

THE OBSERVER

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Serving the Notre Dame and St. Mary's College Community

MONDAY, FEBRUARY 10, 1969

Committee to study confiscation

by TED PRICE

The Student Life Council was called into emergency session yesterday by University President Theodore Hesburgh, CSC, in response to a telegram sent to him by the seven-member delegation from the assembly Saturday in LaFortune.

At the close of the executive session of the Student Life Council, Dean William B. Lawless of the Law School, the Council's chairman issued the following statement:

"The Student Life Council convened today at 2 p.m. and formed, in special session, until 11 p.m. this evening to consider all the University events which have occurred in the past several days. Various witnesses were heard in open session and thereafter the Council met in executive (closed) session. In order to obtain a comprehensive review of all facts surrounding the past several days the Council has created a subcommittee of six of its members who will be appointed equally from the student, faculty, and administration sectors. It was agreed that the jurisdiction of the subcommittee would not overlap existing procedures for administrative and judicial

action. The Council will meet again in a regular session Tuesday at 4 p.m. in the Continuing Education Center. Fr. Theodore Hesburgh, President of the University, at the invitation of the Student Life Council, appeared at the executive session and assured the Council that neither he nor any of his administrative officers encouraged or requested police intervention in any of the events of the past several days. It is understood that Fr. Hesburgh will issue a formal statement in this regard tomorrow morning."

Dean Lawless said that the members of the committee will be designated by the individual sectors in caucus this morning. The subcommittee could conceivably begin action this afternoon.

The subcommittee's purpose will be the formulation of an official history of the events surrounding the Pornography and Censorship Conference, and attendant recommendations for action to the Council as a whole.

The telegram had originally requested a meeting with Hesburgh and Philip J. Faccenda, his special assistant and a lawyer. However, Fr. Hesburgh said that he had referred the matter to the SLC

because he felt that "this type of problem was one of the reasons that it was formed."

Earlier in the day, the Council and other University officials had traveled to the South Bend Police Headquarters to view a closed screening of "Kodak Ghost Poems," the film confiscated Friday by St. Joseph County deputies. Before the movie was shown, Mr. Faccenda emphasized that the showing was to enable the SLC to more fully understand the issues surrounding it.

Immediately after the session was called to order and the roll taken, Prof. Peter Michelson, one of the delegates from Saturday's assembly, attempted to be recognized. The SLC chairman, Dean William B. Lawless of the Law School informed Michelson that although SLC meetings are open to all members of the University community and the press, no non-members were recognized without a suspension of the rules. At this, all but two members of the delegation left the meeting.

Michelson said later that since the delegation's telegram to Fr. Hesburgh had asked for only a meeting with him and Mr. Faccenda, he "was a little bit confused when I found myself in the SLC." Apparently he had not been informed of the decision to bring the matter to the SLC.

Several minutes later, the Council voted to invite the delegation to attend the meeting with "privileges of the floor." Since the delegation had left the Kellogg center, a subcommittee composed of Prof. John Houck, Student Body President Richard Rossie, and Prof. James Shilts was formed to extend the Council's invitation.

After the delegation returned to the SLC meeting, the first order of business was the reading of a chronology of the pertinent events of the Pornography and Censorship Conference up to the seizure of "Kodak Ghost Poems." The chronology, never adopted by the SLC as an official report, had been written by Mr. Faccenda, who is the Council's secretary, and Student Union Academic Commissioner John Mroz.

The covering statement to the chronology stated that it contained "matters within the personal knowledge" of the authors who were presenting it "because they believe that the facts...should be known to the University Community."

There was only minor revision of the report until the final section dealing with the events of last Friday was discussed. During this phase of the meeting, the Council heard testimony from a number of witnesses.

Most of the discussion centered on the meeting of Friday noon in LaFortune and the subsequent attempt to screen "Kodak Ghost Poems," which culminated in its seizure by County deputies. Witnesses were most concerned over the fact that at no time during the seizure operation did anyone display a warrant nor did the deputies identify themselves. Senior David Kahn said that for all the students knew at the time the plainclothesmen could have been thieves. Others charged excessive violence in the raid saying that the use of mace and other alleged assaults were unprovoked.

Prof. Michelson, who said later that he "sensed that the Council was becoming impatient," called the report



Peter Michelson

"misleading and incomplete."

"The report is misleading in its point of view, and the authority of that point of view is called into question," said Michelson. "It is incomplete in that it fails to cover both sides of the seizure."

SUAC Commissioner John Mroz recommended that the Council meet in a closed session to take testimony and prepare a report for the entire University community.

Inside

Mass student meeting yesterday results in change of committee from fact-finding to negotiating. See page 2.



McNamara guilty; Suspended for seven days

by JOHN HALEY

The Student Judicial Board yesterday declared Senior Marty McNamara guilty of "impeding the freedom of the University community" at the CIA sit-in last November, and sentenced him to suspension for one week.

The conviction was significant in that it sets a precedent that

students taking part in a sit-in demonstration can be brought to trial by the Judicial Board and convicted for their actions.

Bob Rigney, McNamara's defense counsel, immediately announced his plans to appeal the case.

Senior Bob Narucki brought

the charges against McNamara. In his accusation, Narucki said: "I made my 'moral' decision to meet with the CIA recruiter and was scheduled for a 1:30 p.m. appointment on Wednesday. The interview did not take place—protesting students, with their so-called 'sardine' tactics—impeded the progress of the CIA interviews; this led to the cancellation of interviews by the CIA. I was not permitted to exercise my freedom of choice

and action."

Since Narucki admitted that the sit-in did not physically prohibit his entering the interview room at times when the interviewer was out, Rigney contended that the sit-in did not directly stop Narucki. He said that any harm done Narucki had to be a "direct cause" of McNamara's action.

Ultimately, however, the Judicial Board decided that the sit-in had directly caused the

CIA recruiter to leave, and that McNamara was therefore responsible for Narucki's not being able to be interviewed. Assisted by a lawyer who helped clear the confusion over "cause" vs. "direct cause," the board decided that the demonstrators had "caused" Narucki's harm. They declared McNamara guilty of violating Rule 13, section 3, which states, "Demonstrators may not impede the freedom of the University community."

Judicial rationale

Verdict: Guilty, unanimous.

We feel that the University extended a privilege to the CIA to hold interviews on campus. By virtue of this agreement it then became the right of interested students to meet with these recruiters. It is the policy of the CIA, however, to avoid any situations on a campus "which might contribute to disruption of normal campus life." Due to the type of demonstration decided upon by Martin McNamara and others, the CIA recruiter, in line with this policy and in view of the sit-in, judged it necessary to cancel the agreement made with Mr. Narucki for an interview. We feel that this decision was made because the recruiter felt that the normal campus life was disrupted. Thus the freedom of the University community was impeded and Mr. Narucki's right to have his scheduled interview was violated. This we interpret as a violation of Rule 13, section 3. In view of this, we, the Board, find Mr. McNamara guilty.

McNamara replies to Board

Marty McNamara's reply to the Judicial Board's statement: "I don't understand the reasoning in the statement of the board because it wasn't elaborated upon

"I am most of all disappointed with the board's failure to consider the value of the rule itself and the ways in which the placement bureau and the demonstration policy

impede the freedom of the community.

"There is no indication of why the 'privilege' of holding the interview leads to a 'right' to meet the recruiter. It would seem to me that this would lead to the 'privilege' of seeing the recruiter, and I feel that this was adequately brought out in the trial.

"Their statement also does

not treat our arguments that 'direct cause' is necessary for a legitimate charge, and my statement that in demonstrating for a moral judgment against the atrocities of the CIA and the rights of students to hear a defense of the CIA's activities, we were, in fact, insuring the freedom of the University community and in no way impeding it.



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Negotiating committee originated

by CLIFF WINTRODE

The physical confrontation of Friday afternoon was replaced by negotiable confrontation between the angry students, the administration, and the prosecutor's office over the weekend. Two mass meetings of students concerned with the events of the previous days brought the change of course of action during this time period.

Saturday afternoon around 400 students met on the second floor of the Student Center to discuss the events of Friday afternoon. Prof. Michelson proposed the formation of a committee to meet with Fr. Hesburgh as a fact-finding group. Its primary purpose was designated as finding out exactly why the police were on campus Friday and who called them.

Student Life Commissioner Larry Landry proposed a list of demands, the result of a meeting of concerned students the previous night, to be directed to the University administration by

the students. The following statement and demands were read by Landry and passed almost unanimously:

"We believe that the University administration has failed to support its students in their efforts to prevent the suppression of a film not legally declared pornographic, which the students wished to see and discuss. But it is more than the showing of the film which we feel should be considered in the matter. Primarily, the issue is that the police were allowed to come to campus and to forcibly and brutally remove the private property of an individual.

1) We ask that the University Administration make a public apology to the students for initially supporting the conference and then withdrawing its backing and thus allowing the police to come in and violate the rights of the individuals of the community.

2) We present a non-negotiable demand that the

University Administration publicly inform the South Bend and St. Joseph authorities that in an open community such as ours, the use of police force violates the rights of the community and all of its members.

3) We present a non-negotiable demand that the University take legal action to:

—reclaim the private stolen property

—seek redress against the illicit invasion of a university student meeting and prevent such actions in the future

—seek redress for the brutal attacks on students by plainclothesmen who refused to display a warrant or badges

Last night the group convened at the second floor of the Student Center to hear the report of the fact-finding committee. Bill McElroy, a member of the committee, reported to the students the findings of that committee. The eight-members of the delegation via a telegram had communicated their desire to meet with Faccenda and Hesburgh in private audience. Their request was granted, and a time of 4:00 p.m., yesterday afternoon, was decided upon. Meanwhile, Father Hesburgh and Faccenda, acting quite independently of the committee, called an SLC meeting for yesterday afternoon.

The student-sponsored delegation walked in on this meeting with Hesburgh and Faccenda present. Professor Michelson said he would like to speak, but Dean Lawless, of the Law School said they were out of order and they promptly walked out of the meeting. A member of the meeting then went after them and said they were sorry, and they would be recognized.

Faccenda read his fact sheet that he had assembled of the events from 1:30 p.m. Thursday to 5 p.m. Friday relating to the Pornography and Censorship Conference. John Mroz, SUAC head, endorsed the fact sheet as assembled by Faccenda. After Faccenda had read this paper, he opened the meeting to the floor to be continued on page 6

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Voor: our credit that We didn't use guns

St. Joseph County Prosecutor William E. Voor Jr. said in an interview last night that he would personally recommend the deputies involved in Friday's raid and seizure of "Kodak Ghost Poems" for a commendation for their restraint.

"We were scared," said Voor, "as scared as I have seen officers in more than six years. There were, after all, several hundred of them and only a handful of us."

Voor said that he did not anticipate any violence when he departed for the campus, nor did any of the other officers. He said that he intended to remove the film as quietly as possible, and that he presumed that this would entail merely showing the warrant for its seizure and taking it back downtown.

He continued, "I wish now that we had been able to show our warrant and our badges. We did show them when we searched LaFortune and other buildings, but we couldn't in Nieuwland. There was trouble almost as soon as we entered."

Voor claimed that he and his men got no further than inside the door of the science hall when "a writing desk came flying down the stairs from the second floor." He said that at no time while he was in Nieuwland was there no physical contact, even if only in the form of shoving.

"When our way out was blocked, and it looked like there was going to be a fight, we began to use the MACE," he recalled. "I think my men should be credited for not using their guns."

Each deputy was armed, but at no time were these guns even displayed."

According to Voor, not all deputies carry MACE, because it has to be hung from the belt "and an aerosol can flapping against your thigh can be rather painful after a few hours." But he contended that only those officers who normally carry MACE had it Friday at Notre Dame.

"No one drew extra cans of MACE for this trip," he claimed.

"I think my men deserve a commendation for their restraint," he said, "and I'm going personally to recommend them for it. In a way, I'm glad that I brought some of the older, more experienced detectives with me. I'm convinced that if I had a bunch of younger, and less wiser people there, someone would have been shot."

When questioned regarding his reasons for the seizure, Voor said, "An affidavit was filed and a complaint made by Raymond Gower, of the Citizens for Decent Literature. After that, it's out of my hands. Look at it this way: This is my county, and I have taken an oath to enforce the law in it. When somebody complains of an offense, I have no choice but to investigate it and prosecute, if necessary. In this case, I had to get a warrant and seize the film. To have done otherwise would have made me derelict in my duty."

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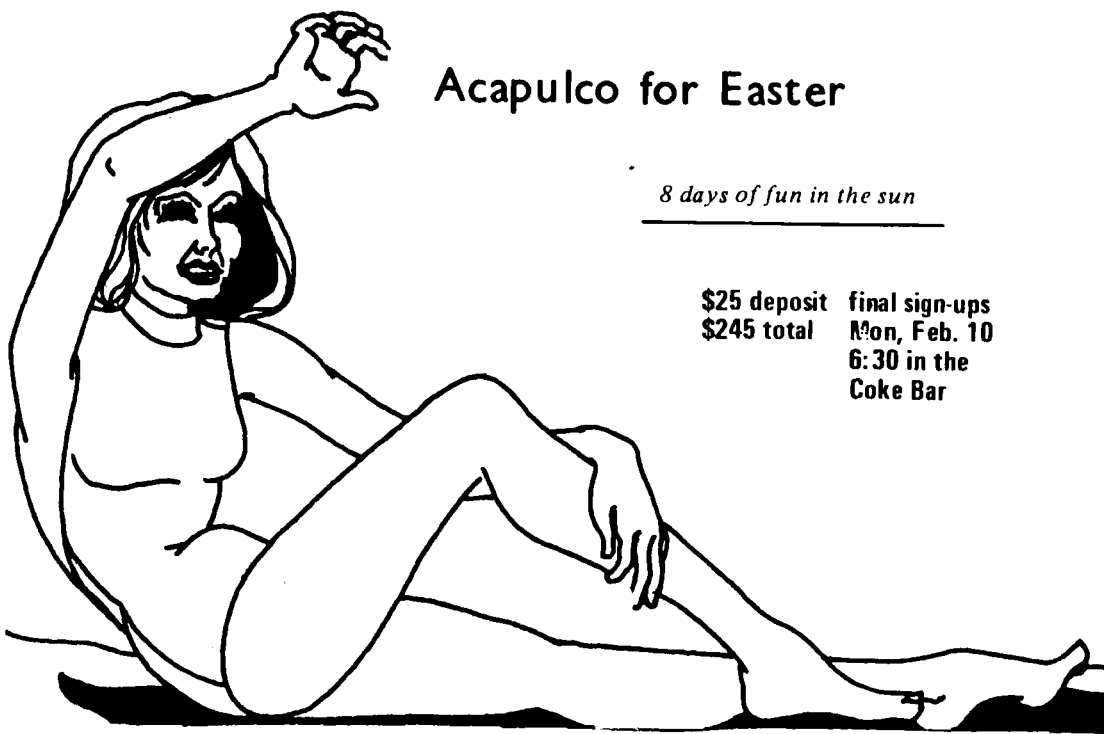
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RFK series

The campaign for president of Robert F. Kennedy will be discussed by several friends and top aides of the late senator at a four-day, student-sponsored seminar starting Monday, Feb. 10.

The keynote address, scheduled for 8 pm Tuesday Feb. 11 in the Memorial Library auditorium, will be given by Frank Mankiewicz, press secretary for Kennedy during the campaign and now a nationally syndicated public affairs columnist.

Charles Evers, head of the Mississippi Freedom Democratic Party and the Mississippi chapter of the National association for the Advancement of Colored People, will speak Wednesday Feb. 12 at 4 pm in the Library auditorium on "Robert Kennedy and the Black Man in America."

Wednesday night at 8 in the Library auditorium, David Halberstam, Pulitzer Prize-winning journalist and a contributing editor of Harper's, will speak on his best-selling book, "The Unfinished Odyssey of Robert Kennedy." Halberstam will be introduced by Rep. John Brademas of Indiana's Third District.



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THE OBSERVER

An Independent Student Newspaper

WILLIAM LUKING, *Editor-in-Chief*

FOUNDED NOVEMBER 3, 1966

NOTRE DAME, INDIANA

Today's Expectations

Two actions are promised today in the wake of the incidents of last Friday afternoon which began with an attempted screening of Andrew Noren's *Kodak Ghost Poems* and ended in police intrusion and violence.

The first is a statement by Father Hesburgh stating that neither he nor any administration official encouraged or requested police intervention. We anxiously await Father Hesburgh's statement, and we must express our disappointment that it has been so long in coming. In light of Friday's confusion, mistaken information and misquoting on the part of the outside press, and misunderstanding and distrust of the administration, Father Hesburgh is tardy in making his position clear. Only at yesterday's SLC meeting were all the aspects of the relationship between Special Assistant to the President Philip Faccenda and Prosecutor Voor elucidated.

The discussions, the arguments, the committees, the assemblies and the Student Center rhetoric of the last two days were caused by ignorance of the facts of the administration's role in confiscation of Noren's film. Rumor mongers and misinformed journalists and demagogues have capitalized on the procrastination of the administration in issuing such a statement.

The second action promised today is that of the selection of two representatives from each sector of the Student Life Council to a special subcommittee of the SLC to "obtain a comprehensive review of all the facts surrounding the past several days."

We fear that the SLC subcommittee has the potential of becoming a body of six that will bore itself and the issue to death. The SLC has appointed committees before and the result has been a failure on the part of the SLC and its committees to discern between relevancy and rhetoric, between a sense of the immediate and the utopian, and between responsibility and convenience.

For all the horror of last Friday afternoon, it has mobilized the SLC into action. Appointing a subcommittee, however, may not be enough action. We have been disappointed for the last two months with the failure of the SLC to realize what it must do. We resent a Student Life Council that has been more leisurely than cautious and seemingly unaware of the urgency of much of what it must consider.

Although moved to a special meeting and made to sit for over nine hours, the SLC really only promised a future investigation. We feel that the Student Life Council is guilty of belaboring the obvious. It is beyond us why it took hours of deliberation merely to appoint a subcommittee to gather facts.

We are also disappointed that the call for the SLC's meeting came from Father Hesburgh. Most certainly the President's call gave the meeting a special importance and urgency which an appeal by any member or even the Council's chairman could not have connoted. Hesburgh's summons also, however, diminished and eroded the independence of the SLC. When report cards are given, the SLC will receive a failing mark in initiative. We are also concerned that there are members of the SLC who refuse to treat last Friday's incidents with the seriousness they demand. Something must be said and said now about the intrusion of police into the University Community. We admit that there must be more facts known before a final conclusion can be made, and we hope that the subcommittee to be named today can provide these facts. There is no reason, though, for stretching this inquiry *ad infinitum*. The promised "comprehensive review" can be accurately and promptly compiled. But we also note that when a faculty member of the SLC calls part of yesterday's proceedings a "soap opera" and when an administration member seems more interested in the unapproved use of a lecture room in Nieuwland Science hall than the presence of MACE-wielding officers of the law invading campus—officers of the law of whom Prosecutor Voor says "I think my men should be credited for not using their guns."—there is a segment of the SLC which belittles the seriousness of the incidents of Black Friday. If the SLC cannot immediately gather its facts and take a stand it will find itself filed in a section titled Irrelevancy, and it will become incumbent upon the Faculty Senate to be heard on the issue.

ACADEMIC FREEDOM



Paul Schroeder

No More Black Fridays

Amidst the sadly historic violence and confrontation that occurred this weekend between students and local law enforcement officials over their right to free academic enquiry, another confrontation between men of the Law took place in the ironically cordial setting of the Notre Dame Law School's hundredth anniversary celebration.

And in a way it is ironic that while the old Law School grads were busy slapping backs and inhaling scotch and champagne on one side of the campus, not two hundred yards away students were being MACED. Superficially that might well appear to be just the case, but in fact the confrontation which took place Saturday afternoon at the Athletic and Convocation Center was led by none other than an Associate Justice of the United States Supreme Court.

Unfortunately, those who might have derived the greatest benefit in witnessing the challenges hurled by Mr. Justice Brennan at the Establishment were not in attendance. It might be of benefit to us all then to dwell for a moment on a few of his provocative thoughts.

Justice Brennan, by no stretch of the imagination a young man, demanded of his own contemporaries in the legal profession that they no longer stand by and permit only their younger colleagues to strive for social justice and human rights. He attacked the attitude of legal stand-patism whereby the Law and its servants merely follow but never lead. And finally Mr. Justice Brennan challenged his contemporaries by asking why it is that lawyers have shunned change and foisted their own obligation to innovate on students and religious leaders.

If for one would suggest that those members of our community who find themselves in a position to make these challenges a reality now turn and examine the legal absurdity of current censorship laws. If one is to take Mr. Justice Brennan at his word, and after all, he is one of the country's foremost jurists, then we can rightly assume that if the Law were in fact leading instead of following by about twenty years in this area, then Black Friday would never have happened.

Happily, this challenge is being met by our own Law School. The Legal Aid and Defender Program has been providing—often free of charge—counsel to local prisoners, students and indigents otherwise unable to secure private legal advice. In addition, the Law School students now attend undergraduate courses in such diverse but obviously crucial fields as Sociology and Urban Affairs. A new Law Center is being planned whose facilities will be available to everyone.

But perhaps the most encouraging indication that the Law is finally producing men of the necessary vision and courage to cope with current problems can be found in Dean Lawless himself. As chairman of the Student Life Council, he has devoted much of his time and energy to the improvement of undergraduate life and particularly to the protection of student rights. Unfortunately he only arrived here last August and, as he says, much of what he would like to see accomplished at Notre Dame is as yet only a dream.

But in the inevitable changes that will take place at this university, dreamers like Dean Lawless will hopefully be able to provide us with the guidance necessary to prevent such nightmares as we witnessed on Black Friday.

The Arts

FILMS

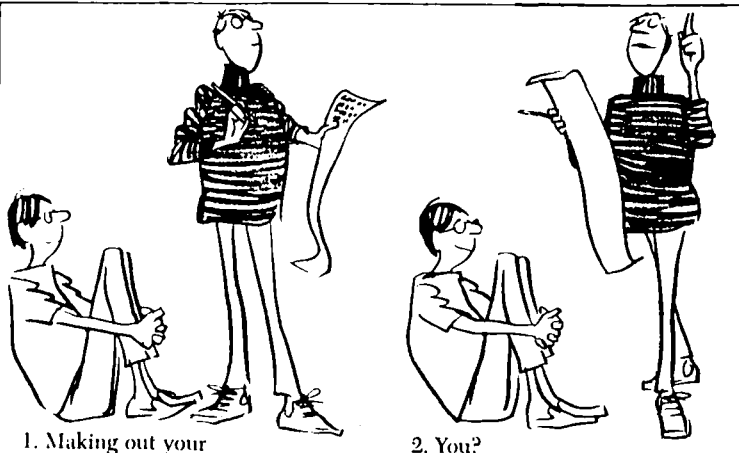
Ghosts—Italian Style and Bedazzled (Avon; 1st feature at 6:00)
The Subject Was Roses (Colfax; 1:00, 3:00, 5:00, 7:00, 9:00)
3 in the Attic (Granada; 1:30, 3:30, 5:30, 7:30, 9:30)
The Sound of Music (River Park; Today 5:30, 8:30, Sat. and Sun. 2:15, 5:20, 8:30)
Bullitt (State; 1:15, 3:15, 5:15, 7:15, 9:15)
Death of Tarzan, will be presented by Cinema '69 at 2 and 8 pm Sat. and Sun. in Washington Hall.

MISC.

In the Notre Dame Art Gallery, O'Shaughnessy Hall: West Gallery, "Paintings and sculpture from the Richard Brown-Baker Collection." East Gallery, "Still Life from the Permanent Collection," and "Kinetic Sculpture" by Konstantine Milonadis.

An exhibit presenting examples of LeCorbusier's completed and projected work is currently on display in the Architecture Gallery.

A piano recital will be given by Joel Shapiro Thursday evening at 8:15 in the Library Auditorium.



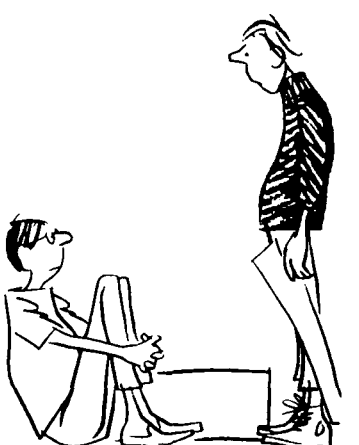
1. Making out your laundry list?
 Writing a poem.



2. You?
 Listen. "How do I love thee, Myrna, let me count the ways..."



3. That's Browning.
 What about: "A jug of wine, a loaf of bread, And thou, Myrna, beside me..."



4. That's Omar Khayyam.
 Then how am I going to show Myrna how much I care?



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Tom Ehrbar

The critic



It happens every winter about this time – as the snowflakes mutely gather and the pin-ups on the wall glance down lasciviously upon you, a young man's heart turns to . . . (the Censorship and Pornography Conference didn't hurt any either). Not that St. Mary's is necessarily ruled out: but they are.

The following remarks are for those of you interested in pursuing, shall we say, different types of women than those graciously residing and scheming across the highway. I therefore submit, not humbly, my PERIODICAL GUIDE TO MID-WESTERN WOMEN'S COLLEGES' The comments, while seemingly biased, have been compiled only after years of experience, after subtle observations and wary perceptions. I also have read and studied extensively from the renowned classic in its field, *Playboy of the Midwestern World* (and have been called that by some). The Guide has no pretensions of being complete, only of being completely accurate.

Barat

a) Geographical Location . . . Tucked away far, far north of Chicago in the virgin woods and valleys called Lake Forest lies an educational institution entirely appropriate to its setting – Barat College. To get there (if you really want to go) take Lake Shore Drive for a while, then bear-a right.

b) Entertainment Available . . . Since the lake dried up so has everything else. "Wait till next year."

c) Identifying Characteristics . . . If you look hard enough, or if you're hardly looking, the women of Barat are rather easily distinguished. No one else lives up there.

d) Personal Tip . . . If you're ever in the area and really looking for a wild time call 345-7676, have a few drinks first and prepare for anything.

Mundelein

a) Geographical Location . . . Up in Loyola territory, just touching the shore of Lake Michigan, the Mundelein maidens are still receptive to visitors wearing "Fighting Irish" jackets. (as long as they're not really from Notre Dame).

b) Entertainment Available . . . The great metropolis of Chicago lies in all its glory and eloquence to the west, although traveling with a Mundelein girl you might have to venture far to the other side of town to hit a wild spot that's suitable.

c) Identifying Characteristics . . . Famous for their freckles and friendliness, these girls lack when it comes to carrying a glib conversation. They generally flip out a series of mundane-lines.

d) Personal Tip . . . Wear your "Fighting Irish" jacket, and avoid conversations.

Rosary

a) Geographical Location . . . Last of Chi Town's *Big Three*; out on the bare outskirts (or miniskirts) of the west side.

b) Entertainment Available . . . The great metropolis of Chicago lies in all its glory and eloquence (and redundancy) to the east, although traveling with a Rosary girl you might have to venture far to the other side of town to hit a suitable spot that's wild.

c) Identifying Characteristics . . . These ladies are just a little too sharp, a little too quick for any Notre Dame man to handle. Or so they would have you believe. Anyone who crosses over to Rosary, doesn't have a prayer, and is doomed to be crucified.

d) Personal Tip . . . "Pray, pray for Rosary, baby."

Timberly Lake

a) Geographical Location . . . Lost somewhere in the Michigan wilderness is this highly permissive, highly isolated, tiny school for the upper upper strata of society.

b) Entertainment Available . . . Unlimited fun and excitement is always supplied and paid for by these girls of affluence. Their 3:00 AM curfew is the earliest time any girl is allowed in by.

c) Identifying Characteristics . . . Besides their wealth, these beauties are tantalizing, aggressive, and wealthy. Even their food is rich.

d) Personal Tip . . . Leave immediately.

St. Mary's

a) Geographical Location . . . On the end of a rollicking shuttle bus ride, of course, we have SMC.

b) Entertainment Available . . . Nothing more amusing than trying to get a date from one of them a week in advance.

c) Identifying Characteristics . . . These babes are famous for the ND rings (and students) wrapped around their fingers, ND sweatshirts, ND mugs, ND toothbrushes, and the glow of all that is Notre Dame shimmering brilliantly from their wide eyes.

d) Personal Tip . . . If you ever want to get fixed up over there, I don't advise using myself as a reference.

So you didn't apply ?

The *OBSERVER* Workshop will be open to all undergraduates beginning tonight at 7:00 pm on the LaFortune Student Center amphitheatre (1st floor). Editor-In-Chief Bill Luking and Communication Arts Lecturer Mr. John Twohey will discuss newspaper philosophy and reporting techniques.

- AGENDA: All meetings to be held at 7:00 pm in the LaFortune Student Center Amphitheatre (1st floor).
 Monday, Feb. 10: Registration and the philosophy of a newspaper
 Tuesday, Feb. 11: Reporting techniques
 Wednesday, Feb 12: Interpretive Reporting
 Thursday, Feb. 13: Newswriting workshop

Justice Brennan: Legal system under attack

by BOB SCHUELER

On Saturday, the University of Notre Dame Law School Centennial celebration moved to the huge Athletic and Convocation Center. The day's activities were highlighted by the colorful pageantry of an Academic Procession into the Convocation Center followed by an address given by William J. Brennan, Jr., Associate Justice of the United States Supreme Court.

Commenting on the changing attitudes of society towards the law, Justice Brennan said, "The Law and the legal system are under heavy attack by disaffected groups in our society." Continuing, he said that this attack takes two forms. "First, the Law and the legal system as they exist today are challenged as basically inequitable to all those who have been unable to participate fully in the economic and political life of the nation." Examples of this, he said, are the "blatant inequities in our criminal law . . . , in our tax and

welfare systems, in our selective service system."

The second form of attack, he said, "Brings under attack the rule of law itself. To the disaffected, law is regarded as an obstacle to, rather than an instrument of, the creation of a just and generous society."

In order to meet these attacks, stated Justice Brennan, society's first task "is to demonstrate that we recognize these inequities and are confronting them with a promise of solution. Only if we succeed in this task will it be appropriate to glorify the rule of Law."

Restating the goal of the Law to help the disadvantaged, Justice Brennan said, "Those who dwell in urban tenements and rural shacks, . . . , ask what good laws and court decisions are. It is at this point that faith in progress has disappeared, and apostles of violence and revolution begin to make headway.

Thus, we too must recognize that past legislation and decisions have hardly begun to eliminate the legal inequities in our society. We must redouble our own efforts not merely by giving effect to those laws already on

the books but by leading the effort for new legislation to achieve real equality.

Justice Brennan concluded on a hopeful and purposeful note. Exhorting those present, he said, "The only way to demonstrate

that the rule of law is consonant with a just and equitable society is to adapt the legal process to create such a society. That process will not fail us if we try. But let us delay no longer, let us begin."

Negotiating committee originated

continued from page 2

for amendments. The fact sheet was erroneous concerning the events surrounding the confiscation of "Kodak Ghost Poems." An obvious case of the misunderstanding that existed was the fact that the administration was not aware that no search warrant or identification was shown by the men who participated in the raid. The scuffling that followed the seizure of the film was also not accurately reported by Faccenda. The administration did not have a student report of the incidents, and Faccenda

admitted that he possessed only a "second-hand report."

The demands that were proposed on Saturday by Larry Landry were not presented to the SLC. The rationale behind this was twofold. First, the committee was set up as a fact-finding committee, not as a negotiating committee, and second, a more appropriate time could be found to present the demands.

Because this committee did not possess any negotiating powers, Dave Kahn, a member of the committee, moved that a negotiating committee be set up

to negotiate with the SLC on the facts of the disturbances.

Heated discussion followed, and the fear that this might allow the administration to make a face-saving compromise, which nobody wanted to allow, was expressed. Kahn said that a negotiating committee did not mean a cop-out and that no compromise would be acceptable.

Before the motion was voted on, there was an amendment saying that the eight people who served on the first committee be kept in total on the negotiating committee. After discussion on this amendment, it was voted down. Another amendment was proposed in which the members of the first committee who were not in the room at Nieuwland when the film was confiscated would be replaced. This motion passed. Dave Kahn's original motion, that of setting up a negotiating committee, was then passed.

HPC hears of Renovation

Rev. Jerome J. Wilson, CSC, showed hall presidents plans for the renovations to be made in their respective halls at a Hall Presidents Council (HPC) meeting last night in the student center amphitheatre. Father Wilson, Vice-president for Business Affairs, also distributed some pictures of the new furniture to be put in the two new dorms and in the suites to be formed in the old halls.

Wilson stated that one of the main considerations made in the new halls and in the improvements in the old halls was one of flexibility and mobility. Metal lockers and the type of furniture to be used will allow students to arrange their rooms in almost any manner. He said that something will be done about the shortage of bunk-bed connectors so that students will be able to stack their beds.

"We are doing something in every hall," Wilson said. He stated that the university is planning to carpet the corridors in all nineteen halls at a cost of \$750,000.

Previous to Father Wilson's arrival at the meeting, Phil McKenna, chairman of the HPC, solicited the presidents' financial support for a "war against white racism" conference. The conference, to be held February 23-27, will involve panel discussions and small discussion groups. "However there will be a few speakers mostly from Chicago although there is a possibility of Senator Brooke attending," said McKenna. The HPC hopes to cover the costs of the conference with no more than \$400.

Also during the meeting McKenna accused the Student Life Council (SLC) of playing games with the HPC Hall Life Report presented to the SLC by the HPC on January 5. "A lot of people are trying to stall the report," he said.

RCA On Campus Interviews

Feb. 26 & 27

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RCA

Still unbeaten

Fencers win

Just like Ol' Man River the fabled fencers of Notre Dame keep on rolling along. Last Saturday they thwarted the attempts of three opponents who tried to end the Irish win streak. Nobody even came close to knocking off the undefeated swordsmen of Mike DeCicco.

Irish 19, Chicago 8

Foil

Lou Emerson (ND) d. Seth Masia (C), 4-5; Bob Babinear (ND) d. Bob Ostrowski (C), 0-5; Charles Ferrall (ND) d. Alan Evenson (C), 2-5; Glenn Kallin (ND) d. Seth Masia (C), 4-5; John Lyons (ND) d. Bob Ostrowski (C), 1-5; Dave Keeler (ND) d. Alan Evenson (C), 1-5; Seth Masia (C) d. Ray Maddalone (ND), 4-5; John Beary (ND) d. Bob Ostrowski (C), 3-5; Chris Cheng (ND) d. Alan Evenson (C), 1-5.

Epee

Art Dobson (ND) d. John Perry (C), 4-5; Joe DePietro (ND) d. Bern Myers (C), 4-5; John Albright (ND) d. Robert Koss (C), 3-5; John Perry (C) d. Hugh DePaolo (ND), 4-5; Rich Deladrier (ND) d. Bern Myers (C), 4-5; Robert Koss (C) d. W.L. DeTalance (ND), 4-5; Bill Corda (ND) d. John Perry (C), 3-5; Pat McDonough (ND) d. Bern Myers (C), 1-5; Robert Koss (C) d. Henry Domzalski (ND), 1-5.

Sabre

Jim Buckheit (C) d. Paul McCandless (ND), 4-5; Roger Holzgrafe (ND) d. Bruce Patterson (C), 4-5; Doug Daher (ND) d. Tom Obrzut (C), 1-5; Jim Buckheit (C) d. Roger Holzgrafe (ND), 4-5; Doug Daher (ND) d. Bruce Patterson (C), 2-5; Jim Galbraith (ND) d. Tom Obrzut (C), 0-5; Jim Buckheit (C) d. Mike Feeney (ND), 3-5; Bruce Patterson (C) d. John Galthier (ND), 3-5; Bill Maliszewski (ND) d. Tom Obrzut (C), 1-5.

Irish 17, Detroit 10

Foil

Charles Ferrall (ND) d. Fred Hooker (D), 3-5; Bob Babineau (ND) d. Elton Anderson (D), 3-5; Chas Bruce (D) d. Lou Emerson (ND), 3-5; Fred Hooker (D) d. Bob Babineau (ND), 0-5; Lou Emerson (ND) d. Elton Anderson (D), 1-5; Charles Ferrall (ND) d. Chas Bruce (D), 4-5; Fred Hooker (D) d. Lou Emerson (ND), 4-5; Elton Anderson (D) d. Charles Ferrall (ND), 1-5; Bob Babineau (ND) d. Chas Bruce (D), 2-5.

Epee

Bob Ramsey (D) d. Art Dobson (ND), 1-5; Joe DePietro (ND) d. Craig Valley (D), 2-5; John Albright (ND) d. John Kolenda (D), 1-5; Bob Ramsey (D) d. Joe DePietro (ND), 2-5; John Kolenda (D) d. Art Dobson (ND), 3-5; Bob Ramsey (D) d. John Albright (ND), 1-5; Rich Deladrier (ND) d. Craig Valley (D), 2-5; Hugh DePaolo (ND) d. Pokorski (D), 3-5; Craig Valley (D) d. John Albright (ND), 3-5.

Sabre

Paul McCandless (ND) d. Chas Dillon (D), 3-5; Roger Holzgrafe (ND) d. Greg Givens (D), 2-5; Doug Daher (ND) d. Tyrone Simmons (D), 3-5; Roger Holzgrafe (ND) d. Chas Dillon (D), 4-5; Doug Daher (ND) d. Greg Givens (D), 2-5; Tyrone Simmons (D) d. Paul McCandless (ND), 2-5; Doug Daher (ND) d. Chas Dillon (D), 4-5; Paul McCandless (ND) d. Greg Givens (D), 1-5; Roger Holzgrafe (ND) d. Tyrone Simmons (D), 2-5.

Irish 20, Indiana 7

Foil

Charles Ferrall (ND) d. Dan Burgei (I), 1-5; Bob Babineau (ND) d. Ric Friskorn (I), 0-5; Glenn Kallin (ND) d. Randy Majors (I), 3-5; John Lyons (ND) d. Dan Burgei (I), 1-5; Dave Keeler (ND) d. Ric Friskorn (I), 1-5; Randy Majors (I) d. Mike Schnierle (ND), 4-5; John Beary (ND) d. Dan Burgei (I), 0-5; Ray Maddalone (ND) d. Ric Friskorn (I), 1-5; Randy Majors (I) d. Jim Reardon (ND), 1-5.

Epee

Joe DePietro (ND) d. Jim Wolf (I), 2-5; Art Dobson (ND) d. Chuck Baker (I), 1-5; Greg Kiel (I) d. John Albright (ND), 2-5; Rich Deladrier (ND) d. Jim Wolf (I), 3-5; Chuck Baker (I) d. Pat McDonough (ND), 2-5; Hugh DePaolo (ND) d. Greg Kell (I), 4-5; Mark Galbraith (ND) d. Jim Wolf (I), 4-5; Bill Corda (ND) d. Chuck Baker (I), 2-5; Greg Kiel (I) d. Tim Taylor (ND), 2-5.

Sabre

Paul McCandless (ND) d. Terry Shank (I), 0-5; Roger Holzgrafe (ND) d. Tim Duncan (I), 3-5; Bryan Galliten (I) d. Mike Feeney (ND), 4-5; Doug Daher (ND) d. Terry Shank (I), 1-5; Mike Feeney (ND) d. Tim Duncan (I), 3-5; Bryan Galliten (I) d. Jim Galbraith (ND), 3-5; Bill Maliszewski (ND) d. Terry Shank (I), 3-5; John Galthier (ND) d. Tim Duncan (I), 2-5; Doug Daher (ND) d. Bryan Galliten (I), 3-5.

ND conquered Chicago 19 8, Detroit 17 10, and the Indiana Hoosiers 20 7.

The foil and sabre classes proved to be the Irish strength as the lighter weapon carried the ND team over the men from Chitown and heavy blade did likewise against the Detroit Titans. The epees also got into the act as they balanced the scoring against the boys from Bloomington.

Top men in the foil division were Charles Ferrall 4 0, Bob Babineau 4-1, and Lou Emerson 3 1. Big winners handling the epee were Joe DePietro 3 0, Rich Deladrier 2-0, Hugh "Captain Zodiac" DePaolo 2 1, and a promising sophomore Bill Corda 2 0. The best records posted in the sabre class belonged to Doug Daher 7 0, and Roger Holzgrafe 5 1.

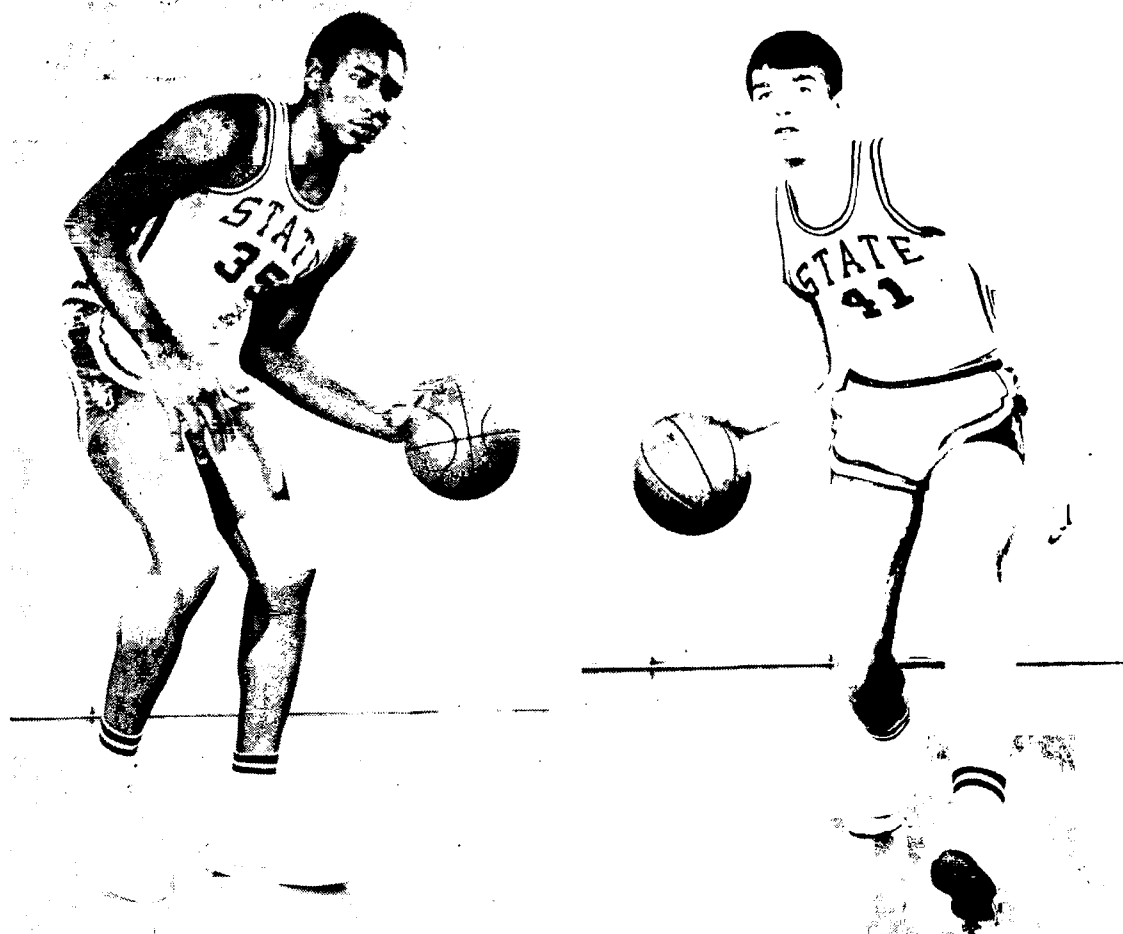
The fencers have now upped their record to 11 wins against no losses. The next test to be put to the Irish occurs next Saturday at East Lansing, Michigan. There ND will take on MSU and Ohio State in another attempt to lengthen that victory string.

Irish skaters beaten by St. Mary's

The weekend was not kind to Notre Dame hockey players.

The Irish dropped a two-game set to St. Mary's of Winona, Minn., bowing 5-1 Friday and 9-5 Saturday. Both matches were under the Convo Center's North Dome and the latter set a home attendance record with a crowd of 3,168.

Friday night's performance was one of Notre Dame's worst



Fresh from an 86-82 victory over Michigan Saturday, Michigan State (2-4 in the Big Ten, 6-8 overall) invades Notre Dame's Athletic and Convocation Center for a 7:30 p.m. contest Tuesday. Spartan strength is up front in the persons of 6-8 center Lee Lafayette (left) and 6-6 forward Jim Gibbons. Lafayette is the team's leading scorer and rebounder.

Drake smashes Irish, cops wrestling event

By TERRY SHIELDS
Observer Sports Writer

Drake University won the Notre Dame Invitational Tournament last Saturday at the Convo Center with a perfect 3-0 record. The Notre Dame grapplers finished second by outpointing Cincinnati. Wabash College pulled up the rear of the four team field.

The margin of victory was quite large for the visitors from Des Moines. The team scoring showed Drake with 89, ND a distant second with 44, Cincy had 41, and Wabash could manage only 26.

Standouts for the Irish were Tom Ciaccio in the 123 lb. class who won two matches against one defeat, Pat Mudron who won one and tied one in the heavyweight division, Bill Hasbrook who was 2-1 at 177, and Mike Higgins 1-1-1, who usually competes at 160 but wrestled at 152 in the tournament.

The loss to Drake marked the first Irish defeat of the season. Part of the blame for this loss can be placed on the absence of co-captain Jim Hansen in the 152 lb. class who is out with an injury.

The Irish record now stands at 3-0 in dual meets and 4-1-1 in tournament competition. The next match takes place tomorrow against Western Michigan in the double dome.

this winter. Clearly outskated, the Irish fired up only 23 shots while St. Mary's was peppering ND goalie Dick Tomasoni with 54 scoring attempts.

But for Tomasoni's individual brilliance, the Redmen's count could have been in double figures.

Notre Dame got on the board first as Jim Cordes, assisted by Kevin Hoene and John Womack,

rang the bell 53 seconds after the opening faceoff.

The Irish held that 1-0 margin through the first 20 minutes. But early in the second period, St. Mary's Terry Skrypek sneaked behind the Irish net and beat Tomasoni from the other side, knotting the score at 1-1. Later Tom Sundby and Bill Kronschnabel registered tallies within a minute of each other. In the final period, Redman Jim Pohl tacked on another pair of goals.

Notre Dame came up with a much better effort Saturday, partially due to the return of Phil Wittliff, who missed Friday's action with a bad knee.

Through two periods, the Irish led 5-4. But in the last chapter, St. Mary's put it away on three goals by Sundby and one apiece by Larry Doyle and

Swimmers bow, 65-48

The Irish swimmers suffered their first defeat Friday as visiting Kent State powered to a 65-48 win at Rockne Pool. The visitors placed first in 9 of 13 events in a match that saw six meet records fall.

Bright spots for the Irish were Freshmen John Fahey who lowered his varsity 200-yard butterfly mark to 2:08.8, and Junior John Lichtenfels who swept the one- and three-meter diving events.

The only other Notre Dame win was in the 400-yard freestyle relay which saw Mike Davis, Vince Spohn, Jim Cooney, and John May combine for a 3:25.0 meet record.

Kent State had three double winners. Tom Dommel took the 200-yard breaststroke and the individual medley, Jim Popoff the 50- and 100-yard freestyle, and King Yaeger the 500- and 1,000-yard freestyle.

The Irish are now 5-1 in meet competition and take on Western Michigan Friday at home.

Larry Shomion.

Earlier, the home club had built its lead on a pair of first-period goals by Wittliff and an incredible three-goal hat trick by Kevin Hoene. Hoene's trio of markers all came in the second period and all were unassisted.

St. Mary's now carries a 12-2-1 record while Notre Dame is 12-5-3. Next Irish match is Wednesday when Illinois visits the Convo for a 7:30 p.m. battle.

Hurd takes 60 at State

Bill Hurd covered the 60-yard dash in a victorious 0:6.3 seconds at the Michigan State Relays on Saturday night. The rather slow time can be attributed to the composition of the track. Freshman Mike McMannon, who already holds the ND triple jump record, placed third in that event and in the long jump. Kevin O'Brien, rounding into form after a disappointing performance against Indiana over semester break, took fourth place in the mile run. In the relay events, the Irish shuttle hurdles quartet finished fifth, while the sprint medley relay squad came in third. Points totals were not kept

Irish cagers assault records

Career Scoring

*Tom Hawkins	1820
Bob Arzen	1544
Bob Whitmore	1443

Career Field Goal Pct.

*Larry Sheffield	.438
Arzen	.488
Whitmore	.474

Season Free Throw Pct.

*John McCarthy 123-156	.846
Mike O'Connell 46-53	.868

Career Free Throw Pct.

*McCarthy 278-357	.779
Arzen 308-381	.808

*denotes all-time record holder

Irish 24, Wabash 8

123-Tom Ciaccio (ND) decided Tom Williams, 3-0.

130-Keith Giron (ND) pinned Lyril Welter, 1:17.

137-Mike Duell (ND) decided Laune Mason, 9-0.

145-Phil Sidebottom (WC) decided Ken Ryan, 8-4.

152-tie, Mike Higgins (ND) and Don Lawton, 4-4.

160-Joe Lavallo (WC) decided Tom Powell, 5-3.

167-Greg Abrams (ND) pinned Bill Papendick, 2:11.

177-Bill Hasbrook (ND) decided Wayne Middendorf, 4-2.

HVWT.-Pat Mudron (ND) decided Dave Husted, 3-1.

Irish 14, Cincinnati 14

123-Tom Ciaccio (ND) decided Dan Wallace, 7-0.

130-Tom Barrett (UC) decided Keith Giron, 2-0.

137-Jeff Berkhoff (UC) decided Mike Duell, 10-4.

145-Kevin Keller (UC) decided Ken Ryan, 8-4.

152-Mike Higgins (ND) decided Vince Rinaldi, 6-1.

160-Tom Powell (ND) decided Ron Baird, 4-2.

167-Steve Fisher (UC) decided Greg Abrams, 8-7.

177-Bill Hasbrook (ND) decided Jay Paremba, 2-1.

HVWT.-tie, Pat Mudron (ND) and Al Macii, 1-1.

Drake 24, Irish 6

123-Jerry Rechetar (DU) decided Tom Ciaccio (ND), 1-0.

130-tie, Keith Giron (ND) and Brian Wolff (DU), 6-6.

137-John Mass (ND) tied Marv England (DU), 10-10.

145-Dennis Swift (DU) decided Skip Herbert (ND), 9-0.

152-Chris Samuelson (DU) decided Mike Higgins (ND), 10-6.

160-Sam Jensen (DU) decided Tom Powell (ND), 6-0.

167-Jim Massitelli (DU) decided Greg Abrams (ND), 21-2.

177-Mike Beaman (DU) decided Bill Hasbrook (ND), 9-0.

HVWT.-tie, Phil Gustafson (ND) and Kai Tuinstra (DU), 4-4.

Irish cagers victorious at Detroit...

Well, its two down and four to go—and Johnny Dee is breathing easier. Saturday afternoon, Notre Dame took its second straight seven-point victory from the University of Detroit and said a welcome good-bye to Spencer Haywood until next year. The 79-72 win gave the Irish a 15-4 mark and an excellent shot at one of the two NCAA area "at-large" bids. Interestingly, Saturday's television victory was due in part to a sub-par performance by Haywood. The talented Olympian could manage only 23 points, well below his average, although he did grab 24 rebounds. His shooting percentage was rather low both from the field and the line. Notre Dame's Bob Whitmore outscored Spencer by a point

and Bob Arnzen added 19 points. If the Titans were moved to the edge of tournament elimination by Haywood's performance, it was the job of four other Irishmen to push them over the brink. Sid Catlett hounded Haywood on defense while grabbing 12 rebounds and contributing eight points. Dwight Murphy fouled out with slightly less than nine minutes

IRISH	FG	FT	R	TP
Arnzen	8-21	3-4	12	19
Catlett	4-13	0-0	12	8
Whitmore	9-21	6-8	8	24
Meehan	4-6	1-2	4	9
Murphy	5-13	1-1	5	11
Jones	0-1	0-1	1	0
Sinnott	2-3	4-4	2	8
TOTALS	32-78	15-20	44	79

Halftime: Notre Dame 38, Detroit 32
Errors: Notre Dame 11, Detroit 10

left, but not before he had scored 11 points. Tom Sinnott proved to be a more than adequate third guard as he shot 2-3 and 4-4 from the floor and line for eight markers. Jackie Meehan did his part by wandering all over the court directing the Irish offense. When the occasion demanded, he shot 4-6 and finished up with nine points.

The Irish spent most of the game looking over their shoulders at the Titans, whose tournament hopes now ride on a 13-7 record. Arnzen's jumpers kept the Irish close until a shooting spree by Meehan gave them the lead. Notre Dame owned a 10-point lead just before halftime, but little James Jackson came off the Detroit

bench to help cut the deficit to 38-32 at the half. The second twenty minutes came off almost the same as the first with Notre Dame running up another 10-point lead. But Haywood shook himself to life and began to dominate both ends of the court. He tipped in a shot with eight and one-half minutes left to cut the difference to 57-56. Arnzen entered the picture to

DETROIT	FG	FT	R	TP
DeSilva	1-5	0-0	2	2
Haywood	10-24	3-7	24	23
Moore	7-14	2-2	9	16
Dunlap	2-6	2-2	2	6
Calihan	0-4	1-2	3	1
Jackson	3-6	4-4	2	10
Swartzfager	3-8	0-0	3	6
Peake	2-4	1-1	1	5
Calucchia	1-1	1-1	1	3
TOTALS	29-72	14-19	47	72

pull Notre Dame out of danger. He cashed a jumper, then shoved in a lay-up right past Haywood. A wild thirty seconds ended the game, as Detroit scored five points and Notre Dame three. The Irish owned only a fractional advantage in shooting, but many of the misses were on tip attempts. Haywood helped the Titans to a rebound advantage, while the Irish continued their distressing string of victories in the turnover column. Notre Dame comes back home this week for games against Michigan State on Tuesday night and Utah State on another TV Saturday afternoon. The Utah State contest is Homecoming and will give fans a chance to see Marv Roberts, a national Top Ten scorer.

...Start thinking about NCAA tournament

EAST REGIONAL

Middle Atlantic Conference

At-Large March 8

Maryland, March 13
Atlantic Coast Conference

Southern Conference

At-Large March 8

Maryland, March 13

Ivy League

At-Large March 8

Maryland, March 15

Although the NCAA basketball tournament is still a full month away, competition for the 25 available berths has thickened. Fifteen teams will qualify for the event by winning conference titles; 10 others will be granted at-large bids by the NCAA tournament committee.

Only two of those at-large invitations are available in the Mid-east Regional. Prime contenders are Notre Dame (15-4), Marquette (15-3), and Dayton (16-4).

At-large teams will be announced in two weeks and the entire tourney field will be complete by March 3.

Should the Irish nab a Mid-east berth, they would face either the Ohio Valley Conference champ or the Mid-American Conference kingpin March 8 at a site to be determined. Miami of Ohio virtually clinched the Mid-American title Saturday with a 66-62 victory over Bowling Green. Western Kentucky will almost certainly retain its Ohio Valley crown.

If Notre Dame gets past its initial test, the Southeastern Conference titlist (probably Kentucky) or the Big Ten winner (probably Purdue) will be waiting.

MIDEAST REGIONAL

Ohio Valley Conference

At-Large March 8

Wisconsin, March 13
Southeastern Conference

Mid-American Conference

At-Large March 8

Wisconsin, March 13
Big Ten Conference

Wisconsin, March 15

Louisville, March 20

MIDWEST REGIONAL

Southwest Conference

At-Large March 8

Kansas State, March 13
Missouri Valley Conference

At-Large

At-Large March 8

Kansas State, March 13
Big Eight Conference

Kansas State, March 15

Louisville, March 22

WEST REGIONAL

Western Athletic Conference

At-Large March 8

UCLA, March 13
Pacific Eight Conference

Big Sky Conference

At-Large March 8

UCLA, March 13

UCLA, March 15

Louisville, March 20