

# Subpoenas face test

WASHINGTON (AP) — The White House yesterday said President Nixon will challenge subpoenas demanding that he produce White House evidence related to Watergate. But spokesmen refused to speculate on what Nixon might do if court rulings go against him.

Deputy Press Secretary Gerald L. Warren said Nixon abides by the law, but he declined to promise that the President would respect any specific court ruling that he must turn over tape recordings and documents sought by the Senate Watergate committee and special Watergate prosecutor Archibald Cox.

"There's no question that he would abide by court rulings," Warren told newsmen, "but I am not going to get into a hypothetical discussion on this particular case because we are at a particular stage in a very complex legal situation."

"The President abides by the law, but we are in a situation now where the subpoenas have just arrived at the White House..."

Nixon has until 10 a.m. EDT tomorrow to respond to the three subpoenas issued Monday evening by Cox and Sen. Sam J. Ervin Jr.'s Watergate committee.

Warren said Nixon would respond by

that time and that his response would be consistent with his past refusal to produce White House material.

Cox's petition, filed in U.S. District Court yesterday afternoon, sought far more material than the eight tape recordings the prosecutor had informally requested earlier. The subpoena demanded nine tapes and all written memoranda attendant to those tapes, plus a Nixon memo and all the "political matters memos" and attachments prepared for H.R. Haldeman. The committee subpoenas also sought both tapes and papers.

Although Warren refused to go into specifics on what legal action Nixon might take, it seemed probable that his lawyers would seek to have the subpoenas killed on legal grounds.

Nixon refused to turn over White House tapes and documents to the committee and to Cox on grounds that to do so would violate the doctrine of separation of powers. The committee is part of the legislative branch. Although Cox technically works in the executive branch, Nixon contends that Cox would be using the evidence in proceedings of the judicial branch.

Atty. Gen. Elliot L. Richardson said in a statement yesterday he believes Nixon had "substantial legal and constitutional

foundation" for refusing to turn over White House evidence to Watergate investigators.

"The separation of power argument seems to be particularly persuasive with reference to the Ervin committee," Richardson said. "It is also my view that Mr. Cox, in seeking access to the tapes, is acting in full accord with the requirements of his job." However, he did not address himself to the merits of Cox's case.

Richardson called for what would be, in effect, an out-of-court settlement.

"In the interests of justice," Richardson said, "it seems to me important to try to work out some practical means of reconciling the competing public interests at stake."

Warren assured reporters the tapes of Nixon's face-to-face conversations and telephone calls "are being adequately protected. They have not been edited."

Cox has declined to speculate on what his next move will be, and Ervin has said his committee will take things one step at a time. But if Nixon did seek to kill the subpoena and if Cox and the committee chose to carry on their pursuit, the issue would unquestionably wind up before the Supreme Court.

If that court ruled against both the committee and the prosecutor, the issue of the White House evidence probably would die, except as a political issue.

If the court ruled for either the prosecutor or the committee or both and Nixon refused to comply, he could be held in contempt, and impeachment proceedings against him could be initiated based on that charge. But sources indicate such a move probably would not have widespread support, and it is more likely that Nixon's opponents would use Nixon's response against him politically.

## Ehrlichman testifies on Ellsberg break-in

WASHINGTON (AP)—John D. Ehrlichman told the Senate Watergate committee yesterday that President Nixon believes the Ellsberg psychiatrist break-in was "well within both the constitutional duty and obligation of the presidency."

The former top domestic adviser to Nixon acknowledged in testimony that he had approved a covert operation to examine the medical files of Pentagon Papers figure Daniel Ellsberg, but that he did not have a break-in in mind.

Ehrlichman's statement about Nixon contradicts the President's own remarks of May 22, in which he said he would have disapproved any illegal means of obtaining information by a hush-hush White House unit investigating the 1971 Pentagon Papers case.

Ehrlichman testified that last March, some weeks before he quit amid heat of the Watergate scandal, he had been reviewing the Ellsberg matter with David Young, a member of the secret White House investigating unit called the plumbers.

Ehrlichman was asked if he had indicated to Young that Nixon had known about the break-in or felt it was a properly legal matter.

"I may well have," he said. "In that period of time I did have a conversation with the President about this."

Ehrlichman did not acknowledge any prior approval of the September 1971 break-in until after close questioning by committee chief counsel Samuel Dash and examination of a memorandum.

And then, while conceding he had approved "a covert operation be undertaken to examine all of the files still held by Ellsberg's psychiatrist," he maintained he thought "that one way or another this information could be adduced by an investigator who was trained and knew what he was looking for."

But, said Ehrlichman, "if you are

asking if this means I had in my mind there would be a breaking and entering, I certainly did not."

The approval on the memo said the operation was okayed "if done so not traceable."

Ehrlichman explained this as meaning "I was not keen on the concept of the White House having investigators in the field and known to be in the field. I don't think from a public relations standpoint, from a public policy standpoint, that is a desirable situation."

Ehrlichman opened his testimony to the Watergate Committee with a declaration of innocence and attributing blame for the cover-up primarily to John W. Dean III.

Ehrlichman, who supervised plumbers' chief Egil Krogh, declared: "I considered the special unit's activities to be well within the President's inherent constitutional powers, and this particular episode, the break-in in California, likewise, to have been within the President's inherent constitutional powers as spelled out in 18 U.S. Code 2511."

Ehrlichman then said he had talked to Nixon in March and: "He expressed essentially the view that I have just stated, that this was an important, a vital national security inquiry and that he considered it to be well within the constitutional both obligation and function of the presidency."

"If it is clearly understood that the President has the constitutional power to prevent the betrayal of national security secrets as I understand he does," said Ehrlichman, "that is well understood by the American people and an episode like that is seen in that context, there would not be any problem."

Nixon, however, in his May 22 statement on Watergate, gave a different version of his beliefs. He told of assigning Krogh the job of investigating the Pentagon Papers leak.

## PHEAA requires need analysis

# New loan rules create difficulty

By STEVE OSTROSKY  
Collegian Staff Writer

Changes in the procedure of obtaining loans with federal interest benefits from the Pennsylvania Higher Education Assistance Agency have made it increasingly difficult for some students to obtain state-guaranteed loans this year. Under the Higher Education Amendments of 1972, a system of need analysis is now required in determining the amount of all financial aid a student receives from PHEAA.

Previously, a student whose family income was under \$15,000 was eligible for a loan with federal interest benefits.

Now, students who apply for a PHEAA loan must file a Parent's Confidential Statement which determines the need of the student. The college which he is attending then must approve the amount of the loan. Students who are rejected for interest benefits may still apply for a loan, but they will have to pay seven percent interest.

Jesse L. McMannes, associate director of student aid, said he believes the PCS should not be used as a need test for PHEAA loans.

Ron Taylor, Public Information spokesman for PHEAA, said, "There has been a definite decrease in the number of PHEAA loans with federal interest benefits." The main reason is the PCS, he said.

Taylor said that tomorrow a group from PHEAA will be testifying in

Washington on the PCS. He said they will present what they feel is "the best way to rectify this disastrous situation."

Taylor said they would urge that the need analysis be abolished. He said a return to the \$15,000 cut-off point, with which the banks were happy, was the probable solution.

McMannes said the University had prepared a 17-page document on the effects of the PCS on the loan system which would be presented in Washington tomorrow.

McMannes said he thinks there are several important effects caused by the PCS:

—It has greatly increased the time and cost needed to obtain and process such a loan;

—It has said to many students, "You can't borrow \$1500 anymore";

—much of the effect is due to the newness of the process; and

—The bankers' reaction to the new policies has had a definite effect. Some accept the decision of the financial aid office, while others do not.

The University has a loan program which is not connected with PHEAA, but which does require the filing of a PCS to be considered for financial aid.

McMannes said, "Much of the University's loan funding comes from the federal government. Under the contract we have with the federal government, we must use one of four need analysis systems. Of the four methods available, the PCS is the best."

He added, however, the time, cost and administrative work needed is excessive and makes it difficult.

McMannes said the University has been receiving about the same amount in federal funds for the past five or six years. Last year the University received about \$2.5 million from the federal government and this year it might possibly be a little less. He said though, "I expect it to decrease in the future."

He said there are rumors that the National Direct Student Loans, which are granted through the University and use federal funds, may be abolished. He said the funds would probably be rechanneled into another federal program of student aid if this happened.

When asked if the recent increases in tuition and room and board will effect a student's financial need, McMannes said the office of student aid estimated budget always reflects current tuition and room and board charges.

He said the PCS affects people whose income is near \$15,000. If the parents are poor, there is little change between the amount of the loan determined by the PCS and the amount which would be obtained by using a \$15,000 cut-off point, he said.

When the income gets closer to \$15,000, changes in the amounts as determined by the two different methods begin to occur, he said. He added some people who would not have been eligible for the interest benefits under the old system because they were making over \$15,000

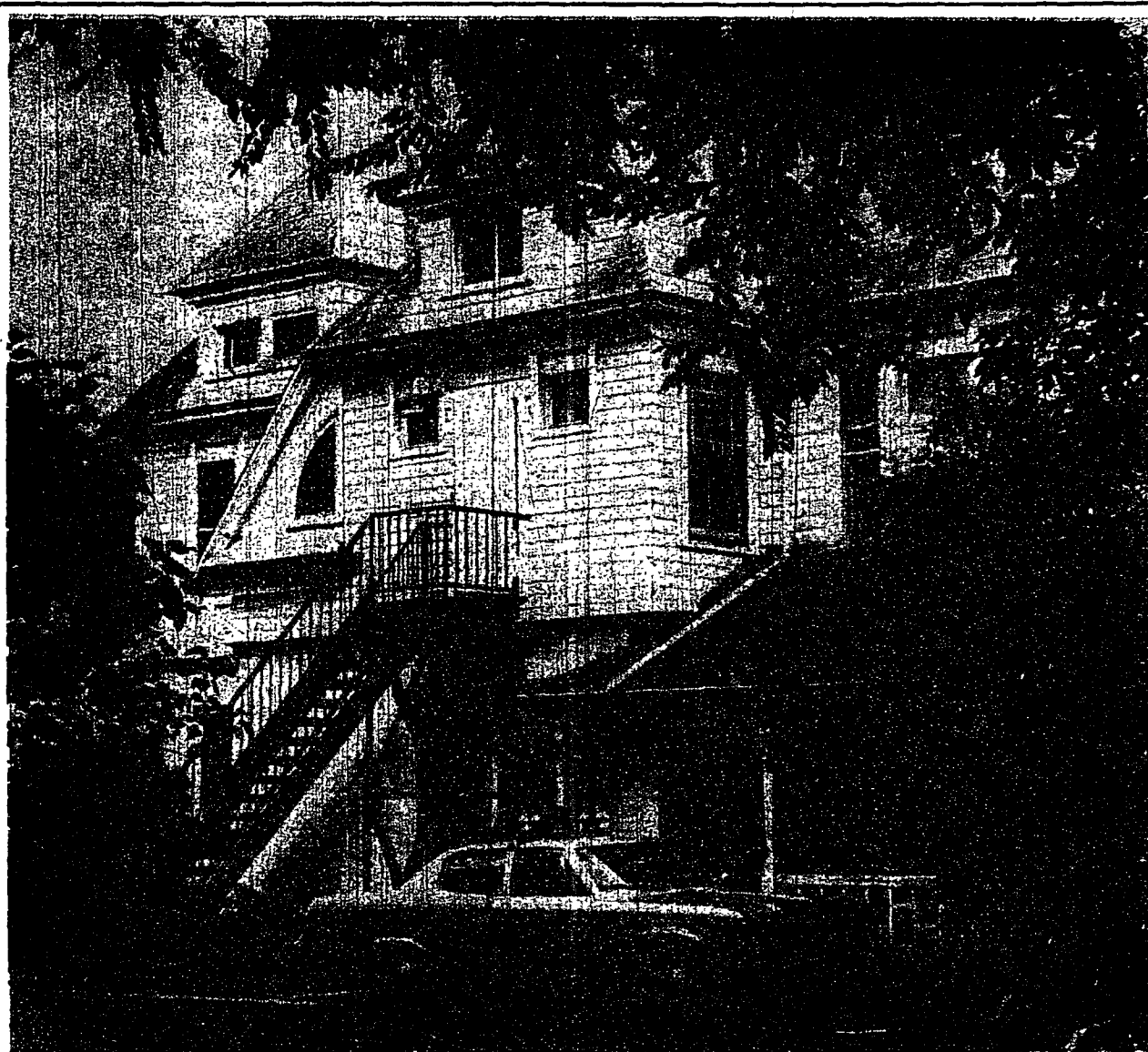


Photo by Steve Ivey

One of three

PINE COTTAGE is one of the three cottages that make up the Department of University Safety. Pine houses a lounge for the officers, a kitchen, locker room, a briefing room, and offices upstairs for Department administrators.

# Student sues University, loses

By STEVE IVEY  
Collegian Staff Writer

Michael Becker, a former animal science major, has failed in his court suit challenging the University's decision to expel him.

The University Hearing Board recommended that he be dismissed following his hearing on drug charges Spring Term. Becker did not appeal the decision.

Becker contended the procedures employed at the hearing were constitutionally inadequate and the UHB's decision was not based on substantial evidence. He challenged the decision in court to win immediate reinstatement at the University.

Basing his case on the Civil Rights Act of 1972, Becker filed suit May 29 in the U.S. District Court for the Middle District of Pennsylvania. He named University President John W. Oswald and Donald Suit, director of the Office of Conduct Standards, as defendants.

In upholding the University's action, Federal District Court Judge Muir concluded Becker "deliberately and knowingly failed to take advantage of a reasonable opportunity to appeal administratively from the Hearing Board's findings of guilt and recommendation of dismissal."

Muir also said in his decision that "failure to exhaust state administrative remedies bars a civil rights suit for injunctive relief unless the remedies are inadequate or to resort to them would be futile."

According to Muir, Becker's "failure to appeal administratively the Hearing Board's decision precludes him from obtaining reinstatement under the Civil Rights Act."

University procedure provides for a hearing before the University Appeals Board of decisions made by the UHB if the student requests an appeal in writing within five days of the Board's decision.

Suit told The Daily Collegian he gave Becker two opportunities to appeal the UHB decision.

The first occurred April 16, when Suit notified him

orally of the UHB decision and recommendation for dismissal from the University. Suit said he told Becker he had five days to submit a request for an appeal in writing to him.

When he did not hear from Becker after the five days, Suit said he sent Becker a letter to his Philadelphia home April 23, again offering him five days to request an appeal. Becker did not respond to this offer either.

Raymond O. Murphy, vice president for student affairs, told the Collegian he had hoped Muir "would have addressed himself to the question of due process and the system as a whole."

Murphy said Muir's decision to base his ruling on the narrow basis of non-exhaustion of administrative appeals was not what he had anticipated.

He did say the decision was a "test as to whether appeals channels are necessary to be used before relief can be sought in the courts. It was a specific rather than a global test of the system."

Becker was arrested by State College police Feb. 23 and was charged with unlawful possession of marijuana, hashish, amphetamines and barbiturates, and possession with intent to deliver amphetamines and marijuana.

Suit put a hold on Becker's Spring Term registration, preventing Becker from registering. At this time, Becker was notified that he faced charges by the OCS.

OCS charged him with the "use, possession and distribution or being under the influence of narcotics or dangerous drugs, i.e., the accused did engage in or had intent to engage in possession and/or manufacture of drugs in" his State College apartment.

Although Becker was not a registered student, Suit permitted him to attend classes and take exams during all of Spring Term.

The only evidence against Becker at his UHB hearing was his own testimony and hearsay. He pleaded not guilty.

Although not usually admissible as evidence,

hearsay may be used under certain circumstances in University disciplinary proceedings.

UHB Chairman James Tammen ruled that hearsay from public officials is admissible as evidence.

The hearsay included two local newspaper articles; a press release from the State College police; Suit's notes of conversations with State College Police Chief Herbert Straley, District Magistrate Clifford Yorks, and Charles Haddad, chief special prosecutor of the Philadelphia District Attorney's Office; and a Philadelphia newspaper article describing Becker's involvement in a 1971 drug-related matter in Philadelphia.

Although illegal drugs of "substantial value" were found in his apartment which he shared with one roommate, no evidence was presented to UHB that Becker himself possessed the drugs.

In reaching its verdict of guilty, the Board considered:

—Becker's statement that he "no longer" used illegal drugs;

—Becker's knowledge of drugs and drug prices; —his payment by check of a month's rent on an apartment where an illegal drug laboratory later was discovered by police;

—the police's discovery of illegal drugs in Becker's car; and

—Becker's involvement in a 1971 Philadelphia drug incident, although he was not a Penn State student at the time.

UHB unanimously concluded Becker posed "a genuine threat to the University community" and recommended that he be dismissed.

UHB also recommended to Oswald that Becker's readmission be contingent upon a verdict of not guilty in the criminal case pending against him in State College.

As of June 8, Becker had not been indicted or tried. Oswald approved Becker's dismissal on May 7. Becker could not be reached for comment.

# Tempaper sale veto passes legislature

By RICK NELSON  
Collegian Managing Editor

A bill prohibiting the sale and distribution of term papers in the state has passed the state General Assembly and now awaits Gov. Shapp's signature.

The bill passed the state Senate 44 to 0 May 2 and passed the House by a 184 to 6 margin Monday.

Sen. Wilmot Fleming, R-12th, first introduced the bill in the Senate last summer. It passed the Senate but died in the House Law and Order Committee. Fleming said at that time the bill probably died because the General Assembly was caught up in post-election politicking.

He reintroduced the bill January. He attributed the delay in its final passage to "just a matter of getting to it."

The bill prohibits the selling of assistance in the writing, researching or preparation of academic assignments if the assignment is to be submitted under a student's name for degree credit from a Pennsylvania school.

Fleming said some disagreement as to whether the bill should be considered under criminal or civil proceedings helped delay its passage. He said an attorney in the governor's office advised the bill would be

more effective if considered a civil procedure but that the American Bar Association recommended it be considered criminal procedure, "keying it specifically to the preparation of an assignment."

Fleming said supporters of the bill tried to avoid objections that making term paper sales illegal violated the First Amendment right to freedom of the press by tying the law directly to assignments.

He said, "If a student puts his name on a bought paper and hands it in, there is not much doubt" about the intentions of the company that sold it to him.

Fleming said, "I hope everything goes well with the enforcement of the law," and added that the Attorney General already has injunctions against 11 Pennsylvania term paper companies.

He said the bill not only makes term paper sales within the state illegal but also prohibits companies outside the state from selling term papers to state residents through the mail.

He said he has not received any reaction to his bill from the term paper companies, adding, "They've steered a wide birth from me."

He stressed that, "All through this we were not trying to get at the students," but rather the companies.

## Weather

Becoming partly cloudy and warm today with a chance of a shower or thunderstorm in the afternoon; high of 84. Mostly cloudy, warm and humid tonight; low of 68. Variable cloudiness, warm and humid tomorrow with afternoon showers and thundershowers likely; high of 84.