

Much colder today with rain changing to snow late this morning or early this afternoon. Snow will accumulate 2 to 3 inches before diminishing to flurries late tonight. The temperature today will remain in the low to middle 30's. Low tonight near 18. Quite cold and partly sunny tomorrow, high near 30.

# The Daily Collegian

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## University answers HOPS suit Defense to file objection

By BARB SNYDER  
Collegian Senior Reporter

The defendants named in the Homophiles of Penn State lawsuit against the University are expected to file preliminary objections to the HOPS complaint either today or Monday.

Named as defendants were University President Oswald, Raymond O. Murphy, vice president for student affairs, William Fuller, manager of the Hetzel Union Building, M. Lee Upcraft, dean of student affairs, the University Trustees and Albert Shoemaker, chairman of the Trustees.

According to Delbert McQuaide, the University's lawyer, the nature of the preliminary objections will not be made publicly known until they are officially filed in Centre County Court. "I cannot at this time say what they will be," he said.

The HOPS suit was filed Feb. 11, and served to the University on Feb. 14. Standard legal procedure allowed the University 20 days to respond, making Monday the last day it can answer the complaint.

HOPS sought to establish in the suit that the University has violated both its First and Fourteenth amendment rights.

The University's preliminary objections to the HOPS suit are not an actual answer to the lawsuit, although they are a standard legal procedure, according to Richard Isaacson, one of the HOPS attorneys.

Preliminary objections can be used in two ways, Isaacson said.

One way is to use them as a "delaying tactic." "Let's say the University is not ready to answer our complaint. This gives them more time to research the basic issues involved," he said.

They can also be used in a more serious way — by "attacking the heart of the suit," causing the suit to be knocked out of court and the need for an entirely

new suit may become necessary.

Preliminary objections are based on very broad, general legal points, Isaacson said. However, they can get quite technical, so he gave an example to indicate the types of objection HOPS may find itself up against.

For example, the University may say that scandalous material was contained in the HOPS suit. The University would then file a preliminary objection to have the scandalous material stricken, Isaacson said.

Other possible preliminary objections can be of a more serious nature. For example, the University may say that the Centre County court lacks the jurisdiction to hear the case in the first place, he speculated.

Once these preliminary objections are filed, it is necessary for the court to set a date for the arguing of the objections — which will be at least 20 days from now. Then, depending on local rules of court, the university may choose to submit a

brief about ten days before the objections are to be heard, HOPS, if it chooses, then has about five days to submit its brief, Isaacson said.

Assuming HOPS does not file preliminary objections to the University's preliminary objections, the "day of argument" in court will be set. The objections will then either be dismissed or upheld.

If they are upheld, "the court should nevertheless give us leave to amend our complaint," Isaacson said.

If they are dismissed, HOPS will finally arrive at the point where the University has to answer the original HOPS lawsuit — the violation of First and Fourteenth amendment freedoms. That, however, will take an additional 10 to 20 days, he added.

"I guess what I'm trying to say is that we anticipate a long hard battle before we even get to our original suit," Isaacson said.

"It's going to be hard on HOPS — hard

for them to be patient," he commented. HOPS President Diane Whitney quickly denied his fears.

"The most discouraging part of the battle was getting the suit filed in the first place. It took almost a year. Now that the actual suit has been filed, everyone's spirits are up. We are prepared to put all our efforts behind the case."

HOPS treasurer, Joseph Acanfora, the teacher dismissed from his student teaching position due to his HOPS affiliation, expressed similar sentiments.

"When you are subjected to emotional abuse, physical abuse and inhuman treatment because you are gay, for years on end, you are willing to fight — for as long as it takes — to secure your human rights," he said.

"This decision that is going to be made is going to effect thousands of students coming to Penn State — it is worth the fight," he emphasized.



—photograph by Noel Roche

### Guess who's coming to dinner?

AN INNOCENT DINNER party ends on a strange note when Nate Cook (center) meets his girlfriend's parents, played by Mac Shoemaker, M.J. Novotny and Susan Swarthout. The scene is from "One Big Happy Family" at the Pavilion at 7:20 tonight only.

## Council seeks student input Studies probe advising

By ELAINE HERSCHER  
Collegian Senior Reporter

By reviewing various University-wide surveys, the University Council is taking a serious look at student advising.

The effectiveness of the freshmen advising programs at both University Park and the Commonwealth Campuses was discussed at yesterday's council meeting. The area of student participation in academic affairs was included in the Council's review.

John Romano, administrative assistant for resident instruction, addressed the Council on the effectiveness of the four kinds of counselors — faculty advisors, full-time professional advisors, graduate students, and undergraduates.

Romano's as yet incomplete report examining the response of incoming freshmen for Fall 1970 indicates that all four are effective under certain conditions. He said in some instances all a new student needs is a friendly face to help him adjust to the University environment. For others the need may be more concrete, necessitating a specific area of knowledge.

He cited the need of each college to give its own program "an honest look." He said there is "no question that some programs are more effective than

others." He added, however, that some colleges face more difficult problems than others.

John Casciotti, undergraduate representative from the Commonwealth Campuses discussed two surveys underway; one considering advising at the Commonwealth Campuses, the other concerning student participation in academic affairs.

Although incomplete, the study of Commonwealth Campus advising seeks feedback from students on the strengths and weaknesses of their programs. The review takes into account the differences of off-campus advising, considering availability of courses and the most opportune time for a student to take a course.

Student participation in academic affairs is being evaluated on the branch campuses by Casciotti and at University Park by Steve Arkans, president of the academic assembly.

This study consists of a questionnaire circulating among the University colleges in response to a University Council statement submitted to University President Oswald last March. The statement is a study of student participation in academic affairs and consists of guidelines and suggestions for six facets of the colleges,

including advising.

The questionnaire is designed to reveal what progress has been made or changes implemented in response to the Council's statement.

Another report, completed but not released publicly, was compiled by Richard E. Grubb, vice president for administrative services. Following the Council's statement, Grubb was asked by Oswald to review feedback submitted by the deans of the various colleges.

Don Carson, undergraduate representative to the Council, said the major thrust of Grubb's report is that "things are being done."

Another point of discussion at yesterday's Council meeting was the University's calendar. A sub-committee was formed chaired by Donald R. Olson, faculty representative. Its members include Stanley F. Paulson, dean of the College of the Liberal Arts, David Harris, graduate representative, and Carson.

The University's final exam period will be scrutinized on the question of its necessity. A preliminary Council survey indicates that possibly only 25 per cent of the faculty schedule courses in the exam period. The Council will try to determine how many of that group actually hold exams during that time.

Through the recommendation of possible changes in the calendar the Council will aim at a better coordinated summer term for 1973. It will examine some of the more time-consuming procedures such as grade processing and cleaning schedules in the residence halls over term break.

## LA votes on changes in election procedures

By JOYCE KIRSCHNER  
Collegian Senior Reporter

Faculty members in the College of the Liberal Arts are voting on a proposal to change the procedures for electing senators to the University Faculty Senate.

Each year, faculty members in the college vote to replace five of the twenty liberal arts senators.

According to the current procedures, each voter must cast votes for as many nominees as there are positions to be filled, and can cast no more than this one vote per nominee. Ballots containing more or less than this number of votes are not counted.

The new proposal states that each voter has as many votes as there are Senate seats to be filled. He may cast all his votes among candidates in any way he chooses so long as no fractional votes are cast.

In April, 1971, several members of the college sent a letter to Dean Stanley F. Paulson questioning the current voting procedures.

Ronald Maxwell, assistant professor of English, was asked to chair a committee charged with reviewing the voting procedures questioned. The committee was asked to explain how the alternatives offered might work and what their effects might be.

According to the Senate Elections Committee, the proposed change is designed to realize the following objectives:

— to ensure that no voter will be constrained to vote for a nominee either unknown to him or whose views he cannot support;

— to encourage representation in the Senate;

— to encourage, though not to ensure, proportionate representation by academic rank;

— to encourage greater faculty participation in all affairs of the college by inviting greater participation in this one important area, the election of Senators.

According to Maxwell, under the old system, many voters had to vote for someone they did not know. "A lot of assistant professors and instructors couldn't find five people they wanted to vote for. So, they had to vote for someone they didn't know, for someone whose name they knew because that person was prominent in the college, or vote for less people and have their vote not count."

Concerning increased minority representation in the Senate, Maxwell said the committee feels that if there is a sizable minority opinion on any issue, and if there are 30 or 40 people who can get together and cast all their votes for one candidate supporting the issue they deserve the power to elect that person.

This would be possible if the proposal is approved.

Among the liberal arts faculty, 32 percent are full professors, 29 percent are associate professors, 32 percent assistant professors, and 7 percent instructors.

Representation by rank is not equal in the Senate. 65 percent of the Senators are full professors, 30 percent are instructors, and only 5 percent (only 1 senator) are assistant professors.

According to the committee report, the current system assures that well-established and well-known individuals

be elected with considerable regularity.

Maxwell said, "We realize the expertise is needed but we need other things also." The report says the current system discourages the election of those who would urge change, innovation, and the introduction of new ideas and approaches to academic education at the University.

Claus Friedrich, assistant professor of economics, said he supports the proposal because "it gives potential to interest groups to get representation in the Senate."

Associate Dean of Commonwealth Campuses Harold J. O'Brien said, "I think the way we are doing it is fairer — it is based on one man, one vote. It is more honest this way."

According to Arthur O. Lewis, associate dean of resident instruction, the current system has been operating for 12 years. "I like the old system better; I don't see the need for change," he said.

Stanley F. Paulson, dean of the college, declined to give his opinion of the proposal while the faculty was still voting.

"I do think there is some problem getting fair representation. The senior faculty members who have been active are better known and there tends to be a higher proportion of them elected," he said.

He added that assistant professors are serving on many college committees. "Through their service they become better acquainted with the college and better known," he said.

Faculty members have until March 10 to submit the mail ballot.

## Death sentence set in Yablonski killing

WASHINGTON, Pa. (AP) — Paul E. Gilly was sentenced yesterday to die in the electric chair for his role in arranging and then helping to carry out the slayings two years ago of United Mine Workers insurgent Joseph A. "Jock" Yablonski and his wife and daughter.

The judgment was handed down after three hours of deliberation by the same Washington County jury of seven men and five women that Wednesday night convicted Gilly on three counts of first-degree murder, one for each victim.

Clearly shaken by the sentence, Gilly hesitantly stood and started to speak when Judge Charles G. Sweet asked whether anyone had any final statements.

"Yes, yes, I do," the 38-year-old former Cleveland house painter said in a choked, halting voice. "I wish to speak, please."

But the defendant was interrupted by his attorneys, Gerald Gold and Samuel Rodgers, and a murmured, inaudible conversation between the three followed. A newsman sitting nearby said he was able to distinguish only the word "conscience."

Special prosecutor Richard Sprague later reported:

"I am told he said 'I'm not going to take the whole blame for this thing.'"

But Rodgers said that interpretation was "completely inaccurate," adding:

"As clear as I can remember, he said something like this — 'If you jurors can live with your consciences under the circumstances, that's all right.'"

Gilly's remarks were entered into the court record as an "inaudible statement."

The state had charged that Gilly was the middleman in the Yablonski deaths, planning them under instructions and money from a mystery man known only as "Tony" and later handling the payoff — said to have come to \$5,200.

Gilly was the second of five alleged participants in the Yablonski slayings to be convicted and sentenced to the electric chair.

The other was Albran W. "Buddy" Martin, 23, another Clevelander who was tried last fall.

Key state witness in both trials was Claude E. Vealey, 28, also of Cleveland, who pleaded guilty to murder last summer and issued a rambling, 15-page confession in which he said that he, Gilly and Martin carried out the killings under Gilly's direction.

## Voter registration ends Monday for primaries

Monday looms as the last day to register to vote in the upcoming April 25 primary elections, and the Undergraduate Student Government yesterday urged students to register to vote locally "even if they don't presently meet local residency requirements."

The USG political affairs department said if a student now does not meet residency requirements, he will be rejected and have until April 10 to appeal that rejection.

This would give him time to apply and receive the kind of proof of local residency which is being accepted by the county commissioners in their capacity as Board of Elections for the county.

"Accepted" proofs include marriage licenses, Pennsylvania drivers' licenses with local addresses, local credit cards, county or school tax receipts or forms; Bell and Telephone credit cards with local

addresses; and the combination of a twelve month lease with local savings and checking accounts.

It is expected that a suit will be filed against the county commissioners for unfair registration procedures. In that case, it is possible that students who register but are turned down will be reinstated by court order before the primaries.

During fall registrations here, hundreds of rejected students were ordered reinstated to the voters rolls by the courts.

Free rides to the Bellefonte County Courthouse are available to students who wish to register to vote or to appeal registration rejections in time for the Monday, March 6 deadline.

Times for the rides are 9:30 to 11 a.m. and from 1 p.m. to 4 p.m. Contact the USG secretary in 202 Hetzel Union Building, 865-4952.

trovency centers on whether USG President Benson Lichtig will seek reelection.

John Martonik, chairman of the USG Department of Student Welfare, said, "It's difficult to say if he'll run. He's wavering. I told him to start considering his personal life."

Jim Fritz, USG vice president, remarked, "Looks like Benson will run. You can't count him out."

Jan Levenberg, a USG senator, who resigned because he grew weary of the feuding concerning the election in USG, had the observation that Lichtig might run again. He added Lichtig recently told him that he would not run, but the decision was not final.

What Lichtig ultimately decides will determine the strategy of the other candidate. Martonik, once mentioned as a candidate should Lichtig not run, has been rumored as a vice-presidential candidate. Martonik said he did not consider himself as a contender, adding, "Benson hasn't asked me."

Lichtig was unavailable for comment. Other presidential candidates include USG Senators Mike Shields, and Ed Burrows, in addition to Frank Callahan, and Nick Maile. Maile and Callahan could not be reached for comment.

Burrows stated, "Officially, there's no campaign until spring," and said he would begin at that time.

In a more recent development, USG Sen. Jim Trask is supporting Shields. He stated, "I really think Mike would do the best job, so I'm going to work and get him in there." Trask was formerly a candidate himself.

Shields has picked up the support of

Academic Assembly President Steve Arkans and Organization of Town Independent Students President Jim Rodden, in addition to members from the resident hall councils of North Halls, Pollock-Nittany Halls and South Halls.

Shields felt Lichtig would run, but warned, "He is foolish if he runs. A loss in the election would jeopardize his credibility with the Board of Trustees as a student leader."

As proof of his belief in Lichtig's candidacy, Shields said that yesterday "Lichtig secured a banner for the Mall from the USG office."

Levenberg commented on Shields' candidacy by saying, "I think it will be a disaster if Shields is elected." He added Shields would radicalize the USG and hamper its bargaining position.

Speaking about the role of USG, Shields remarked, "I think the position of USG should gear itself more to an advocacy role and work towards creating alternatives." He continued, that USG should be "exercising the rights on a level of parity with the administration."

According to Shields, he feels confident of victory, even if several other candidates run in addition to himself and Lichtig.

In the vice presidential field, no definite candidates have surfaced as of yet. Sen. Thomas Kearney stated, "I've had a few hints," but also commented, "I'm up here to go to school."

John Szada, president Pro Tempore of the USG senate, said, "I'm not going to make any comments on that at this time."

Up to now, the field seems to be narrowing down. The main interest will center around Lichtig's candidacy.