

Warmer and breezy today, becoming mostly sunny early afternoon, high 52. Becoming cloudy early evening with falling temperatures, gusty winds, and light snow tonight, low 35. Mostly cloudy Wednesday with occasional light snow, high 39. Outlook Thursday, mostly sunny and cooler, high 35.

The Daily Collegian

Published by Students of The Pennsylvania State University

University Park, Pennsylvania Tuesday, March 7, 1972

BULK RATE
U.S. POSTAGE
4 cents paid
State College, Pa. 16801
Permit No. 10

Vol. 72, No. 101

6 pages

Seven cents



—photograph by Jim Nichols

MEMBERS OF THE Undergraduate Student Government held a press conference yesterday to blast the Shapp administration for dragging its feet on court action to aid student voter registration. Pictured, from left, are Russ Bensing, Bruce Shaw, Rick Wheeler and Jim Fritz.

Shafting Shapp

USG says state slows legal action on voting

By JIM WIGGINS and RICK MISEJKA
Collegian Staff Writers

Members of the Undergraduate Student Government charged yesterday that political considerations have caused the Shapp administration to back-down on a promise to take legal action facilitating student voter registration in Centre County.

Bruce Shaw, secretary of the USG political affairs department, told newsmen at a press conference yesterday that state Justice Department officials have become increasingly disinterested in the fight to gain voting rights for students in the county.

The reason, he charged, is the Shapp administration has taken sides in the local primary race for state representative. Shapp favors the incumbent,

Rep. Galen E. Dreibeibis, Shaq said, while the challenger, Mrs. Marianne Van Dommelen, is expected to garner heavy student support.

For this reason, Shaw charged, "The Governor's Justice Department suddenly is delaying legal action which would encourage students and other new voters to register in Centre County."

USG Vice President Jim Fritz charged Shapp with practicing "a politics as cold-hearted and powerful as any political governor in the past."

Fritz, Shaw and Rick Wheeler, another USG official, maintained county officials, by requiring proof of long-term residency intent, have made it difficult for students to register to vote.

Shaw said the Justice Department has become increasingly reluctant to provide assistance in changing local

registration requirements — even to the point of refusing to talk with USG members.

"We would sometimes phone the Justice Department for a few days in a row, and the secretaries' answers would be the same — the officials were not in their offices or were busy at meetings.

"If we left messages to please phone us when they returned, the calls were rarely completed," he said.

In a printed statement released at the press conference, the USG members said they sent a "strong letter of protest" to Governor Shapp on Feb. 18 complaining about the treatment they received from the Justice Department.

A reply from the Governor, they said, indicated court action would be initiated by the state against the county before Feb. 25.

After more delay, they said, the Justice Department told USG it would file a brief in Commonwealth Court yesterday morning challenging Centre County voting requirements.

"At this time we cannot confirm if they have in fact finally done what they promised to do nearly two months ago," Fritz said. "They were hoping of course that we would, in return, cancel this conference or tone down our remarks. But we can no longer play their game."

The USG members lashed into Shapp for not living up to his promises of reform within the Democratic Party.

Noting the recent wave of patronage firings in the 7th District — interpreted by some as a move by Shapp to pressure Mrs. Van Dommelen out of the primary — they charged the Governor with using his political power against students, "one of the groups which has been in the forefront of the political reform movement."

The USG attack on the Shapp administration adds yet another milestone in the rocky road to student voting rights in Centre County.

Last October, Centre County Judge R. Paul Campbell ordered 195 students stricken from county-voting rolls because they did not meet residency requirements, and placed the registrations of 350 others into question.

The State Supreme Court, meeting Nov. 9, overturned Campbell's ruling and validated the students' registrations.

Since then, however, county elections officials have established a stringent set of residency requirements which are preventing many students from voting in local elections.

USG hopes to prove in the courts that many of these requirements are illegal, thus making it easier for students to vote here.

University replies to HOPS charges

By BARB SNYDER
Collegian Senior Reporter

Striking at the basic foundations of the Homophiles of Penn State's lawsuit against the University, the defense yesterday filed its preliminary objections in Centre County court.

The preliminary objections hit upon many crucial points raised by HOPS in its suit — even to the point of denying that the University had violated HOPS' freedom of speech and assembly.

"It looks like they are going to throw everything they can at us," was the reaction of HOPS attorney Richard Isaacson when The Daily Collegian, which had received the objections before the lawyers, read them to the Pittsburgh lawyer over the telephone.

Although he did not have the objections in front of him for close scrutiny, Isaacson said on first hearing them that "all of them are going to take lots of work and research before they can be answered."

Named as defendants in the HOPS suit 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.

The HOPS suit, filed Feb. 11, sought to establish that these people had violated both First and Fourteenth Amendment rights of HOPS.

HOPS claims abridgement of First Amendment rights because it has been denied the right to speak and educate on campus.

Fourteenth Amendment freedom of "equal protection of the law" has been violated, HOPS charges, because the University has denied it a charter, but has granted charters to other organizations.

The preliminary objections raise the following points:

—HOPS failed to establish a "cause of action" against the University; in other words, no constitutional rights were violated.

—HOPS has neither a constitutional nor a legal right to a charter, and the University's refusal to grant them a charter was a "valid, non-arbitrary exercise of discretion by defendant University officials acting upon the basis of educational policy."

—HOPS must state "with more particularity" exactly which rights have been deprived by the plaintiffs in the case and how these rights have been violated.

—HOPS cannot sue the University in

Centre County Court since it is a state court and HOPS is suing under a federal statute;

—HOPS cannot sue, under Section 1983 of the Civil Rights Act since this statute only protects people who were deprived of their rights by persons who have some connection with the State. The University claims this is not the case with Penn State.

HOPS attorneys maintain that because the University receives state money it is closely connected to the state.

—The University claims no damage payment should be paid to HOPS plaintiffs.

HOPS, in the suit, asked the court to protect plaintiffs from possible restraint or intimidation by the University as a result of the action.

The University objected to this, charging that HOPS fears of retaliation are merely speculative and have no substance.

Attorney Isaacson disagreed. He said the recent dismissal of Joseph Acanfora, a HOPS plaintiff, from his student teaching position at Park Forest Junior High School validates HOPS fears of retaliation.

In its preliminary objections, the University also argued:

—HOPS cannot sue the University under a class action since the "plaintiffs do not constitute a proper class, in that members of the class are not capable of being identified."

—the HOPS' accusation that defendant Murphy holds an "antipathy toward and fear of gay people and their problems," is "impertinent, irrelevant and scandalous."

—HOPS has failed to state a cause of action against defendant Albert Shoemaker, chairman of the University Trustees, and the University requests the Court to "enter judgment in favor of defendant Shoemaker in his individual capacity."

HOPS maintains that as chairman of the Trustees he is ultimately responsible for all its decisions.

HOPS attorneys now have three courses of action, according to Isaacson.

They may amend their original complaint, file preliminary objections to the University's preliminary objections, or answer the preliminary objections in court.

Delbert McQuaide, the University's lawyer, refused to comment.

Oswald to charge provost committee

By JOYCE KIRSCHNER
Collegian Senior Reporter

University President Oswald has named a 12-member, advisory committee to recommend candidates for the position of Provost of the University.

The position was vacated when past University provost Paul M. Althouse died of a heart attack Feb. 4. Since that time, Russell E. Larson, dean of the College of Agriculture, has filled in as interim provost.

As Larson promised, the committee represents the University community. It consists of six faculty members, three administrators, and three students.

Donald R. Olson, professor of mechanical engineering, will serve as chairman. The other faculty members, recommended by the University Faculty Senate, are: Charles N. Cofer, professor of psychology; Richard Craig, associate professor of plant breeding; Helen A. Guthrie, associate professor of foods and nutrition; Thomas F. Magner, associate dean in the College of the Liberal Arts for graduate studies and research; and Ronald J. Harshbarger, assistant professor of mathematics, Beaver campus.

Robert E. Dunham, vice president for undergraduate studies; John D. Vairo,

director of the Delaware County Campus; and Thomas Wartik, dean of the College of Science, are representatives from the administration.

The students chosen are Steven Arkins, president of the Academic Assembly; Tom Ingersoll, president of the Graduate Student Association, and John A. Casciotti, Commonwealth Campus representative to the University Council.

In his letter inviting the members to serve on the provost committee, Oswald asked the committee to "assist in identifying and screening potential candidates for the position of provost and to make recommendations to me from which I may nominate a candidate to the Board of Trustees."

Oswald will meet with the committee Wednesday for its first session. According to Olson, no plans for making nominations have been started. "We must wait to hear the President's charge and then set the criteria for our selection," he said.

Olson said he feels the committee should be as open as possible and should have a wide range for nominations. "The students, faculty, and administration should have input in identifying potential candidates," he said.

In race for state rep.

NDC backs 'Mike'

The New Democratic Coalition, a newly revived student group, last night endorsed Marianne "Mike" Van Dommelen for Democratic state representative in the 77th District.

Approved unanimously, the resolution states "Mrs. Van Dommelen has proven that she is a genuine voice of progressive political reform, meaningful social change, defense of civil liberties, and above all — honesty and sincerity with the public and her constituents."

The resolution faults her incumbent opponent, State Representative Galen E. Dreibeibis, for neglecting problems of the elderly, supporting business interests over consumer interests, opposing granting local voting rights to University students and opposing pro-labor legislation.

Informed by The Daily Collegian that the NDC had thrown its support to her, Mrs. Van Dommelen said, "It's a very heartening endorsement. I'm very happy to have them on my side and working for me."

State Representative Dreibeibis could not be reached for comment.

According to Bruce Shaw, the new

president of the NDC, by endorsing Mrs. Van Dommelen, members could campaign for her among students. He suggested the NDC set up an information table for her campaign in the Hetzel Union Building.

Shaw said the NDC began before the 1970 elections. Members were active, mainly during the primaries, working for the election of Gov. Shapp and others.

In the fall, the NDC voted to merge with the College Young Democrats because they were working closely together. However, the possibility of a separation was discussed for two years.

"The Young Democrats are more or less concentrating on national election posts," Shaw said. "Through the Coalition, supporters of national candidates can unite behind local candidates."

At the meeting, Fern Itzkowitz (7th-education of exceptional children-Scranton) was elected vice president, Sam Trosow (5th-liberal arts-Philadelphia) as secretary and Mark Jinks (6th-liberal arts-State College) as treasurer.

ITT lobbyist denies memo implication

WASHINGTON (AP) — A physician testified yesterday that Dita D. Beard was under severe, periodic mental stress at the time she prepared a memo involved in accusations against the International Telephone and Telegraph Corp. and officials of the Justice Department.

Mrs. Beard, a lobbyist for ITT, is in a Denver hospital.

The ITT controversy has delayed Senate action on the appointment of Richard G. Kleindienst to succeed John N. Mitchell as attorney general.

Mrs. Beard's doctor, Dr. Victor L. Liska, a heart surgeon of Arlington, Va., said that she denied to him that she meant to imply any connection in the memo between an antitrust suit against ITT and an ITT pledge of \$400,000 to the Republican National Convention.

In testimony before the Senate Judiciary Committee, Liska said he has been treating Mrs. Beard for what he described as a serious heart ailment. He said she frequently combined alcohol with tranquilizers to overcome mental

depressions brought on by her heart trouble.

The memo, which Liska said Mrs. Beard acknowledged as being hers, was written to her boss and later was published by columnist Jack Anderson.

Kleindienst, deputy attorney general under Mitchell, won unanimous Senate Judiciary Committee endorsement before Anderson's allegations were published last week. He has been acting general attorney general since Mitchell stepped down last Wednesday to take charge of President Nixon's re-election campaign.

At yesterday's hearing a statement from Solicitor General Erwin Griswold was read, describing a meeting Griswold had with then antitrust chief Richard L. McLaren and Kleindienst in the Justice Department last April 18 or 19.

Griswold said in the statement, requested by Sen. Edward M. Kennedy, D-Mass., that he was summoned to Kleindienst's office and asked how far along was legal action in an antitrust action involving ITT and its subsidiary Grinnell Corp.

Commuter service to change locale

Boro knocks airport proposal

By ROD NORDLAND
Collegian Senior Reporter

Borough councilmen last night knocked Allegheny Airlines for its proposal to remove commuter service from the University Park Airport.

Council President Lawrence Perez, R., at the regular council meeting, said the Allegheny proposal "came in the form of an ultimatum — they said you either approve it or you get the same lousy service."

Allegheny's proposal is to discontinue commuter flights at University Park Airport, now run by Clark Commuter

Service, and institute Clark service at the Midstate Airport to the tune of from six to 11 roundtrips daily.

Before the proposal gets approval from the Civil Aeronautics Board, it must be endorsed by the franchise jurisdictions: State College, Bellefonte, Clearfield and Phillipsburg. Bellefonte is believed to favor the plan already, and State College is the only municipality not likely to favor it. Allegheny asked the borough council to approve it at last night's meeting.

Council voted to turn down the request, until, in Democratic councilman James J. McClure's words, "an analytic, unbiased study can be made" of area airport qualities.

Midstate airport would be more conveniently situated for the other three communities, but the bulk of airport business would originate from State College.

Councilman Arnold Addison, R., said, "Much lower population communities are telling our community what to accept in the way of transportation."

Councilmen also commented that the Midstate service would cost more, and would require excavation for a road up the mountain to the airport. If the Allegheny proposal is not accepted, the company plans to keep the present schedule of two flights daily.

Perez complained that Civil Aeronautics Board officials have not been interested in State College's position in the airport plan for Central Pennsylvania.

In other business, council postponed action on a borough council ordinance regulating service stations in State College until the April meeting. Amendments to the ordinance which would make it applicable to existing service stations are under study.

A March 29 public hearing date was set for airing of the final draft of the borough's Comprehensive Plan, which includes proposals and plans for modernization of buildings, development of malls and landscaping of public streets, in addition to other features.

Council agreed to take action at its next meeting on an ordinance establishing rules and permit procedures for public parks in the borough. Police Chief Herbert Straley expressed concern over the enforcement provisions of the ordinance and asked to study it before passage.

After some discussion, it was agreed that speedy appeal procedures would be worked out for persons denied use permits by park authorities. This was brought into discussion after Councilman Allen D. Patterson, D., referring to the 1968 Democratic Convention in Chicago, said, "look what happened after the city forbade a permit to use park facilities across the street from a college campus."

"Street warfare had ensued. Perez pointed out, "Well, HOPS could come in" and have trouble getting a permit. He was referring to Homophiles of Penn State, a group which is now involved in a suit with the University.

An ordinance was received, but not yet acted upon, concerning more stringent fire safety inspections for State College businesses. The measure, supported by the Downtown Merchants Association and the Chamber of Commerce, is thought to be an outcome of the recent fire on Allen Street which destroyed four stores.

Announcement was made of a meeting of the Home Rule Study Committee, 7:30 p.m. Thursday in the Municipal Building, South Fraser Street.

Keddie supporters to present petitions

Students for Keddie is calling for student support at 12:30 p.m., Wednesday on Old Main lawn when they present University President Oswald with petitions supporting labor professor Wells Keddie.

There are three different petitions. The first and most publicized contains the signatures of 9,500 students. The second has 130 signatures of students and former students of Keddie which testify as to his capabilities to a teacher. The third is letters from the Association of Residence Hall Students, Organization of Town Independent Students, Academic Assembly, Inter-Fraternity Council and the Association of Woman Students, asking that the various petitions be given just consideration as legitimate presentations of student opinion.

Tentative speakers include a representative from the Undergraduate Student Government; Debbie Garrett, head of Students for Keddie; a faculty member working on the case, and Keddie himself.

Oswald will be given April 7 as a deadline for a reply — the last day Keddie can respond to other job offers which he has received, Ms. Garrett said. "If he finds it impossible to give a rational, fair decision by April 7, then Students for Keddie is asking that Keddie be retained in his present capacity for one year, so that a rational decision can be reached," she said. —BS