seemed to reek sadistic pleasure from returning my weekly papers bearing such epithets as "damn fool," "go back to first grade," "this is the worst yet." Damnation, demotion, and apocalypse came cheap that year. It was the time of academic dread and what better medicine than to read "The Student as Nigger." The oppressed achieve a rush of pathetic righteousness when informed by an angry young writer that many others share similar agonies and the revolution is doubtless at hand. Indeed, deliverance flashes like a mirage after every jeremiad beginning with "and furthermore . . ."

At this point, it is safe to assume that the student academic revolution will not see fruition before the Second Coming. For if students in the sixties waged a revolution in political consciousness against governmental policies in Vietnam, then their successfully recognized presence must be attributed to the reality of a clearly differentiated opposition. The psychology of revolution is always an extension of them-against-us. A student revolution in America, however, is impossible for the opposition falls under the amorphous umbrella of "administrative authorities." Complexity mounts when the authorities are both for and against. General-

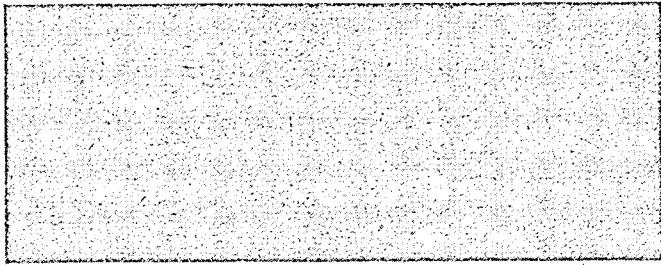
ly, administrative action is calculated for the good of students. Confusion arises when the students might hold diverse interpretations of the good. Also a transformation of the oppressed lot of the student — whatever manifestation the oppression might assume — is unlikely insofar as students have a high level of endurance. If students are often victims, they are also stoics, brought up to believe in the rainbow notion of future dividends.

Nonetheless, essays like "The Student as Nigger" are fun to read. Although such pieces are doomed to fail as tickets for revolution, they can indeed point, with profound precision, to a very real problem in our educational system which can only begin to be solved among the individuals involved. No matter what policy an administration engenders and attempts to inculcate regarding student life and academics, the measure of a university is the ability of teachers to educate students and the students' ability to educate themselves and one another. The classroom, after all, is the focal point of academe. The question of whether a student is victimized depends largely upon the relationships which form between students and teachers.

One need not look far to find negativity. There are always perverse teachers who announce with a stark businesslike demeanor the virtual impossibility of any student to get higher than a "B" in a particular test or course; there are the so-called educators to whom the education of students is a necessary poison enabling such scholars to continue uncovering buried truth so that obscure ice cubes of knowledge might pack frozen bookshelves in academic world which, for them, is arctic at best; and there are, of course, those teachers who look upon students with disdain and disrespect, apparently unable to divine a kinship humanity. Last year, a friend of mine overheard a professor utter, "I'll kill a freshman someday."

It is, however, an absurdity to wrail for any length of time against terrible teachers. Like bad weather, they will always be around. Graduate schools will continue to "turn out" a certain ratio of dilettantes. Bad teachers are as widespread as bad doctors are as widespread as bad auto mechanics and so on. Yet while auto mechanics are a blight insofar as they simply do not know a brake shoe from a horseshoe, college pro-





fessors, on the other hand, are awful not for lack of knowledge. Ph.D.'s generally know their business. Graduate school comprehensives require a certain high academic proficiency. Poor teachers, therefore, manifest their deficiency by their inability to respect and communicate to students. It is in such circumstances that victimization occurs. A power game ensues; a student feels oppressed, beleaguered, and without recourse. I have suffered such straits only a few times. I spent my freshman year elsewhere and escaped the crunch of calculus, science, modern language, literature and composition, lab, and psychology all in one semester. Even so, my few agonizing courses were few too many. I recall feeling alienated, doubting my self-importance, experiencing a pervasive depression stemming from my inability to please a professor who criticized with a hammer rather than a handshake

Gratefully, the overwhelming proportion of teachers that I have taken have been extremely fine, not merely by being "well-versed in their field" but, more important, by reaching out and touching the humanity of each student. A teacher who tyrannizes is not a teacher but a tyrant. Teachers should lead students to discover new worlds and, in so doing, learn more about themselves not merely as scholars but as people. Somehow, the best teachers tend to "teach" themselves as individuals and are most successful when the subject taught complements their personalities. In such cases, the students find that education is most valuable in light of what remains after the grade is received — that is, did a particular course make one a more sensitive, knowledgeable human being; or, did the course merely fulfil a requirement; did classroom contact with a particular professor make an important contribution to a student's life as an example of the humane scholar to whom teaching is a vocation rather than a job; or, did classroom contact with a teacher make a student cringe, grateful that a semester of boredom and drudgery is over?

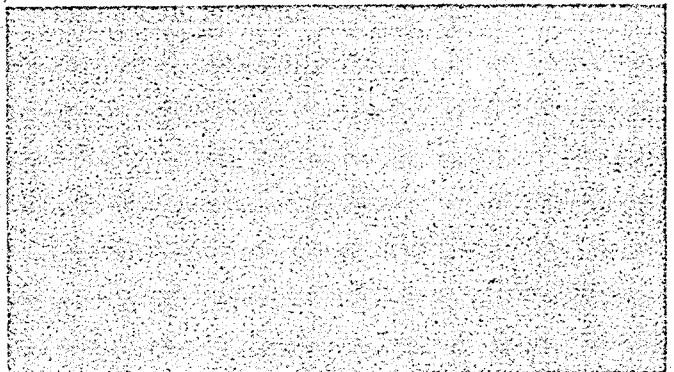
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It is inescapable to conclude that the thrust of the twentieth century is toward systemization, machine-domination and computer organization. Universities share the characteristics of the century. As the crunch for teaching positions grows tighter and tighter, the

vice on the teacher — a veritable yoke — grows increasingly constricting. The tension, inevitably, for the untenured professor is between devoting more time to teaching as an art or undercutting class preparation time by writing great scholarly tomes for publication to help assure tenure. Also, from a student perspective, personal experience and the experience of friends indicate that, for those intent upon entering graduate or law school, such mechanical criteria as graduate or law boards often become a debilitating bludgeon; they are no longer merely a measure of how well one responds for three hours on an arbitrary set of questions but, instead, become a profoundly important knife which can serve very easily to amputate — often undeservedly — a qualified student from the graduate or law school of his or her choice. The result in such cases is that three hours can undermine four years of excellence. Thus victimization — student or professor as oppressed — results when false or relatively unimportant criterion prohibits the more human elements to be the priority.

And so, as members of the university — or, more basically, members of human society — the question boils down to the age-old problem of proper and precise perspective. It is a question akin to gaining the world and losing the soul. In matters of apparent number — a student is virtuous if he gets an "A—" or better, for example — it would bid well for many to look beyond the mesh of number and see it all as fundamental but relative. Numerical criteria are fundamental because knowledge *is* important; good marks should be a precise measure of academic achievement. This fundamental quality, however, bestows a responsibility on the teacher to be fair. Number is relative, certainly, because a good life does not hinge totally on an "A" or a "C" but a student's outlook and self-esteem may be profoundly influenced by the spirit with which a teacher bestows a grade.

— *jack wenke*



## SPEAKERS

### MONDAY (1st):

Ward-Phillips Lectures: Robert Scholes (Brown Univ.), "The Future of Fictional Criticism." Library Aud., 4:15 p.m.

Perspective Series: Anthony Quinton (New College, Oxford), New Biology Aud., 8:00 p.m.

### TUESDAY (2nd):

Ward-Phillips Lectures: Robert Scholes (Brown Univ.), "A Genre Whose Time Has Come," Library Aud., 4:15 p.m.

"South Africa: Peaceful or Violent Change." Moderator: Prof. James Bellis (Sociology). Participants: Prof. Alek Che-Mponda (Government), Prof. Cassidy, Prof. Peter Walshe (Government). 7:30-9:00 p.m., Black Cultural Arts Center, No. 2AA La Fortune.

### WEDNESDAY (3rd):

Ward-Phillips Lectures: Robert Scholes (Brown Univ.), "Structural Fabulation," Library Aud., 4:15 p.m.

Perspective Series: Anthony Quinton (New College, Oxford), New Biology Aud., 8:00 p.m.

Music Forum: Dana Spencer. Little Theater (SMC), 4:30 p.m.

"Reflections on Our Permanent Revolution," Little Theater, 8:00 p.m.

"Frontiers of the Mind," (film), room N105 IUSB, noon.

### THURSDAY (4th):

Ward-Phillips Lectures: Robert Scholes (Brown Univ.), "The Good Witch of the West," Library Aud., 4:15 p.m.

Collegiate Jazz Festival, Symposium. (Call 283-3797 for details.)

### FRIDAY (5th):

Ward-Phillips Lectures: Robert Scholes (Brown Univ.), discussion period, Library Aud., 4:15 p.m.

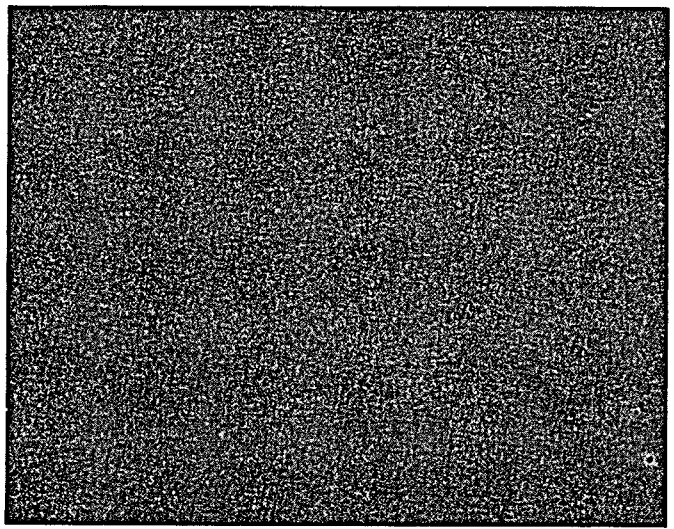
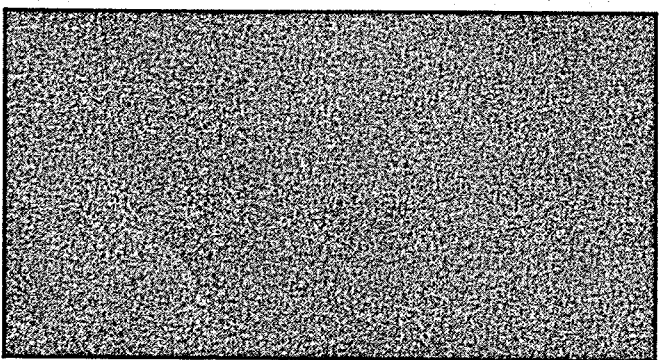
Perspective Series: Anthony Quinton (New College, Oxford), Faculty Lounge (Library), 3:30 p.m.

### SUNDAY (7th):

William Lattimer, South Bend Art Center Lecture Series.

### WEDNESDAY (10th):

"Multiply . . . and Subdue the Earth," (film), room N105 IUSB, noon.



## MUSIC:

### SATURDAY (30th):

Gary Bartz, "Black Perspective in Transition," An Experience in African Jazz. Stepan Ctr., 8:30 p.m., \$2.00.

### SUNDAY (31st):

Rare Earth, ACC, 730 p.m. Tickets \$5.50, \$4.50, \$3.50.

St. Pierre Ruffin Club-sponsored concert, 4:00 p.m., Recital Hall, IUSB.

### WEDNESDAY (3rd):

ND Glee Club, David Isele, conductor. Washington Hall, 815 p.m., free.

### THURSDAY (4th):

Student Recital: Aimee Beckman, soprano. Little Theater (SMC), 8:15 p.m.

Spiritual Concert: Andrea Crouch and the Disciples, Morris Civic, 7:00 p.m. Tickets \$4.50 in advance, \$5.50 the day of the concert.

### FRIDAY (5th):

Gospel Concert, Morris Civic, 7:30 p.m. Tickets \$4.00, \$3.50.

Concert Series: Barrington High School Concert Choir, Little Theater, 8:15 p.m.

Collegiate Jazz Festival, Stepan Ctr. Friday nite, \$3.00; all sessions (Fri. nite, Sat. day, Sat. nite) \$7.00.

### SATURDAY (6th):

Collegiate Jazz Festival, Stepan Ctr. Saturday day session, \$2.00; Saturday nite session, \$4.00; all sessions (Fri. nite, both Sat.) \$7.00.

### SUNDAY (7th):

Choral Mass: SMC Collegiate Choir, Holy Cross Junior College.

### TUESDAY (9th):

Madeleine Schotz, violinist, Little Theater, 8:15 p.m.

### FRIDAY (12th):

Foghat, Morris Civic, 8:00 p.m. Tickets \$5.00 in advance, \$5.50 day of concert.

# Coming Distractions

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## FILMS:

### MONDAY (1st):

"The Godfather," Washington Hall, 7:00 & 10:00 p.m., \$1.00.

International Film Festival: "Smiles of a Summer Night" (Bergman, 1955), 7:00 & 9:00 p.m., Engineering Aud., free. English subtitles.

### TUESDAY (2nd):

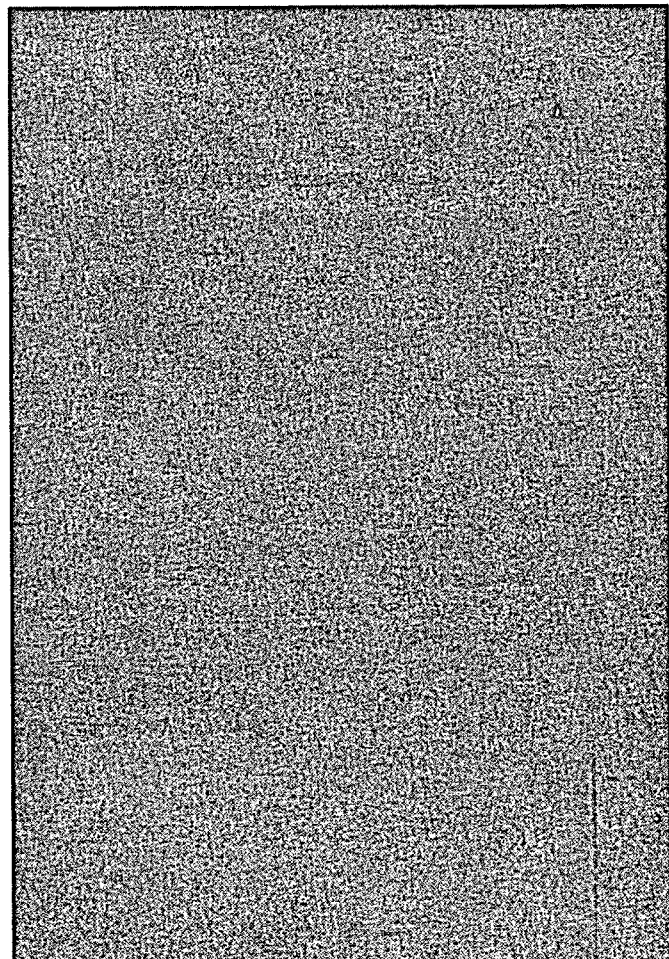
"The Godfather," Washington Hall, 7:00 & 10:00 p.m., \$1.00.

### FRIDAY (5th):

"Two Lane Blacktop," Engineering Aud., 8:00 & 10:00 p.m., \$1.00.

### SATURDAY (6th):

"Two Lane Blacktop," Engineering Aud., 8:00 & 10:00 p.m., \$1.00.



## EXHIBITIONS:

### O'Shaughnessy Gallery:

Dorothy Miner Memorial Exhibition: A Selection of Late Medieval and Renaissance Manuscripts from the McNear Collection. Through April 14.

Todd Walker—Photography. Through March 31.

Paul Jenkins, color field painting. Through April 14.  
Eastern Sculpture from the Collection of Lester Wolfe. Through April 14.

### Radecki Galleries:

Graphics of Leonard Baskin, Laus Pictorum. Through March 31.

Graphics by Samuel Chamberlain, opens April 1, through April 30.

### YWCA Art Gallery:

Paintings by Anthony Lauck, CSC. Through April 30.

### South Bend Art Center:

High School Art. Opens March 31, through April 21.

Ross Brown—Sculpture. Opens March 31, through April 21.

### Moreau Gallery

#### Upper Moreau Gallery

#### Hammes Gallery

Senior Comprehensive Shows, through April 1.

Annual Faculty-Student Show, all media. Opens April 7, through April 30.

### Moreau Photo Gallery:

Edward Earle and Robert Kincaid: Photographs and Serigraphs. Opens April 6, through April 30.

## OTHER DIVERSIONS:

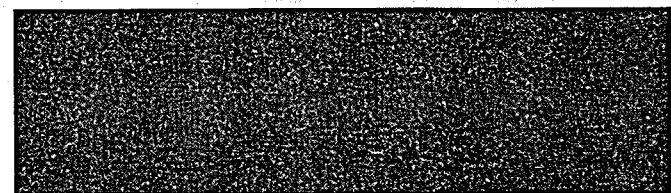
### SUNDAY (31st):

"One Man Show—Portraying Mark Twain," Washington Hall, 8:00 p.m.

### FRIDAY (5th):

Harlem Globetrotters, ACC, 8:00 p.m. Tickets \$4.50 \$3.50, \$2.50.

—rick gering



Starting on Thursday night next week and stretching into the wee hours on Sunday morning, one of the nation's most unique and best-respected college music festivals will be happening on the Notre Dame campus. For the sixteenth straight year, the Collegiate Jazz Festival will be bringing to Notre Dame some of the best amateur and professional jazz musicians in the country for more than twenty hours of the best jazz music you're likely to find.

CJF '74 will be the latest in a long line of festivals that have built a solid music reputation: perennially reviewed in New York, Detroit, and Chi-town, and the subject of articles on the American *Downbeat* and British *Melody-Maker* magazines as well. It brings together the best.

This year the twenty college bands participating were chosen from nearly twice as many recorded auditions, and include groups that have done professional work in the jazz field. The judges are chosen from the best professional jazzmen in the business, purposely chosen to bring in all realms of the diverse jazz spectrum. This year they include such young talents as sax player Billy Harper and trombonist Bill Watrous, and veteran drummer Roy Haynes, whose credits include work with such greats as Miles Davis and John Coltrane.

The weekend starts on Thursday night with a free jazz symposium in the library auditorium. . . a perfect chance to become familiar with the kind of music that'll be played all weekend, if you aren't already, and to hear the professionals talk about their trade. Then on Friday night the music begins, with the college combos playing twenty-five-minute sets on Friday night, Saturday afternoon, and Saturday night. Late on Saturday night the judges will present awards for the best solo and combo performances, and then get together for what ought to be the highlight of the festival: an unrehearsed jam session of their own.

The atmosphere in Stepan Center ought to be a listener's dream. The ElectroVoice company has donated a custom-designed sound system that ought to make the sound as good or better than any Convo concert. Chairs for sitting and floor space for blankets, plus an invitation to bring whatever you like to help enjoy the evening, and to let the performers know when you like what they're doing, should make things good and relaxed. In the words of the Festival chairman, Ken Lee, "You could be deaf and still have a good time."

Tickets will be on sale between now and festival time at the C.A.C. Student Union office on fourth-floor La-Fortune, one to four in the afternoon, and at Boogie Records and Pandora's. Cost for the Thursday night symposium is free; Friday night session \$3.00, Saturday afternoon \$2.00, and Saturday night (with the Judges' Jam) \$4.00. A ticket for the whole weekend, twenty hours of music, costs seven bucks (which ain't bad next to some *other* N.D. musical events).

So put away your Elton John records for a little while next weekend and try on same jazz. You might decide you like it.

—pat roach

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The director calls it "a hilarious comedy" but it is sometimes difficult to see the humor in Harold Pinter's *The Homecoming*, being presented this weekend by the Notre Dame-St. Mary's Theatre. The work of Pinter is frequently placed in the category of absurdist theatre, yet probably "realist" is a better term. It is this brutal realism that director Richard Bergman has maintained and perhaps even heightened. The ND-SMC production stresses the natural dimension of acting, giving full vent to the savage, yet always human, situations of Pinter plays.

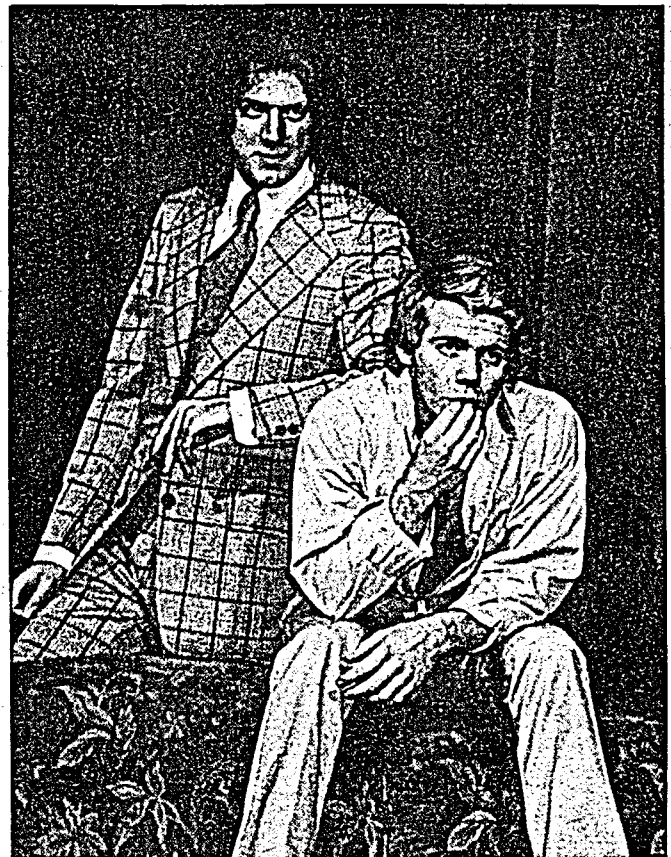
*The Homecoming* tells of a son's return to his lower-class home after six years away teaching college. The play was originally set in England, but Bergman has "Americanized" it and the transition comes off rather well. Teddy, the eldest son, brings home with him his wife Ruth, whom his family has never met before. The family consists of his two brothers, Lenny and Joey, his uncle, Sam, and his father, Max. These four are locked in a circle of mutual hatred, presided over by Max, who wielding his cane, maintains his shaky discipline over Lenny and Joey, one a pimp and the other a small-time boxer and small-time stud. Their mother, called by Max "a stinking slutbitch" died several years previously, after imparting to the boys "the moral code they live by." When Teddy brings his wife home with him they assume she's a whore, and as it turns out, she is. Max and his two youngest sons make passes at her while Teddy stands by disinterestedly. Eventually they make an arrangement with Ruth so that she stays, paying her way "on her back" as Teddy leaves, returning to England and their children.

The play is plain and straightforward, with no frills, and derives its power from the interaction of the characters. Max and his sons are people of perversion forever clashing until they discover Ruth, a fixture for their home they can all agree upon. On the way to the "happy" ending there is a lot of humor, most of it of a fairly grim variety. It comes from Max's seeming conception of his wife as two women, one a saint and the other a whore, and from Lenny's unctuous patter, and lastly from uncle Sam's death, which is rendered as hilarious by the other characters' reactions to it.

Max, played by Mark Swiney, is a hateful old man whose by-play with Sam (Dan Dailey) is the hit of the show. Paul Korth as Lenny and Chris Ceraso as Teddy give forceful presentations, as do Cliff Fetters as Joey and Diana Shaheen as Ruth, whose constant wig-changing highlights her whoring syndrome. Coupled with some incredibly funny directional touches added by Richard Bergman, the whole show is a potent mixture of perversion and humor. Many thought from its title that *The Homecoming* was to be the presentation of the pilot show for "The Waltons." Nothing could be further from the truth.

—george sibley

## THE HOMECOMING



"Oh, Time, Strength, Cash, and Patience!"

—Melville

The time grows short. The persistent afternoon sun melts the unwelcome snow, and that long-dreaded Monday morning now lurks in the offing—that morning when my musings will for the last time be hacked out on a typewriter and rushed down to the press. There is too much still to be said—too many people to thank—too many last-minute protestations to be made.

Where to begin? I could go on for pages thanking people, but they all know who they are; and it is perhaps more important that I take this last opportunity to speak in their name, to say one last time all the things we have stood for, all the hopes we have nourished and the fears we have harbored.

We have operated all year under the assumption that our words can have meaning and effect; that, as Hannah Arendt said:

However much we are affected by the things of the world, however deeply they may stir and stimulate us, they become human for us only when we can discuss them with our fellows.

We have spoken because we believe that it is our common discourse, our conscious interchange of ideas, criticisms, fears and hopes which brings us together. Naturally this discourse is often not a pleasant one. But we are a community with many unpleasant problems, problems which must be dealt with in these pages. At a time where an overzealous administration, a complacent faculty, and an apathetic student body combine to create a stale and unproductive mix, it is surprising and a bit ludicrous to discover an article on the front page of the *Wall Street Journal* singing our praises as if we were some hot, new municipal bond issue.

It is because the situation is such, because all is *not* well at Notre Dame, that we must continue to talk, to "call 'em as we see 'em," to stick our necks out. As I have said before, we have no assurance that our opinions will be wise, our analyses trenchant or our critiques well founded. But if we were to keep silent for fear of error, we would have no right to be here.

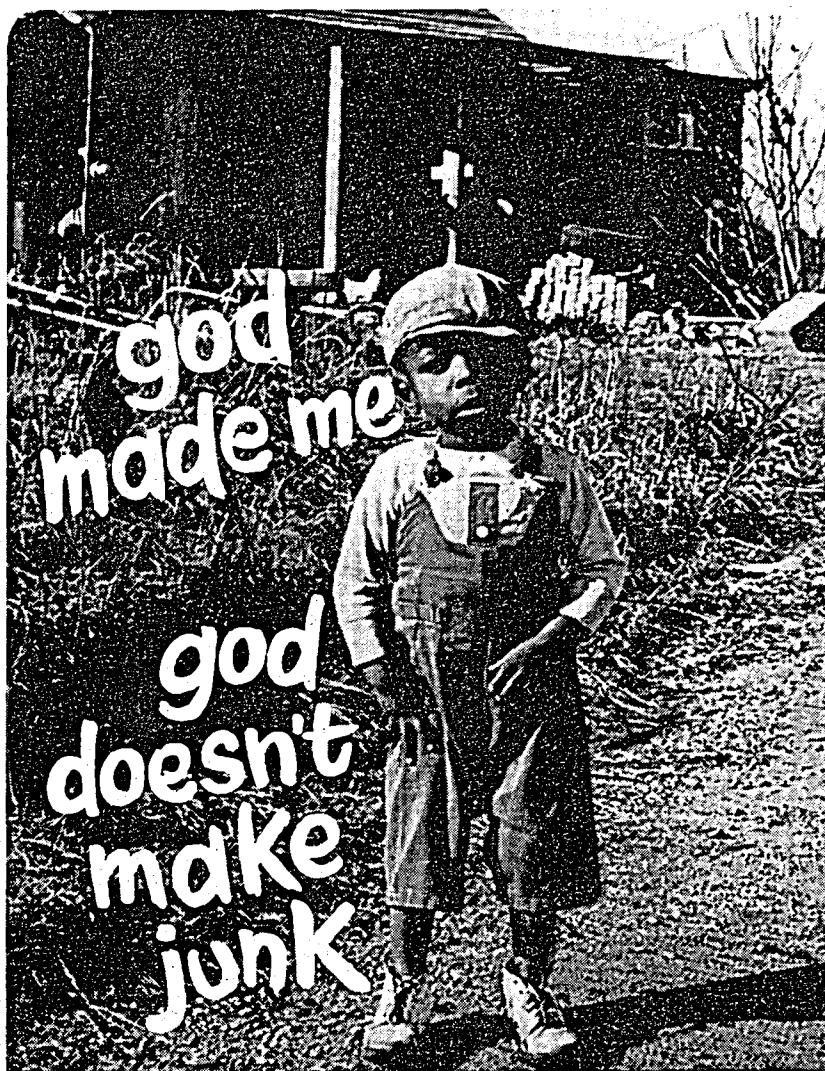
\* \* \*

Our words like feeble arrows fly off into the world around us, often to be lost, often to go unnoticed. But still we speak, still we implore, still we protest, and still we hope—for we know that our discourse, however stunted, is what will ultimately draw us together in unity and understanding.

Peace and farewell.

*kerry mcnamara*

## The Last Word



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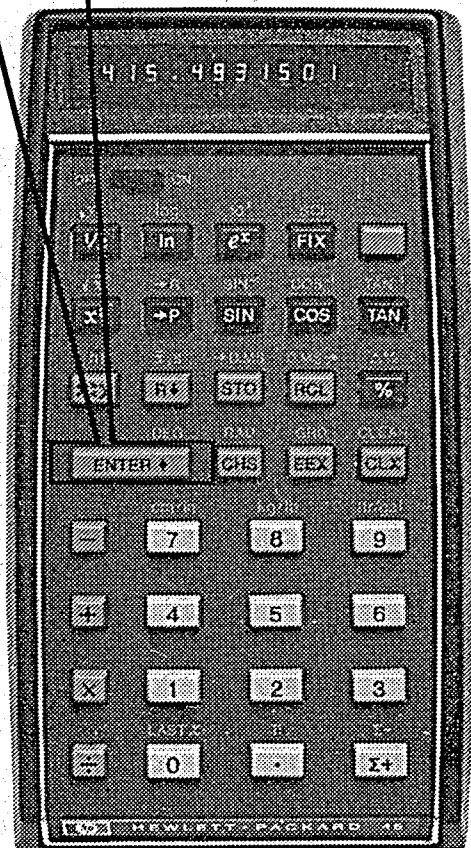
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