Faschio code was a ‘lawyer’s’ code

The following is the first of a three-part interview with university Vice-President and General Counsel Philip F. Cushing. This part deals with the first of two immediate predecessors to the present judicial code. This interview is part of the Observer’s annual great deal of time, almost continuous, in discussion and negotiation, but the only thing that was really accomplished during Rich’s term was that we came up with a list of what were known as Student Rights, basically at his behest and agreement. Q. Could you describe this list and some of its sources? A. There were, I believe, taken almost entirely from the U.S. Constitution as it was in 1967. In treatment as I believe they should have been at the same time, were attempting to, by way of input, rewrite the student manual so that we can to the very end and all the sudden everything had to go to in at one time. Q. Is this Student Rights section the same one that is now in the code? A. Still the same one that is presently in the Student Manual. Q. Who, specifically, was involved in the negotiation you mentioned? A. Rich Rossie was followed by an almost full year of discussion with the Student Life Council appointed committee. At one time, the group consisted of Phil Clarke, Rieble, and myself, Assistant Dean Faschio from the Law School, Fred Dedrick and others. These were the principle people.

Q. What was the product of these discussions? A. We wrote kind of the ‘Revised Indiana Criminal Code’ in some part. As Fred has stated it was a lawyer’s code. But we attempted to write a code that would answer the basic problems, that would create a procedure so that a person picking it up for the first time would understand what he was supposed to do and what powers had been given him to do it, and a serious attempt to interpret the rules in terms of how they would be administered. But it was a very complex code. Q. What happened to that code? A. This code was before the Student Life Council in the beginning of 1969 for six or seven months. At the end of that period it may have been passed at one stage and referred back to the council. At the end of the minutes I’m not sure. I know Father Hesburgh asked them to re-do a couple of parts of the code I believe it that it was at that stage I came back to the council for just a couple of paragraphs to be revised, that Philip Moore made the suggestion to have them try to have the draftsmanship to have such a formal code in a Christian community. I picked that up immediately and said as one of the drafters of the code that I feel if the students didn’t or I were displeased with the code.

continued on page 2

THE OBSERVER

Vol. V, No. 113

Serving the Notre Dame - St. Mary’s Community

Monday, April 19, 1971

Buckley speaks on revolution

by John Powers

Conservative William F. Buckley Jr., said Saturday that “self- proclaimed revolutionaries should consider what personal consequences their acts could bring and that it is time to ‘draw the line’ on unruly, irrational dissent in the United States.”

William F. Buckley, a distinguished writer and editor of the conservative magazine National Review, spoke before a capacity audience of 3,000 at St. Peter’s College, devoting his lecture to the theme of lawlessness in this country. After introducing Buckley, by Rev. Bireta, CSC, the moderator of the Greats Brunswick Society, and President of the Notre Dame Law School, Buckley opened with a few words. He referred to the incident of Ti

Grace Atkinson’s obsession comments at an October speaking engagement at Notre Dame and an incident at Ohio U. several months later, when his brother took a swing at Miss Atkinson while she was speaking.

Buckley suggested that “it might be appropriate...to install a stained-glass window in memory of Mrs. Borei, greeting Ti Grace Atkinson.”

Buckley began his address by clarifying some historical evidence on the toleration of dissent in America. When the Founders Father wrote the Constitution they believed “the toleration of certain kinds of dissent is a good part of the good of the majority of the people who will always project the pluralism of the anti-republican minority.” Jefferson wrote of tolerating those who seek to repeal our republican form of government, “but Buckley questioned the tolerance of a ‘minority that practices lynching.’”

“After the opinion-making community misunderstands the uses of repression,” Buckley said. They have become “abysmally confused about why they struggle against what they call repression, are doing their best to make the Constitution of the United States incoherent.” In an official statement released by Rodriguez and Clarke in today’s Observer, it is pointed out that although the Student Life Council and Notre Dame agreed on a merger of the two institutions, both schools at the present time are still two separate entities. The revised student body proposal permitting three SMC representatives to sit at the council meetings. This decision includes a faculty member, a student, a faculty member, and a student. It was announced yesterday by Orlando Rodriguez, student body vice president and election committee member Jim Clarke. Miss Tracey has declared her candidacy for a seat from the North Central area.

Rodriguez said that there is “a proper time for doing things” and that Miss Tracey’s candidacy is “premature.”

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Burtchaell code: first with student boards

Continental Hair Styling, Inc.
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259-7679

Wishes to extend their thanks to the ND Men for continuing patronage. As part of our Grand Opening of New Store to ND Students on Mondays and Tues 9-5 all Hair Styles only $2.25.

Serving ND Students in all Hair Needs for over 3 years!

specializing in all lengths of hair

Consider the source

The first malt liquor good enough to be called BUDWEISER.
Chicago State Attorney rumored indicted

The 14 policemen who went to the West SIDE apartment before dawn Dec. 4, 1969, with a warrant to search for weapons were assigned to Hanrahan on charges of obstructing justice.

Tracey announcement

I am running for a seat on the Student Life Council for two reasons. The first is because of my stance on coeducation and the Notre Dame Student Council. The legislation considered through merger will be a reality, students should move ahead wherever possible instead of being afterthought by which both schools and their students can benefit. If correction is made on both sides, it is to stand to the present program. There are unique aspects to offer ND. Two examples would be community government, and a counseling, not disciplinary role of the R.A.'s. Unless students are active now, instead of waiting three years as proposed by the present student government and administration, much will be lost. Finally, on the practical side, it only makes sense that a transition would be a rapid one. If SMC had a say in those policies she is expected to accept.

I am running for the SLC, then, secondly, because I have something valuable to offer in the light of the above points. As the "been" SBP of St. Mary's I have a working knowledge of the relationship between the two schools. This involves both that of student and counsel cooperation. The SMC's past ND-SCM participation includes activities like the joint academic council, the coeducation report, and the coordinating committee. I believe the SMC has a voice in the quality of my running for this position. This may be true, but rules should change if changing situations. Although SMC has not been given three non-voting SLC memberships, this is a descendoning forebear. If we are not going to accept merger in the most meaningful term possible, we can hardly term ourselves educational institutions.

Rodriguez objection

There is one Saint Mary's student who petitioned to run for the Notre Dame Student Council. We feel you should consider the following facts. As we ask you leave aside any consideration of sex and look at Notre Dame and Saint Mary's just as two separate institutions.

The SLC was created by the Notre Dame Board of Trustees for the Notre Dame community. It has no power whatsoever where Saint Mary's College is concerned, that is, the SLC will not affect Notre Dame students and Saint Mary's only indirectly.

Saint Mary's will have a voice in the SLC for the first time and an invitation was extended to the Saint Mary's Shuler council for the SLC. The SLC was created by the Notre Dame Board of Trustees for the Notre Dame community. It has no power whatsoever where Saint Mary's College is concerned, that is, the SLC will not affect Notre Dame students and Saint Mary's only indirectly.

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The need for a legislative body which will have jurisdiction over both campuses is obvious. However, at this point this body is not the SLC, for although it has taken the preliminary steps, its present constitution will not allow it to be concerned with both schools. In light of all of the above, we the undersigned members of the Election Committee believe that a Saint Mary's student should not be elected as a member of the Student Life Council, for such a step is premature. Thusly, only Notre Dame students will be considered for positions in the SLC. We realize there will be a lot of controversy regarding this decision so we urge anybody with a question to please call Jim Clarke office 221 North La Salle and leave your name and phone number so we can answer it. We will also be happy to attend any section meetings, GSC, SLC, etc., and explain our decision.

Jim Clarke
Orlando Rodriguez
Bob Sauer

Anyone - especially Seniors

\[ \text{Student Book Exchange} \]

is accepting any books to be sold next year. Any weekday afternoon, Student Services Commission office - 4th floor La Fortune. If you can't bring 'em, call 7977. Anyone interested in working for Student Self Service Book Exchange next year, call 7977. Any afternoon, ask for Walt or Jim.

To search for weapons were assigned to Hanrahan on charges of obstructing justice.

Approved by the Office of the Superintendent of Public Instruction State of Illinois.
Let Her Run!

Ann Marie Tracey's candidacy for the Student Life Council is not premature. The benefits of having a representative of St. Mary's student body, with voting privileges, on the SLC are obvious. They go beyond the simplistic arguments of "a female voice" or "an informally merged student body." An SMC student should be seated on the SLC because every facet of student life at Notre Dame increasingly affects St. Mary's students also. If the SLC is genuinely concerned about the real problems of being in the transition stage from informal coeducation to recognized merger, then it must agree that every action it takes two years before affecting Notre Dame students will also affect every girl at St. Mary's, since inevitably there be one student body.

Orlando Rodriguez, Jim Clarke and Bob Sauer, election committee members, had no choice but to declare Miss Tracey's candidacy out of order. We can sympathize with the awkward position they were in. From a legal viewpoint they were forced to declare since a girl from SMC was not officially a student at Notre Dame, she could not run. To the students of the noth quad, though the legal argument that the Notre Dame student may be meaningless. As a student from St. Mary's she is not in the same class as "a student from Berkeley." Even though the notion of a single community may be only an idea as far as the Trustees are concerned, the notion of a unified student body is already a reality to many students. Student government has recognized this by moving towards a merger. Students have recognized this by taking courses on both campuses. Even the SLC recognized this by granting speaking rights to one SMC student, faculty member and administrator.

In that action though they did not go far enough. The SLC should have seated the three representatives from St. Mary's with full privileges and then sent the matter to the Trustees for final approval. The Trustees might not accept the decision to seat, with voting privileges, members of the SMC community, but the force of SLC agreement has strengthened other proposals that were unpopular with the Trustees (notable example: parietals).

The SLC is meeting today and still has an opportunity to correct its blunder. The members can either seat the three representatives from St. Mary's with full privileges and then send the matter to the Trustees for final approval. The Trustees might not accept the decision to seat, with voting privileges, members of the SMC community, but the force of SLC agreement has strengthened other proposals that were unpopular with the Trustees (notable example: parietals).

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prof. morton kelsey

Sponsored by the American Freedom from Hunger Foundation, Walks in the United States raised more than $25 million in 1970. The Walk for Development idea originated in Europe under the sponsorship of the United Nations Young Workers Movement. On May 19 and 20, International Walk Weekend, we will have a national walk with 200 and 300 cities in the United States.

The goals for the total community are:
- To bring awareness, education, and sensitivity of the international problems of hunger and poverty to the community
- To raise funds for projects to combat hunger and the conditions that lead to hunger
- To involve youth and coordinate their efforts into a positive program
- To unite and strengthen the entire community through speaking and acting
- To strengthen the image of youth in the community

The Walk for Development will take place on May 8, 1971. It will cover approximately 35 miles, so each walker will be able to walk for as many miles as possible. Each walker is to obtain pledges from one or more sponsors as the case may be. Generally, you will be able to obtain pledges but there is no age limit. The sponsor must agree to donate a certain set amount for each mile. Sponsors may be friends, relatives, business people, companies, anyone.

The first part of the seminar was spent in discussing readings directly concerned with the suffering of the dying patient. The need to explore our own anxieties and attitudes about death soon became apparent. We realized that if death is a big problem in our own lives, it is probably a frightening, taboo topic, we would never be able to talk about it calmly and helpfully with a patient. Only after we had become capable of talking about our fears concerning death, could we talk with the dying person about his needs. To explore such problems took a great deal of openness, a willingness to share deep feelings about ourselves. Thus, the seminar later broke down into smaller groups of five people which provided a much more personal level for opening oneself. In opening ourselves to our own and others problems in the seminar, an honest sharing took place, resulting in the beginning of a self-acceptance of our fears. For some of us, this acceptance of our anxieties about dying and death was a beginning of the exploration into many other fears, all of which hindered the possibility of us being open to another's similar problems.

Some "techniques" and "methods" in the care of the terminally ill patient can be enhanced by a personal contact with the patient. As we were concerned about the lack of student contact with the psychological suffering of the dying patient in a world advanced technology and science, America is a society with its numerous denials of and escapes from death offers little understanding to the patient. We were worried about the lack of concern for the psychological suffering of the ill patient. We were worried not only about the care of the dying; the effect of daily contact with enormous frightening statistics as the above seem to say that many physicians have not been able to adequately resolve their relationship to the patient's emotional suffering.

Entitled "Suffering, Dying, and Death", the seminar is under the direction of Prof. Morton T. Kelsey, a former pastor of St. Luke's Episcopal Church in Moreno, California who is also a Jungian analyst. Professor Kelsey's past experiences in professional knowledge and a deep, personal concern for those individuals with whom he is working.

The first foreign project is the South Bend-Mishawaka Walk for International Development.

The Meals for Millions Foundation has worked with over 100 foreign groups. We are looking for 500, 50 persons who will receive a one-third share in the Walk this year. Also, the Meals for Millions Foundation has adult education classes, discussion groups, and menu planning.

It was decided to declare publicly our support for Timothy Kendall in his decision to refuse induction into the armed forces because we recognize his choice to be the result of serious and mature reflection and totally consonant with the Christian Gospel. We concur with his judgment that it is not ethically permissible to force a man to serve in an instrument of death. We feel it is as much a declaration of support as such a conflict.

We support Timothy the support of our physical presence as well as that of our stated moral convictions. We do not intend to offer physical resistance to those who would apprehend him. The sanctuary we offer is symbolic. But by our physical presence we would wish to communicate to those who would come here to arrest him that, in having actually to take him from our midst, they are including the sacred place of his personal conscience.

In offering such support, we do not presume to judge those students who have different views. We have examined, tested, and reaffirmed our conscience.

Maurice E. Anton, C.S.C. J. Bernard Clark, C.S.C.

Monday, April 26, 1971

THE OBSERVER

pat lamb and frank capobianco

"suffering, dying and death" a seminar for pre-meds by morton kelsey

Last spring, a few pre-medical students with the aid of Charles McCarthy, then a professor in the Program of Non-violence, Morton T. Kelsey, a professor in Pre-professional Education, and the late Dr. Lawrence H. Baldinger, then the chairman of Pre-professional Education, instituted a course to explore the problems involved in caring for the terminally ill patient. We were concerned about the lack of attention given to the psychological suffering of the dying patient in a world advanced technology and science, although prolonging his life, often tend to deper­

Our society with its numerous denials of and escapes from death offers little understanding to the patient. We were worried not only about the care of the dying; the effect of daily contact with enormous frightening statistics as the above seem to say that many physicians have not been able to adequately resolve their relationship to the patient's emotional suffering.

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The second foreign project is Nutritional year. Also, the Meals for Millions Foundation has worked with over 100 foreign groups. For $500, 50 persons who will receive a one-third share in the Walk this year.

The second foreign project is Nutritional Aid to Remote Indian Tribes in Mexico.

The south bend-mishawaka walk for international development

Sponsored by the American Freedom from Hunger Foundation.
Two South Quad students yesterday announced their candidacies for positions on the Student Life Committee, bringing the total number of candidates campaigning for that district up to two positions on the council to fill.

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Bobcats overpower Irish nine
Ohio U. hits 9 homers in 14-3, 7-6 wins

by Vic Dorf
Observer Sports Writer

Before the five-game season between the Bobcats of Ohio University were billed as perhaps the toughest opposition on the schedule. The two teams met in single games on Friday and Saturday, and if the results were any indication, the Bobcats will be among the toughest opponents on anyone's 71 schedule.

The visitors opened the weekend with a bang by handing the ND team a 14-3 shellacking—the worst defeat suffered by the Irish yet this season—and then hung on to the win streak to ten in a row, as Ten power Iowa this past weekend series by handing the decision and to sweep the two teams. The two games raised Ohio's seasonal record to 16-3 and dropped Notre Dame in a 7-12 mark.

The Bobcats' 14th laugher was nothing less than an unbelievable offensive display, as the Ohioans lashed 15 hits—seven of which were home runs against four ND pitchers. Mike Hannah captured American at first base and also knocked in, knocked consecutive home runs in his last three trips to the plate, and personally accounted for six of six runs. But Hannah wasn't the only Bobcat to take a liking to the Cartier Field as quarterback. Quarterbacker Steve Swisher hit a pair of solo shots, and shortstop Mike Schmidt and third baseman Bob Kleiber each added single blasts to the O.U. Screen total.

Twelve of Ohio's 14 runs resulted from the long-ball barrage, but the 'Cats were easily as easy as nylon as defense when they were awesome on offense. Junior right-hander Doug LeSage was credited with the win for Ohio, and he limited the Irish team to just one unearned run without any indication, the Bobcats will be one of the toughest opponents on anyone's 71 schedule. The two teams met in the Huskie Invitational in Dekalb, Illinois.

It the netmen keep playing like they are now, and if Mike Reilly can put it all together and play as he is capable of playing, the Irish win streak should run uninterrupted for at least another week.

Phil Krill hit a 3-run homer in Saturday's loss to Ohio U.

The highlight of the busy weekend was the match with the Huskies on Saturday. After losing the first two singles matches (Buster Brown and Mike Reilly dropped three set battles), the Irish rallied to cop a split in two of the remaining matches (Buster Brown and Allare, and Rob Walsh-Greg Murray gave the Irish the win streak to ten in a row. The highlight of the busy weekend was the match with the Huskies.

The evening will entertain Northwestern on Tuesday, and the noon trip to East Lansing to meet the Spartans of Michigan State Wednesday afternoon. The Irish will visit Notre Dame, and Friday Coach Tom "Silver Rox" Bulger, incidentally, is the year's number one pitching prospect. The scrimmage was conducted with a nine-tie contest of the Michigan Wolverines.

Bulger got the starting nod from coach Ara Parseghian and had the inside track on the quarterback job.

His footwork, his ball-handling and his play sense are better than mine and he limited the Irish runs to erase any doubt about the game. The Bobcats made effective use of the long ball again on Saturday. This time the centerfielder was Gary Shube. Shube, whose only hit Friday was a single, found the range for two long homers—the second to straightaway center—which gave Ohio a lead that the Irish never quite overcame. The Irish had grabbed an early 20-point advantage on singles by Pete Schmidt and Charlie Horan and a three-hitter by centerfielder "Silver Rox" Bulger, who played right field.

The Bobcat right gardener had tried to make a shoe string grab of Horan's hit but the ball rolled by him to the fence, allowing Schmidt and Horan to score.

Shade's two round trippers, one with a man on, the other a solo shot, gave the Bobcats a 3-2 advantage in the fifth.

Phil Krill's single drew ND into a 3-3 deadlock in the last of the sixth, and the score remained this way until the ninth. Ohio's Bob Kleiber opened the ninth by lacing a triple off Irish starter Ron Schmitz, and Steve Swisher swept by Swisher's sacrifice fly brought in

The second out. Pinch-hitter Bob Reschan then looked at a third strike to strike up. Jim Biersack's three-bagger credited for the win for Ohio, his third against no-hitters, and ND's Schmitz was tagged with the loss, his fourth against a pair of wins.

Coach Jake Kline's team will be at home against Valparaiso for a single game Tuesday and then meet Butler here for a twin bill on Wednesday. The Irish are on the road this weekend, with a pair of games against Miami of Ohio in Oxford.
Tracy removed from ballot

Continued from page 1

Clarke said that Miss Tracy’s candidacy for an SLC seat has the same implications that a Berkeley student’s candidacy for the same seat would have.

Finally, on the grounds of the SLC’s statement, Rodgers feels that Miss Tracy’s candidacy may be “a wasted effort”. Even if she were elected by write-in votes she stands the risk of not having her position approved by the university’s board of trustees.

Both Clarke and Rodgers said they will be available for questioning regarding the election and can be reached by calling 3244 or 1745.

Reefing on the statement released by the SLC election committee, Miss Tracy had a few things to say in her defense.

Miss Tracy said she is running for the SLC seat in light of the recent agreement upon plan for the merger of St. Mary’s and Notre Dame. She feels that the proposed merger “has creative potential by which both schools and their students can benefit.” She further added, “Since co-education will be a reality, students should move ahead wherever possible.

Miss Tracy felt the election committee’s statement says that the action of the SLC effects Notre Dame directly, and SMC only indirectly, this is not true. She said SMC is becoming more a part of the Notre Dame com-

Stating that she will not join the SLC as “a representative of SMC,” Miss Tracy said she would represent Notre Dame students “in the broadest sense, which must now also include SMC students.”

Don Mooney, as SLC candidate from the South Bend feel that Rodgers is going against his ShVPP campaign platform stating he was in favor of working for a merger of “student government, student services etc.” of both schools.

Mooney added that Rodgers in “living in the past.” Miss Tracy voiced a similar opinion.

In reaction to Rodgers’ statement that South Bend would have a wasted time, Miss Tracy said that it was anyone’s waste of time it “would be mine.” She feels this should not enter into the issue.

Washington: a week of protests

Continued from page 1

He explained the role of the average citizen in his plan by stating, “If the Congress doesn’t have the guts to end the war, we will by not paying taxes.”

John Carey, who led the week of protest carried on by the Viet Nam Veterans for Peace, was also well received. He noted that his anti-war organization has more than 1200 members who are positively in active duty in Ind-

“Saying that the only defect in the army machine,” he said, “is that today’s soldier can think.”

Referring to the 108 veterans arrested Thursday by the Capitol police for refusing to obey a court order to disperse from the Capitol steps, Carey stated that “This government won’t have the integrity of those men sleep than it does about where it drops bombs.”

The best recognized woman speaker was Corretta Scott King. In her speech, she called the Universities of America “a prison, which monitor life, as in a police state.” She drew a contrast between the subsidies allotted for the Lockheed aircraft and the grave fact that many of our countrymen are presently starving.

Reef to receive band award

Dr. Alfred Reed, professor in the school of music at the University of Miami, Coral Gables, Fla., will receive the 1970 St. Cecilia Award of the University of Notre Dame bands.

The presentation will be made during the annual band banquet at 7 p.m. tonight in the Knights of Columbus Hall, South Bend.

Honoring the patron saint of music, the award if given ann-

ually to the outstanding con-

tributor to the school of the

Catholic Band movement in America. Previous recipients have included James Nellen,

Vladav Nellyboy and Norma

Dello Joio.

Reed, who has written more than 200 published works for band, wind ensemble, choral orchestra, and various solo and ensemble pieces, is the author of several compositions frequently featured by the Notre Dame band in concert. These include: “Choral Prelude in E Minor,” “Ode for Trumpet,” “Ballade for Alto Saxophone,” “Symphony for Brass and Percussion,” “Russian Christmas Music,” and “In Dulci Jubilo.”

He has served as conductor of the Baylor Symphony Orchestra, executive editor of Hansen Publications, conductor of the Music for Peace International Concert Band, assistant director of the School Band of America on its European tours, and as a guest composer-conductor in 33 states, Canada, Mexico, South America and Europe.

During his two-day visit on the Notre Dame campus Reed will meet with area band director and Dr. Kenneth Goodoyo, superintendent of instrumental music in South Bend.

JUNIORS!!

There are 361 of you who do not wish to be in the ‘72 Dome.

This is the LAST WEEK for those who want to change their minds.

There are 33 make-up appointments available.

Phone Immediately 283-1832

To Change Your Mind!

Hours: 10 AM - 5 PM.

Thank You!

Applications for Sophomore Literary Festival Chairman are being accepted now.

Send or bring your name & phone number to Bob Brinkmann Cultural Arts Commissioner 4th floor LaFortune.