

The Archives  
of  
The University of Notre Dame

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[Notre Dame Archives: Alumnus](#)

# CAHILL ANNOUNCES SHORT TICKET SUPPLY FOR N.D.-ARMY GAME

Ever since West Point announced the site of our 1965 football game as Shea Stadium in New York, both schools have been deluged with inquiries, orders, demands and supplications from alumni, fans, friends and enemies from all over the nation. The game could have been an over-night sellout if just the early inquirers were accommodated.

It was immediately obvious that Notre Dame could not take care of any requests outside the Notre Dame family. And the distribution policy we intend to follow leaves out all of the family's Western branches; it also will pass up some of the Eastern members. Here's the way it looks:

Available Tickets .....	25,000
8,000 Eastern contributing Alumni @ 2 tickets.....	16,000
1,500 Parents of students, Eastern states @ 2 tickets	3,000
Notre Dame Student Trip @ 1 ticket.....	1,500
250 Notre Dame Stadium Boxholders @ 2 tickets....	500
All other requirements—University Administration; Press; Coaching Staff; etc. ....	4,000
	<hr/> 25,000

Even these allocations fall short of actual numbers: in the above categories. The plan does not permit us to do much, if anything, for Alumni Clubs, several of which in the Eastern area have been loyal customers for the past many years. But it is just about the best apportionment we can come up with and still try to touch all bases in a reasonably equitable manner.

Shea Stadium seats about 60,000 for football. Some may wonder why Notre Dame is not allotted more tickets. Unlike our former series with Army wherein every year we split the capacity of Yankee Stadium, the current two-year resumption is a regular home-and-home arrangement, with the visiting team on the short end. This is customary, for



## NOTRE DAME ALUMNUS

when Army completes the contract at Notre Dame in 1966, as the visiting team they will receive only 7,500 tickets — the maximum we can allow in Notre Dame Stadium.

So . . . if you've been counting on tickets for friends, customers, clients, or even for all the members of your families, it just won't be possible. You can refer them to the Army Athletic Association, West Point, New York, but even as the home team, the Military Academy can offer only a limited public sale. That's why we wanted you to have this information as soon as possible, rather than in June when the order forms are mailed.

As customary, "Contributing Alumnus" means (1) a contribution in the prior year (1964) to the Annual Alumni fund; (2) status as a male degree-holder if in the Religious category; or (3) a member of the Class of 1965; and all three must reside east of the Mississippi.

Prices as set by Army will be \$8.50 for Box seats and \$7.00 for Reserved. Either will be available to Alumni purchasers.

Ticket information for other 1965 games will appear in the next regular ALUMNUS.

— Bob Cahill, '34, Ticket Manager

**For a complete 1965 Fighting Irish Football Schedule, please refer to the back cover.**

# "JOHN GOLDFARB, PLEASE COME HOME!"

This project has provided a believably hopeless front, and an incredible fantasy in the courts.

It is not our purpose to try to untangle what three courts have tangled. Nor is this a legal journey into technology. But just as a long-time Notre Dame layman who has spent a lot of his life trying to build up the University, I feel the irrepressible urge of that freedom of speech and press which allegedly burns in the bosoms of what was humorously termed the defense. Since they won, perhaps we should not knock defense. Our puzzlement stems from the fact that the whole mess was the offensive highlight of recent months.

So that you will know (A) why Notre Dame filed for the injunction, and (B) why the late Judge Greenberg issued it in the Supreme Court of New York, it seems constructive to let you read

the story line — minus a lot of legal citations — in both the complaint and the decision.

The Appellate Court of New York reversed Judge Greenberg completely, and the High Court of Appeals sustained the reversal by a 6-2 split decision. So now John Goldfarb, *et al.*, are exercising that other great freedom they forgot to specify, freedom from talent, from taste, and from purpose.

You remember that great tragic line of Caesar after he had been stabbed, by his long time friend, "Et tu, Brute?" Now we have a corollary, from the stricken voice of Notre Dame, a long-time friend of the film world, "U-2, John Goldfarb?"

This presentation is not to sell anything to anybody. But if you read it and don't share the editorial confusion, you need the full texts of all papers.

JEA

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*(The following are excerpts from the opinion issued by the late Judge Henry Clay Greenberg of the New York Supreme Court.)*

Plaintiff University of Notre Dame is a private Catholic university of renowned high prestige and educational distinction, chartered in 1844 by a special act of the Indiana legislature. As a private institution, the University is dependent for the great part of its financial support upon gifts by alumni, industrial corporations, trustees and the public and upon grants by private foundations and the United States. Judicial cognizance is taken of the years of endeavor to build the University's jealously guarded reputation and of the relationship between the bestowing of gifts and financial grants upon the University and its reputation.

The name and symbols of Notre Dame are also of immense commercial value to the University. Where appropriate, Notre Dame has licensed the use of its name and symbols for profit. . . .

Guided by its anxiety over the possible injurious effect upon its reputation, the University, although destined to benefit financially from the arrangement, rejected, in May 1962, Columbia Pictures Corporation's request for authorization to permit references to Notre Dame and its team in the proposed motion picture entitled, "John Goldfarb, Please Come Home."

Subsequent to this refusal by Notre Dame to authorize any references to its name, symbols or representatives, Columbia Pictures Corporation discarded any intentions to produce the motion picture. *Thereafter Twentieth Century-Fox, with less business scruples and with utter disregard for the rights of another, in conjunction with Steve Parker, individually, Parker Organization, Inc., and another California corporation, filmed the subject motion picture.* There is a dispute as to whether Mr. Steve Parker, the later partner of Twentieth Century-Fox in the production of the photoplay "John Goldfarb, Please Come Home," was apprised

of the University's objections to the use of its name in connection with the screenplay. In any event, and in this Court's judgment, it is not overly important. Twentieth Century-Fox should have known, as a reasonable producer, that it could not infringe upon another's property, without its consent. . . .

Thereafter, an interim period of correspondence, telephone calls and conferences ensued, during all of which time the University was adamant in its objections. After several of its trustees had viewed the film at a "sneak preview" showing in New York, the University retained counsel to institute the necessary legal measures with regard to the picture, the hard cover book published by Doubleday, and a pocket book edition, printed by Fawcett in November 1964, the front and back covers of which picture the leading actress and actors and bear the legend "Now the comedy smash of the 20th Century (20th Century-Fox, of course) and starring Shirley MacLaine, Peter Ustinov and Richard Crenna."

"John Goldfarb, Please Come Home" depicts the efforts of the Arab King of Fawzia who blackmails a captive Jewish American U-2 pilot and former All-American half-back into forming and coaching the Fawzian football team so that the team may challenge and defeat Notre Dame, and thus wreak vengeance for the refusal of Notre Dame to qualify the King's son as a member of its football team. The leading femal is a "Strife" magazine reporter who is assigned to write the story of the King's harem and who "joins" the harem in order to get her story.

In an early scene, Amnud, the King's son, wearing a green robe bearing the inscription "Go, Varsity," tells his father that he has failed to make the Notre Dame football team, "Because I not Irish! They not want Arab! They Fighting Irish! Want whole team Irish! Want —!" Fawz, "bellowing in a fury," roars, "Irish! I-rish! Da Irish better dan Arab? Better dan Arab Prince!?" The King then says, "I fix dos lousy Irish! I fix dem, I fix dem, I fix dem!" (Screenplay, page 39.)

The United States State Department becomes involved in the King's plot, for the King informs the Department that he will renew a lease on an air base established in his country upon the sole condition that the State Department arrange a game between the football teams of Fawz University and the University of Notre Dame.

Officials of the United States government are then depicted as trying to influence the President of Notre Dame (specifically identified as "the Reverend Father Theodore Hesburgh" in the Doubleday book and in the Fawcett pocket book, and though named "Father Ryan" in the movie, identifiable by means of the aforesaid books as the same "Father Hesburgh") to accept the challenge. After much pressure, Notre Dame does accept.

On the airplane that is taking the team to Fawzia, one player states, "Ya think they play dirty?" A second player responds, "I guess. Coach said it would be an even match." (Screenplay, page 118.)

The night preceding the game, the Notre Dame players attend an official state banquet at the "invitation" of the King. Although it constitutes a violation of their training program, the players are warned that it would be an insult to the King to refuse his hospitality, his food and drink. The screenplay describes the scene in the Throne Room in the following manner:

"The King sits on his throne. Below, the 'Fighting Irish' are recumbent on pillows, feasting while glittering, sinuous belly dancers writhe and wiggle, Nubians fan the guests with palm frond, and the men from South Bend eat wild Arab dishes." . . .

The spiced mongoose which the wily King has provided and which the players are induced to eat has the calculated ill effects. Before and during the football game, the Notre Dame players are shown, gripped by nausea, racing from the playing field. Despite the foregoing and other tactics devised to assure the victory of Fawz University, the Notre Dame team, wearing replicas of the green and gold uniforms of Notre Dame and helmets of Notre Dame decorated with painted green shamrocks, forges ahead.

One scene during the game shows the Notre Dame players' reaction to a Prayer Call. As the Arab players bow to Mecca, one Notre Dame player says, "I don't like this. It's spooky." Another player retorts, "Yeah. I'd rather play atheists. Then at least we got the edge," to which a third says, "What are they tryin' t' do? Turn this into a holy war?" (Screenplay, page 129.)

At the crucial point of the game, the girl reporter dressed in a Fawzian football uniform, gets possession of the ball and races through the Notre Dame team amid shouts of "It's a broad!" "A broad!" (Screenplay, page 133.) An oil gusher which erupts from the middle of the field carries the heroine across the goal line to score the winning touchdown for Fawz University.

The foregoing illustrative examples, to which the Court limits itself in order to avoid making this opinion inordinately long, demonstrate the content in which defendants have appended the name Notre Dame and the symbols of the University to a concededly fictional team in what is described as a mythical farce. The script is ugly, vulgar and tawdry. Its justification is difficult to find even with a most liberal concept and with a most indulgent and elastic imagination.

The gravamen of the legal wrong allegedly perpetrated against Notre Dame consists of the unauthorized appropriation and commercial exploitation of that private institution's name, and symbols and reputation, in a manner which inflicts irreparable injury upon the high prestige of the University and to the value of its name and symbols—all to the end that defendants might privately profit from such misappropriation and use. Wrongful acts of the same ilk form the basis for the president of Notre Dame, Father

Hesburgh's, contention, that the unauthorized use of his name for advertising and for trade purposes violates his rights of privacy pursuant to the New York Civil Rights Law, Section 51, and this statutory proscription and mandate serve as the prime basis for his personal cause of action against defendants.

Plaintiff Notre Dame thus postulates, as an indispensable element of its cause of action, a legally protected property right in its name, symbols and reputation with the attendant dominion and control over the exercise of that right. . . .

*Whatever difficulty may be encountered in other cases, in drawing a line of demarcation between the permissible and the forbidden, the defendants' unconscionable conduct has far transgressed any justifiable bounds of legal license.*

*Defendant Twentieth Century-Fox admits that the*



Justice Henry Clay Greenberg

*subject story has no intrinsic connection with Notre Dame du Lac.* "It is inconceivable," the defendant asserts in an affidavit submitted in its behalf, "that any present student or any prospective student would even think that this 'Notre Dame' could in the wildest stretch of his imagination be the Notre Dame they know of through personal experience or reputation." . . .

*This is a clear case of commercial piracy, and in no way is this decision intended to, nor does it restrict the legitimate conduct of the press or the expression of free speech. This holding is strictly confined to judicial precedents which command the Chancellor to extend his arm to strike down the blatant marketing of another's property. The determination reached here falls easily within the limits of the principles laid down by the courts in successive decisions structured upon its capacity to grow in the light of the changing and developing conditions. If the boundaries or frontiers require further extension, this is precisely the kind of case that cries out for judicial quarantining. Legalistic legerdemain is not equal to the prophylaxis which the Chancellor may employ to excise the malignancy. . . .*

Twentieth Century-Fox emphasizes that it has spent some four million dollars to produce "John Goldfarb, Please Come Home." The answer to this is two-fold. Firstly, the public's interest in upholding the principles of the rights of property and of privacy far outweigh any financial considerations. Secondly, Twentieth Century-Fox,

(Continued on Page 6)

# Come Alive in '65 at the NOTRE DAME CLASS

THREE GREAT DAYS: Friday June 11, 1965

**Weekend GOLF Tourney  
Beginning FRIDAY**

**Special Monogram Golf Day**  
(Monogram Clubbers Only)

**THURSDAY, JUNE 10 (ALL DAY)**

**MONOGRAM CLUB HEADQUARTERS**  
(Alumni Hall)

Monogram Club cocktail party, dinner and meeting, 6:30 p.m., Thursday, Morris Inn.

**HEADQUARTERS of the Classes**  
(Tentative)

50-Year Club .....	Alumni Hall
Class of 1915 .....	Alumni Hall
Class of 1920 .....	Alumni Hall
Class of 1925 .....	Alumni Hall
Class of 1935 .....	Alumni Hall
Class of 1930 .....	Howard Hall
Class of 1940 .....	Lyons Hall
<i>(Social Center — Rockne Memorial Lounge)</i>	
Class of 1945 .....	Morrissey Hall
Class of 1950 .....	Morrissey Hall
Class of 1955 .....	Dillon Hall
Class of 1960 .....	Dillon Hall

**FRIDAY, JUNE 11**

**GENERAL REGISTRATION**  
(Law Building)

One fee, \$25.00, will be collected at this registration which will cover all the basic reunion expenses, including room, most meals, bars, tours, green fees, etc.

CLASS REGISTRATION will follow in the halls as listed.

Free tours, refreshments — all afternoon.

**CLASS EVENTS—Friday Evening**

CLASS DINNERS will be held in the following tentative locations:

**50-YEAR CLUB** and Golden Jubilee **CLASS OF 1915**, Dinner in the Golfer's Lounge, Morris Inn

**CLASS OF 1920** — 45th Anniversary Dinner in the Main Dining Room of the Morris Inn

**CLASS OF 1925** — 40th Anniversary Dinner in the Faculty Dining Room, South Dining Hall

**CLASS OF 1930** — 35th Anniversary Dinner in the Private Dining Rooms of the Morris Inn

**CLASS OF 1935** — 30th Anniversary Dinner in the Mahogany Room of the Morris Inn

Silver Jubilee **CLASS OF 1940** — 25th Anniversary Dinner at the North Dining Hall, Room A

**CLASS OF 1945** — 20th Anniversary Buffet at the North Dining Hall, Room B

**CLASS OF 1950** — 15th Anniversary Buffet at the North Dining Hall, Room C

**CLASS OF 1955** — 10th Anniversary in Dillon Courtyard or the South Dining Hall

**CLASS OF 1960** — 5th Anniversary Buffet in the East Wing of the South Dining Hall

MIDNIGHT SNACKS for all Classes at Hall Bars, Recreation Centers, etc.

# REUNION WEEKEND

Saturday June 12, Sunday June 13, 1965

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## **SATURDAY, JUNE 12:**

**CLASS MASSES** in the Hall Chapels — time and celebrant to be posted.

**CLASS PHOTOGRAPHS** at the new Architecture Building (Old Library) — times to be posted in the Halls.

## **GOLF TOURNAMENT — all day**

**FREE BUS TOURS** of the new campus: Memorial Library, Stepan Center, Moreau Seminary, Holy Cross House, etc. — schedule to be posted.

**COMMUNICATION ARTS RECEPTION** — O'Shaughnessy Hall, 10:30 a.m.

**REFRESHMENTS** — all day at the Hall bars.

**CONTINUING EDUCATION BREAKFAST** for the **Class of 1945** — Faculty Dining Room, South Dining Hall.

**PRESIDENT'S LUNCHEON** for the Silver Jubilee **Class of 1940** — North Dining Hall.

**CLASS LUNCHEONS** as scheduled.

**BOX LUNCHEONS** for all other Classes — Saturday noon at the Hall bars.

**CENTENNIAL OPEN HOUSE** — **College of Science:** Nieuwland Science Hall, Radiation Research Building, Computer-Mathematics Building, Wenninger-Kirsch Biology Hall, Lobund, Centennial Displays in Library, etc. — Saturday afternoon, 3 to 4.

## **ANNUAL ALUMNI BANQUET—6 p.m. Saturday, North Dining Hall**

REV. THEODORE M. HESBURGH, President of the University

W. LANCASTER SMITH, Jr., President of the Alumni Association

*MIDNIGHT SNACKS for all Classes at Hall Bars, Recreation Centers, etc.*



## **SUNDAY, JUNE 13:**

## **ANNUAL ALUMNI MASS — 10 a.m. at Sacred Heart Church**

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(No advance fee required; just return your "early bird" postcard when it arrives. The Alumni Office, Box 555, Notre Dame, Indiana 46556)

# "JOHN GOLDFARB, PLEASE COME HOME!"

(Continued from Page 3)

as an organization of long standing in the motion picture industry, should have known that it could not appropriate another's property, created as the result of years of sacrifice and endeavor.

The "consideration of irreparable harm to the plaintiffs must necessarily outweigh the financial loss to defendants \* \* \*. Such injury as may be inflicted on the defendants is the direct result of their unconscionable business practices and their invasion of the moral standards of the market place \* \* \*. Cast in its proper environment, we have here a business venture purposed to gather in the harvest the seeds of which were planted and nurtured by others at great expense and with consummate skill." . . .

*(The following are excerpts from the affidavit of Rev. Theodore M. Hesburgh, C.S.C., president of Notre Dame, filed with the New York Supreme Court.)*

2. I have read both the book and the script of the motion picture and am informed that the motion picture as filmed closely follows the theme and dialogue of both script and book. In book, script and movie, alike, repeated and unauthorized use is made of the name, symbols and other indicia of the University of Notre Dame for commercial purposes, and in a manner and context which has caused and will cause irreparable injury to the high prestige, reputation and good will of the University, its administration and its students, and to the value of its name and symbols which are rightfully the property of Notre Dame. This illegal misappropriation, dilution and exploitation by defendants, for their private profit, has been carried out by defendants without seeking or obtaining Notre Dame's consent and over its objection.

The story is directed to the efforts of an Arab King to field a football team, coached by a blackmailed American Jew, Goldfarb, for the purpose of challenging and defeating Notre Dame by way of vengeance for a supposed wrong done the King's son by Notre Dame. Its climax is a scene in the King's harem in which Notre Dame players, under the influence of harem girls, are depicted as undisciplined gluttons and drunks, and the game the following day in which Notre Dame players, dressed in the uniforms of the University, led by a violent and vulgar coach, befuddled by the previous evening's revelry and in the grip of nausea, are defeated by their challengers. Logically, the plot depends in no way upon the American team being that of the University of Notre Dame and could as easily be that of a mythical American college, Catholic if the completion of the religious cycle were thought necessary; but, commercially, the appropriation, usurpation and exploitation of the prestige and reputation of Notre Dame by defendants is, of course, of immense value to them. . . .

The University has four undergraduate Colleges, Arts & Letters, Science, Engineering, and Business Administration, a Graduate School and a School of Law. Rigorous courses of study leading to undergraduate and graduate degrees are offered in each College and School. The student body is composed of 5,831 undergraduates, 776 graduate students and 190 law students, from every state of the Union and forty-four foreign countries.

Admission standards of the University are extraordinarily high. The average College Entrance Examination Board scores of this year's entering freshmen was more than 100 points higher than the national average on both the verbal and mathematics aptitude tests. There has been a steady increase in the numbers of Notre Dame seniors winning graduate Fellowships in nationwide competition; during the years 1960-1963, Notre Dame ranked 10th among the nation's private universities in the number of Woodrow Wilson, National Science Foundation and National Defense Education Act Fellowships won by its students. The majority of Notre Dame's undergraduates continue their education in graduate schools throughout the country and abroad.

The University's 35,000 living alumni live throughout the United States and abroad, including more than 3,000 in the State of New York, next to Illinois the largest aggregation of alumni anywhere.

4. Throughout the twelve-year period of my presidency, and for years before, the University of Notre Dame and



Rev. Theodore M. Hesburgh, C.S.C.

its administration, faculty and alumni have devoted their lives, their efforts and many millions of dollars to enlarging the academic achievements of the University, its faculty and its students, improving and increasing its physical facilities for teaching, study and research, and enlarging the University's academic standing and prestige as an institution of higher learning, while preserving its character as an institution devoted to the teaching and development of religious and moral principles. Through this hard effort, and at high cost, and through its strict adherence to the principles upon which it was founded, Notre Dame has won large prestige for academic excellence and the high character of its students and graduates.

5. As a private institution, the University is dependent for its financial support upon (i) gifts by its alumni, industrial corporations, trustees and the public, both to increase

its endowment and to meet its current operating expenses, (ii) grants by private foundations concerned to encourage and reward effort to improve scholarship and academic achievement, (iii) United States government research grants for advanced scientific study, and (iv) income earned by the University from tuition fees paid by its students, attracted to the University as a result of its prestige and reputation. . . .

8. My first information concerning the motion picture entitled "John Goldfarb, Please Come Home" was in May 1962, when Mr. Gordon Stulberg, Vice President of Columbia Pictures Corporation, wrote to Father Edmund P. Joyce, Executive Vice President of Notre Dame, submitting on behalf of Columbia a screenplay of the proposed picture requesting "authorization in writing from the University, permitting [Columbia] to have the photoplay produced in accordance with the screenplay and making the references to Notre Dame as set forth in the script." Both Father Joyce and I reviewed the script at that time and concluded that a motion picture based upon it would be damaging to the University's prestige and reputation and to the value of its name and assets. On May 15, 1962, Father Joyce returned the script to Mr. Stulberg with a letter confirming the University's unwillingness to authorize the use of its name in the picture as then proposed, which advice he had earlier conveyed by telephone. The matter was then dropped by Columbia.

9. My next information concerning this script was in June 1964 when the University was informed by one of its alumni, Mr. Morton R. Goodman, a lawyer in Beverly Hills, California, that "John Goldfarb, Please Come Home" was being or had been filmed by Twentieth Century-Fox Film Corporation and that a hardcover book of the same title had been published by Doubleday & Company, Inc. This was the first knowledge I had concerning either the filming of the movie or the publication of the book. . . .

Thereafter, Mr. Goodman had repeated conversations on behalf of Notre Dame with Mr. Ferguson and Mr. Neuman, directed toward arranging a screening at Notre Dame where the picture could be reviewed by officers and trustees of the University. A tentative date of August 1, 1964 was suggested for screening, but the studio advised that it could not meet that date. Another tentative date was set for the week of August 18-24, but again the studio could not meet the date. On October 7, 1964, Mr. Goodman was shown the film at the studio, and a third date, October 18, 1964, was arranged for viewing at Notre Dame. On October 13, Mr. Ferguson advised Father Joyce that "technical difficulties" made it impossible to show the movie at Notre Dame, but he agreed to arrange a screening in Los Angeles on October 15. On that day, Father Joyce and two University trustees flew to California and saw the film. After seeing the movie, they expressed their disapproval and indicated to Mr. Ferguson and Mr. Hough, another official of Twentieth Century-Fox, that in their view Notre Dame would not agree to the use of its name and symbols in the movie as it then stood and urged that reference to Notre Dame be deleted from the film. Mr. Ferguson and Mr. Hough undertook to consider eliminating some objectionable features and to have a print made from the working print of the film and to be sent to Notre Dame for a private showing on November 11 to a group of University trustees and officers in an attempt to get the University's approval. . . .

11. The University of Notre Dame football team, exploited in the motion picture and book, is one of the many student activities at Notre Dame, and is an integral part of the University and representative of the University and its student body. Like the student body generally, its members are young men of high standards and strong character

who have submitted to the rigorous discipline and self-sacrifice required for team success, while at the same time meeting and maintaining the same high academic standards demanded of all students at Notre Dame. The team's quarterback this year was awarded the coveted Heisman Trophy, an award made for high character as well as for athletic prowess.

The team is of some renown, in keeping with the renown of the University. It is part of the University's constituency and its prestige, good name and reputation are assets to the University. The unwarranted liberty taken in the gross depiction of the team, its coach and its players in the motion picture and book is not only a misappropriation and exploitation of University property but cheapens and degrades the University name, insignia and student body. . . .

It would be difficult to appraise the thousands of lives that have been generously spent to bring the University of Notre Dame to the position it has achieved today. Hundreds of religious priests and brothers have given their total lives without pay to this enterprise since the founder, Father Sorin, arrived here with \$300 and a grant of land in the year 1842. Thousands of lay men have given generously of their talents for more than a century, often at great personal sacrifice. Millions of dollars have been spent in this effort. The private university cannot succeed without such dedication, and it will never be able to support itself without it.



Rev. Edmund P. Joyce, C.S.C.

After more than a century of effort, it should be readily understandable to one and all that we cherish this reputation that has been gained by so much effort and dedication. It should also be understandable that we would be lacking in our stewardship if we did not prevent the exploitation, usurpation and misappropriation of the name of the University and its prestige for commercial purposes.

The University of Notre Dame in this case stands in the same position as many other educational and eleemosynary institutions which for years have attempted to serve this nation in an unselfish way, without profit, and have depended upon the good will, generosity, and understanding of a large public in order to do so. If after more than a century of effort to establish this name and this prestige, any person attempts to misappropriate it for commercial purposes without our approval and over our objection, then there



is no alternative to the seeking of legal redress for the infringement of a personal and sacred property right for which we and countless others have labored long and mightily. If this present use is allowed, there is no telling what other misuses might be perpetrated in the future, leaving us helpless to protect what has been bought at such a great price of human talent, energy, and dedication.

The University of Notre Dame is not for sale for such uses, and no price could be placed upon the potential damage that could be done to the University by such misappropriation of our good name. Countless young people and their parents hold this University in high regard. They would never understand how we could in any way have allowed this casting of our good name in a context wholly inconsistent with the principles for which the University stands. The vindication of our personal right in this matter is important, whatever the intention and the performance of those who have misappropriated it.

And it is not alone our right which is in question, but the right of every private institution in this land which has earned renown through hard effort, and whose right to that renown is intimately connected with their capacity to inspire the generosity of thousands of benefactors who make the continuation of their work possible. It is not only in our name, but theirs, that we protest with all our strength this wrongful infringement of our right to the good name that we possess and which we have carefully guarded for more than a century.

What is at stake here is the right of a large and central segment of our society to create and protect a good name upon which it largely depends if it is to be enabled to continue its work for the general welfare of our nation and its people. If any or all of these institutions are to be at the mercy of rapacious commercial endeavors which have contributed not one whit to the prestige and achievements involved and, to the contrary, attempt to diminish them for the sake of profit, then all of this good work is in jeopardy

and the future of these institutions made more precarious than they already are because of their total dependence upon the good will and understanding of all the people who now generously support and cherish their work. If what has been hard won by so many is not for sale at any price in such context, then there must be protection in the law to defend it against wrongful and unilateral misappropriation threatening its very existence, and this protection we seek from this Honorable Court.

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## University of Notre Dame 1965 FOOTBALL SCHEDULE

- Sept. 18—California at Berkeley  
Sept. 25—Purdue at Lafayette  
Oct. 2—Northwestern at Notre Dame  
Oct. 9—Army at New York (Night)  
Oct. 23—Southern California at Notre Dame  
Oct. 30—Navy at Notre Dame  
Nov. 6—Pittsburgh at Pittsburgh  
Nov. 13—North Carolina at Notre Dame  
Nov. 20—Michigan State at Notre Dame  
Nov. 27—Miami at Miami (Night)

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