

# Police raid screening of film Pornography-censorship conference cancelled

**Film is confiscated in Nieuwland Hall;  
Ensuing struggle results in injuries**

A legal hassle over the premier of a pornographic film mushroomed yesterday afternoon into the first violent confrontation of police and students in the history of the University of Notre Dame.

Two plainclothed officers and several students were injured, none seriously, in a scuffle which followed a raid by the St. Joseph's County Sheriff's deputies. They burst into a large lecture room in Nieuwland Science Hall, where the film, "Kodak Ghost Poems," was about to be shown to more than 200 students.

Atty. Philip Facenda, special assistant to University President Rev. Theodore Hesburgh, told the *OBSERVER* late yesterday that the university did not call the police to the campus.

St. Joseph County Prosecuting Attorney William Voor refused to reveal who requested the warrant for the confiscation of the film, but informed sources said it was instigated by a South Bend group for decent literature.

The police presented the warrant throughout La Fortune Center, searching the *OBSERVER* and other offices before the fighting broke out later in the afternoon.

Just as about six of the deputies entered the rear of the room, refusing to show either a warrant or identification, the film was taken off the projector by the students. St. Mary's junior Kathy Cecil put the film under her dress to prevent confiscation of it by the officers. It was discovered and wrestled away from her when an officer noticed the lead end of the film hanging down from the front of her skirt.

Several students, after a request by Notre Dame Senior David Kahn, had surrounded the projector in an effort to "passively resist" any attempt at its confiscation. Pushing and shoving ensued as the



police made their way through the crowd to get at Miss Cecil and the film.

"The police grabbed me—there were about five of them," said Miss Cecil. "They didn't know how to get the film. They had to pull me over some chairs and I was up in the air and my foot was caught...after they got the film, I got pulled down the stairs and a desk came down right on top of me."

The police bulled their way out the back door of the room and out the Nieuwland exit near the old business building. The students emptied the room and followed.

The police walked quickly and surrounded the man with the film. They had gone only about 25 yards when one student jumped into the group of police and grabbed at the film, but was unable to

wrest it from the policeman. The other officers grabbed the student and pushed him out of the way, while several more students began lying down in front of the swelling crowd following the officers.

By this time, most of the students were out of Nieuwland and many were yelling "Pigs," "Fascists," and assorted obscenities. The officers were also pelted with snowballs.

In the melee, several students who had lain down on the sidewalk were trampled. By the time the officers rounded the corner heading toward O'Shaughnessy Hall, about a dozen students rushed the officers and went for the film. The man holding the reel was



Filmmaker Noran

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Mace at Notre Dame.

## Faccenda gets warrant

Special Assistant to the President Philip J. Facenda said last night that he was presented with a warrant for the seizure of the allegedly pornographic films which were to be screened yesterday afternoon.

Prior to the search for and seizure of the film by sheriff's deputies, Facenda said, "The police showed me a warrant to pick up what was probably pornographic film."

When Facenda was further questioned as to how the police were informed of the possibility of the film's screening he said, "David Kahn stood up last night (Thursday night) after the conclusion of 'Lady Godiva' and announced it. I received several telephone calls this morning telling me of this."

Facenda defended the actions of the police, particularly in regard to their lodging themselves inside O'Shaughnessy Hall and preventing several hundred angry students from following. "After the police left the Science Hall they split into two groups, one taking the film. The other group became surrounded by students and faculty and were attacked by them. I saw with my own eyes one policeman get knocked down. The students were cursing and throwing snowballs."

"When police are attacked you have a situation where law and order have completely broken down and the police have a right to restore that order. If they commandeered the building it was to avoid more violence. I

think it was to their credit that they used as much restraint as they did," he added.

Although the police showed the warrant to Facenda they refused to show it to students when they seized the film. Facenda commented, "The police probably thought the best way to avoid a confrontation was to get in and get out as quickly as possible. The police used a minimum of force all day long. They could have moved in at 12 o'clock in the Student Center but they waited for the vote to see if the students would see the light." He added, "The students openly defied the law, the University, the Student Government and the Student Union."

He further stated that the University is not cancelling the conference. He did admit that University President Rev. Theodore M. Hesburgh, C.S.C., could change his mind later. Student Union President Rick Rembusch cancelled the conference an hour later of his own volition.

He said he had no reason to believe that any students had been arrested during the events of the afternoon, but he had not been in contact with the county prosecutor.

Student Body President Richard Possie, Vice President Charles Nau, Rembusch and Student Union Vice President Bill Wade met with Facenda yesterday afternoon, but Facenda would not comment on the meeting.

## Administration had no part in decision on cancel

Following the wild events of the afternoon, Student Union President Richard Rembusch officially closed the Pornography and Censorship Conference in a 6 p.m. press conference.

In a prepared statement Rembusch said, "While the present tension continues, the conference can be in no way constructive and in keeping with its announced goal—the intelligent consideration of the question of pornography. Unfortunately continuation of the program is, instead, very likely to be a catalyst for further violence."

In questioning following the reading of the statement, Rembusch said that the reason police appeared on campus was because of complaints filed by the South Bend Citizens for Decent Literature. He said that while the CDL approved of the pornography conference held in the Center for Continuing Education last year that "it was their feeling that our conference was heavily weighted with pornography."

Rembusch defended the idea of the conference and blamed poor organization for the unfortunate events of the day. "The original rationale behind the conference was and is still totally valid. The present situation evolved, in my opinion, because of poor planning on our part and partially because of the reactions of certain individuals on both the left and the right."

"Pornography or any other subject is perfectly proper material for discussion on a university campus. However such discussion must be properly and orderly executed. Unfortunately this has not been the case with the Censorship and Pornography Conference. In short, continuation of the conference would be only to the detriment of the community."

Rembusch stated that the decision was made after consultation with student leaders and denied that any pressure was put on his

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# Brennan will speak today

Associate Justice William J. Brennan of the U.S. Supreme Court is the principal speaker at a two-day centennial observance of the University of Notre Dame Law School today. Justice Brennan is the Justice who censored the controversial "Flaming Creatures" of the Pornography and Censorship Conference.

"Human Rights and the Law" is the theme of the centennial

symposium, and sessions deal with "The Moral Basis of Human Rights," "The Moral Basis of Violence," and "The Moral Basis of Legal Education."

Invited to the observance have been members of the Notre Dame Law Association, the deans of some 130 American law schools, University trustees and Law Advisory Council members South Bend area attorneys and judges, and Notre Dame faculty members and law students. The symposium will be closed to the public, however.

Other speakers at Centennial events include Lt. Governor Raymond Broderick of Pennsylvania, a Notre Dame law

alumnus, speaking at a reunion dinner, and Prof. George W. Keeton, discussing Notre Dame's junior year program of legal study at the University of London where he is dean of the law faculty.

Justice Brennan, who has been on the Supreme Court since 1956, will speak at an academic convocation today. Other events include the traditional Red Mass for lawyers and judges in Sacred Heart Church, a Law School Open House, and a centennial banquet at which Dean Lawless and the Rev. Theodore M. Hesburgh, C.S.C., Notre Dame's president, are speaking.

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# THE WORLD TODAY

## Thieu orders arrests

SAIGON (UPI) - President Nguyen Van Thieu has ordered authorities in South Vietnam's provinces to arrest Buddhist monks and Roman Catholic priests who make "political sermons" that inflame the people, it was disclosed yesterday.

"Monks and priests are free to go to their pagodas and churches to conduct ceremonies and to pray," Thieu said during a trip to the Mekong River Delta province of Co Cong. "But if they deliver political sermons to stir up the people, the province chiefs should arrest them and report them to me."

Thieu's statement was made two days ago, but not published in Saigon until Friday.

Thieu charged that the Communists were planning to use religious and political organizations to stir up anti-government feeling. He said provincial authorities must warn, in person, monks, priests and political leaders "who lend a hand to the Communists or advocate a pro Communist peace."

## Planes bomb Biafra

UMUOHIAGU, Biafra (UPI)—Divebombing Nigerian war planes killed 300 Biafrans and wounded 500 in a lightning attack on the crowded Umuhia market, Biafran authorities reported yesterday.

Biafra said it was the second costliest Nigerian air raid of the 20-month-old civil war.

Witnesses said the Soviet-made Ilyushin jets caught nearly 1,000 persons, mostly refugees, in the market. First they strafed it with cannon and rockets, then dropped their bombloads. Officials estimated 500 persons were wounded in the raid.

One of the bombs landed in front of a maternity clinic, killing 15 women and children. Terrified, the refugees and villagers panicked. Stumbling over one another, they made escape from the market virtually impossible.

The bombs devastated the village and left deep craters. Members of the 125 families who had relatives killed competed with vultures in the search for bodies. Many of the wounded were critically hurt.

The Biafran Information Bureau in Geneva said the raid was second in intensity to the Nigerian air attack on Otuocha which killed 500 Biafrans last year.

## Sweden grants asylum

STOCKHOLM (UPI)—The Swedish Aliens Commission granted asylum yesterday to 10 more deserters from the U.S. military services, raising to 175 the number of GIs who have been given refuge in Sweden.

Asylum is granted on "humanitarian grounds" to U.S. servicemen who desert their posts to protest the war in Vietnam or to escape serving there.

Of the 175 granted asylum, 10 have since left Sweden either to return to their units or to the United States. The commission said 14 GI deserters had applied for asylum but left the country before a decision was made.

the commission said it currently is considering asylum requests from 10 other U.S. servicemen. The commission does not reveal the branch of service or posts from which the GIs deserted.

## Sirhan trial proceeds

LOS ANGELES (UPI)—A woman opposed to capital punishment and another who apparently had her mind made up as to the guilt of the defendant were excused yesterday during selection of six alternate jurors for the murder trial of Sirhan B. Sirhan.

Linda S. Katrenich and Verna Holmquist were among five prospective alternates dismissed during the yesterday morning session in the 19th court day of Sirhan's trial for the murder of Sen. Robert F. Kennedy.

The three others, all men, were excused because prolonged jury duty would have been a hardship on them.

## Nixon and Wilkins confer

WASHINGTON (UPI)—President Nixon pledged yesterday to extend the opportunity for getting ahead to all segments of society and then conferred with Roy Wilkins, the first Negro leader Nixon has met since he became President.

Wilkins, executive director of the NAACP, said after a 50-minute meeting at the White House that he was "gratified by the President's grasp...of the urgency and the crisis situation" confronting America's Negroes.

## Shaw trial witness testifies

NEW ORLEANS (UPI)—A New York accountant yesterday testified he attended a party in June, 1963, where Clay L. Shaw sat around a kitchen table with seven others and talked about the best way to kill President John F. Kennedy.

Charles I. Spiesel said he was introduced to Shaw by name by the late David W. Ferrie. Shaw is charged with conspiring with Ferrie and Lee Harvey Oswald to kill the President.

Another state witness Vernon W. Bundy Jr., told Shaw's trial he went to the New Orleans waterfront in June, 1963, to take heroin, and saw Shaw give Oswald "what looked to me like money."

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# THE OBSERVER

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## "This is insane, I can't believe it."

Any way you look at it, February 7, 1969 was a bad, bad day at Notre Dame. Maybe English Professor Peter Michelson said it better: "This is insane. I can't believe it."

Insane or not, the facts remain: students were maced and policemen were punched.

The police came and confiscated a film. The District Attorney's office will view the film and decide whether or not to prosecute anyone or everyone who had anything to do with the conference.

Everyone was warned that it could happen. That's why SUAC decided Thursday night to stop all showings of films. A group of students knowing full well what could happen went ahead and attempted to show a film anyway.

Armed with a warrant authorizing the film's confiscation, the police had every legal right to take the film. What the officers lacked, however, was the foresight to avoid the confrontation they must have known

would result. Instead of proceeding with the confiscation in an orderly fashion, they barged into the lecture hall, refusing to show either identification or a warrant, and shoved their way to the film. They should have realized that such an approach was bound to stir up a crowd of already over-heated students.

Apparently the police placed the confiscation of the film above the maintenance of order on this campus. For all the violence, it wasn't worth it.

While the reactions of the students who jumped the officers can be understood, they cannot be excused. Before the police arrived, David Kahn called for students to surround the projector and supply "passive resistance." Simple passive resistance must be distinguished from confrontation, and that was one thing the students protecting the film apparently were not interested in.

Finally, however, it must be admitted

that a second guessing after the dust has cleared can be regarded as speculation at best.

Who knows whose fault it was? The Conference could have been better planned. Perhaps things like legality could have been checked on ahead of time. Perhaps SUAC could have prevented the film from starting to be shown yesterday. Perhaps the police could have used better tactics. Perhaps our society's laws about censorship and pornography are outdated. Without a doubt they should be applied with great care to a university community. Perhaps it was everyone's fault. Perhaps no one's.

One can only look at the facts and try to learn something. Students have to get closer to administrators—administrators closer to students. Students not so bold, police not so violent, and both not so self-righteous. Maybe all those things are dreams—and we'll never see them. But if we don't, we'll see more violence like yesterday's.

## Statement of cancellation

This afternoon the decision was made by me, President of the Student Union to cancel the remaining sessions in the Academic Commission's Conference on Censorship and pornography. This decision was reached after the events of this afternoon.

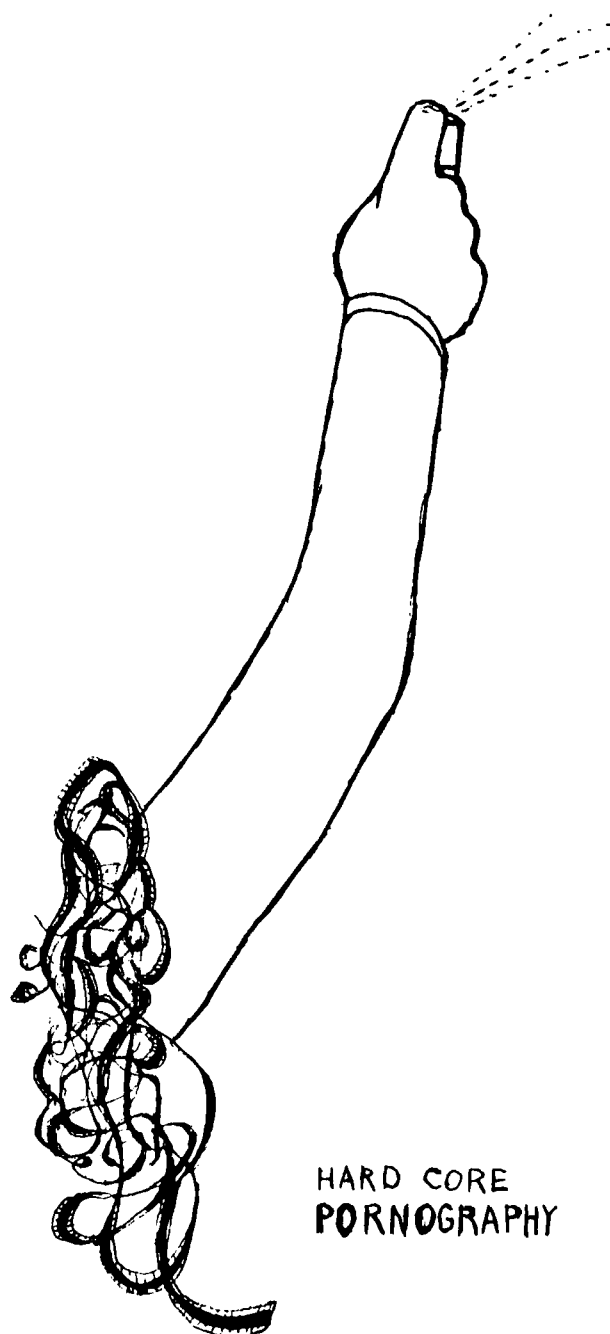
Today, violence broke out on campus and the first obligation of everyone is to restore order and peace. While the present (tension) continues, the conference can be in no way constructive, and in no way in keeping with its announced goal—the intelligent, orderly consideration of the question of pornography. Unfortunately, continuation of the program is instead very likely to be a catalyst for further violence.

This decision was reached after extensive and agonizing discussion with other student leaders. In no way were pressures brought to bear by the University administration. This action is not censorship, but a logical decision made to restore peace to the Notre Dame community and halt something that an unfortunate chain of events has rendered destructive.

The original rationale behind the conference was and is still totally valid. The present situation evolved in my opinion partially because of poor planning on our part and partially because of the reactions of certain individuals on both the left and right. Pornography or any other subject is perfectly proper material for discussion on a university campus; However, such discussion must be properly and orderly executed. Unfortunately, this has not been true of the Censorship and Pornography conference. In short, continuation of the conference would be only to the detriment of the community.

Details on financial adjustment for all delegates will be forthcoming. The delegate card will serve as your receipt.

F. Richard Rembusch



HARD CORE  
PORNOGRAPHY

Shawn Reynolds

## Cries of "Fascist pig"

# Chicago students disrupt official's meeting

CHICAGO (UPI)—Student demonstrators yesterday breached a cordon of University of Chicago security police, screamed "Fascist pig" at a university disciplinary official, and disrupted his meeting with a student charged with participating in a nine-day sit-in.

About 25 of the sit-in protesters accosted Dallin H. Oakes, chairman of a special faculty disciplinary committee, in the basement of the university's ultra-modern law school building on the South Side campus.

The pushing, shoving and screaming match erupted a few hours after a task force of university officials paid a surprise visit to the administration building, which

rebel students have occupied since Jan. 30, and handed out summonses that could lead to more student suspensions.

The band of rebels lay in wait for Oakes in the lobby of the law school and charged after him, shouting and taunting, as he strode to a small meeting room. Three husky university plainclothesmen blocked their way.

"Fascist pig, Fascist pig," the students—both men and women—screamed at Oakes. Oakes yelled back at the students.

"We are going to meet with a student to determine if he wants a public or private hearing," he shouted, "and I will not be intimidated by your presence."

said: "We're policemen and that ought to be enough." The police and Dr. Michelson then traded accusations of riot incitement.

Student Body President Richard Rossie pushed his way through the crowd and echoed Dr. Michelson's demand for a court order and identification. One of the officers took his badge from his pocket and flashed it in front of Michelson, but would not permit him to see his name.

Meanwhile, the man with the film had skipped out the back door of O'Shaughnessy and headed for a car parked near the fieldhouse. A handful of students spotted him and chased him. One student lay down in front of the unmarked car, but the officers swerved

The students pushed harder against the guards holding them out of the room. One law student, in what may have been an attempt to cool the tense confrontation, identified himself as an FBI agent.

"FBI, FBI," the students shouted.

They broke past the guards and streamed into the room.

Oakes slipped out a rear door of the room. The guards clustered at the door to protect his retreat. One guard shouted at a girl demonstrator:

"You watch out or I'm going to flatten you. I have a job to do and if it takes flattening you I'll do it."

The students vowed to disrupt any hearings Oakes tried to hold privately.

"There will be no private hearing," one shouted. They remained long after the disciplinary official left. The security guards finally relaxed, patting the demonstrators on their heads.

A university spokesman said the officials who entered the administration building found "only 20 to 30" persons standing guard at barricaded stairways and elevators or lounging in the littered hallways.

Students reported that angry shouting matches erupted and there were incidents of "pushing and shoving" between the rebels and the administrative staff. The rebels accused one staff member of breaking the antenna off a walkie talkie used by the occupation force.

The sitters-in were summoned to appear before the university's disciplinary committee, and a school spokesman said failure to appear would be cause for suspension.

Leaders of the rebel group promptly denounced the new move by the university and appealed to other students to join them later in the day in a planned disruption of a disciplinary committee meeting.

"No amount of summonses can convince us that our demands should not now be met," a flyer issued by the strikers declared.

Some 350 or 400 students started the sit-in Jan. 30 and university officials, while keeping security personnel posted in and near the building, have not attempted to regain control of the university's nerve center.

President Edward Levi, the university deans and other administrative personnel have operated from other offices on and off the campus. Most of the university's 8,600 students, including some members of the sit-in group who came and went as they pleased, have attended classes as usual.

Some 350 nonstriking students gathered in the university quadrangle yesterday and voted overwhelmingly by show of hands to call upon the protesters to end the sit-in

## Confiscators use mace

Continued from page 1.

knocked to the ground and hit his head on the sidewalk.

As soon as he went to the ground, one of the officers pulled out a can of what appeared to be MACE and began aiming at the eyes of any non-police in the immediate area.

OBSERVER Photographer John Werheim was pushed aside by an officer and MACE when he refused to leave the scene. After the officer squirted Werheim's eyes, he went after his camera, filling the lens with MACE.

In all, at least 15 persons were hit with the MACE, which succeeded in breaking up the ruckus. The scuffling lasted about five minutes.

The officers, with the film-bearer holding his head, hurried



toward O'Shaughnessy Hall. They entered and slammed the doors behind them until Professor Peter Michelson asked and was granted entrance.

He demanded that the officers show him both a court order and personal identification.

One of the officers answered: "We showed the warrant to everyone at the La Fortune Student Center." Another one



Kathy Cecil

around him, headed for the East gate and made off for downtown with the film.

Meanwhile, the officers at O'Shaughnessy succeeded in stalling the growing crowd. Someone suggested talking to Arts and Letters Dean Frederick Crossan and the plainclothesmen proceeded down the hall—followed by a crowd of about 200 students—toward the Dean's office. Dr. Crossan was not in his office, however, and the officers headed for the Faculty Club. The crowd followed, but was not permitted entrance to the Club and eventually dwindled.

Another group of about 200 students gathered in the Student Center after dinner, debating whether to stage a production of the cancelled play "Lady Godiva" as a private enterprise. The play, as well as the Fugs concert and other scheduled events, were cancelled by Student Union President Richard Rembusch.

## Pornography conference is cancelled

Continued from page 1.

organization by administration officials. He said the cancellation of the remainder of the events of the conference schedule should not be interpreted as censorship but rather as an attempt to

restore peace to the Notre Dame community.

"I have been in touch with Mr. Voor (county prosecutor) on and off and he has given me no indication that anyone will be arrested, at least, not until the films have been viewed," Rembusch concluded.



Peter Michelson



John Matthias

## Theatre performs play; Student center site

The Theatre of the Ridiculous performed "Lady Godiva" free of charge for the Notre Dame student body last night in the LaFortune Student Center ballroom. The Student Union refused to accept responsibility for the scheduled performance in Washington Hall, and broke contract with the theatre group. However, the Union agreed to fulfill their financial responsibility to the company.

Bill McElroy, a Notre Dame junior, negotiated with the Student Union and University officials for the use of Washington Hall. When he was unable to attain the Hall facilities, the group decided to perform charging no admission in LaFortune, improvising with a minimum of props.

Student Center Manager, Brother Francis Gorch, gave permission for the impromptu presentation in a hurried conference

with McElroy. McElroy took responsibility for the physical well-being of the Center, assuring Brother Gorch that the walls and furniture would not be touched. Brother Gorch also asked that the audience be limited to Notre Dame and St. Mary's students. If the police or other outsiders intervened, McElroy advised that the students be passive and obey directions.



Earlier in the afternoon, Rembusch and his Vice President Bill Wade met with lawyer and Special Assistant to the President Philip Facenda and discussed ramifications of the day's events.

Rembusch's statement was reprinted in its entirety and distributed to the entire campus shortly after the press conference was concluded.

Details on the financial adjustment of delegates who bought tickets will be forthcoming in the near future.

## Pears comments

The Notre Dame Security Department denied any knowledge of the police raid. They did, however, restrict cars from entering the campus at the time of the raid.

Arthur Pears, Director of Security said: "Basically, I know nothing. I know absolutely nothing. I was more surprised than anyone that police were on the campus."

He said that he had received his instructions to keep cars from entering the campus from Fr. McCarragher, Vice President for Student Affairs. "This is a standard measure that often goes into effect when you get a lot of non-students who might come onto campus," he said. "We have done this in the past, such as at pep rallies."

Pears concluded, "It appears to me that this whole thing is between local authorities and students."