

# University upheld in commercial canvassing suit

By LARRY GALLONE  
Daily Collegian Staff Writer

Federal Judge Malcolm Muir ruled yesterday that a University policy which prohibits on campus soliciting does not prohibit the First Amendment rights of commercial vendors.

The suit had been filed by American Future Systems, Inc., which deals in cookingware, china and silverware. The company said its rights were violated because it was not allowed to hold sales demonstrations in University residence halls.

The University claimed this would be a violation of its policy against soliciting

on campus. The University said it did not prohibit the company from directly advertising in the dorms through the mail or by telephone.

Joe Finklestein, lawyer for the Bryn Mawr based company still maintains the University policy is unconstitutional.

"We are protected by the First Amendment and we think the (judges') decision is not correct," he said.

American Future Systems President Edward J. Satell was out of town and could not be reached for comment.

According to the court report, American Future Systems was warned by the University in September, 1977

about its soliciting. The University stopped demonstrations after that and asked the sales representatives to leave the dorm areas, Finklestein said.

The girls who were asked to set up the dorm demonstrations were called by a company representative and, for their help, they were to receive a tote bag, Joan Greenzig (8th-elementary education) said. All persons who attended the demonstrations were given a necklace by the company valued at about 12 cents, according to the court records.

The court record said the University claimed that in addition to violating its

policies the company misled the students involved. A drawing for a "Florida holiday vacation" was to be held with the winner to be chosen from the girls who worked in the demonstrations. The catch was that the winner of the prize had to be 21-years old to accept the prize and sometimes the prizes expired before the girl reached her twenty-first birthday, according to the record.

Kathleen Bernstein (8th-elementary education), a University student who set up one of the demonstrations, said they were told by company representatives that if the girl was not 21 she could renew the prize until she was of age. Bernstein

said she did not feel she was misled by the company. "It was basically an information program," she said. Bernstein said she was not aware they were violating University policy.

University rules allow solicitors to be in dorms as invited guests of students, which American Future Systems said they were. The company representatives reportedly asked the girls who ran the demonstrations if they could go door to door to solicit if there was a small turnout at the demonstration. Joan Greenzig said that, in her case, she was not asked to bring the representative door-to-door.

In his opinion Judge Muir wrote, "The continuing exclusion of American Future Systems representatives from Penn State campus does not infringe upon the First Amendment rights of American Future Systems. That infringement is justified by Penn State's interest in preventing the dangers inherent in in-person soliciting or sales, or alternately, by Penn State's interest in protecting the privacy of its students within the residence halls."

Finklestein said he and his client will discuss the judge's opinion before deciding if they will appeal. They have 30 days in which to decide.

## Educational divisions to make switch soon

By AMY ENDLICH  
Daily Collegian Staff Writer

The art and music education divisions of the College of Education will be shifted to the College of Arts and Architecture as soon as possible, University Provost Edward D. Eddy said Monday.

The move, announced at a meeting of the two education divisions and the art and music departments, will create two new academic units in the College of Arts and Architecture.

Faculty members in art and art education will be assigned to one unit, which will be dedicated to the visual arts and art education, Eddy said. All current faculty members in music and music education will combine to form the second unit.

University President John W. Oswald accepted Eddy's recommendation that the shift be made at the earliest possible time.

"Academically and administratively it was the sensible thing to do," Eddy said. "We had people with common interests and interchangeable talents in separate colleges. Getting them together won't destroy the integrity of a particular program."

The realignment of the art education division and music education divisions, which includes the Blue Band, was requested by Henry J. Hermanowicz, Dean of the College of Education in January as part of that college's attempt to deal with an 11 percent cut of its operating budget over a five-year

period. Eddy said the realignment did not result as a fiscal solution to the economic problems of one college.

"We would not allow academic changes to take place if this were the only reason for change," he said. Financial cuts and administrative structural changes follow after academic plans are fashioned. If the jointure can be made to work it seems academically right.

Hermanowicz agreed that financial considerations were not the only ones given to the move.

"It was a combination of academic and financial concerns," he said. "The two are different to separate." All undergraduate and graduate academic programs will continue to be offered to students currently enrolled and students anticipating enrollment, Eddy said. All current faculty members will retain their titles and positions.

"It is highly important to remember that in all of these deliberations there has never been any intention of terminating tenured faculty members," he told the faculty attending the meeting.

The shift of the two divisions can not take effect until search committees find candidates to head the new units formed by the merger of the art and art education divisions and the music and music education divisions. Faculty members must be appointed immediately to explore and advise on the scope and structure of the new units, Eddy said.



California dreamin'

All the leaves are brown, and the sky is grey. Our photographer went out for a walk on a winter's day, and this photo of bare trees, developed in high-contrast, is what he came back with.

Photo by Chip Connolly

## Oswald approves gifted program

By AMY SMITH  
Daily Collegian Staff Writer

University Provost Edward D. Eddy, on behalf of University President John W. Oswald and himself, approved at the Faculty Senate meeting yesterday the implementation of a program for academically superior students.

"Both President Oswald and myself decided to accept the proposal as an important start in recognizing the academically superior student," Eddy said.

The program, with an estimated cost of \$100,000, will be partially subsidized by a grant of \$50,000 from the Richard King Mellon Foundation allocated to the Academic Excellence fund.

Eddy hopes to match the Mellon money with "a major alumni effort." "We hope donations will then evolve into \$50,000 each year to be put into the ongoing program," Eddy said.

The program is so vitally important "we wanted to make an immediate start by using the Mellon fund as seed money," Eddy said.

"I hope the use of the Mellon funds will encourage more private donations and corporate support," he said.

The Mellon fund was donated to the University for research and conservation of natural resources.

The fund, "was not donated exclusively for conservation,"

Eddy said, "but I would like to give this program a slant to conservation and natural resource projects."

We attract academically superior students to enroll in the University, but from January to April, "other colleges are hunting and tracking these students while we have accepted them and neglected them," Eddy said.

"Students now on campus are not sufficiently motivated and the campus atmosphere could be made more conducive to their high achievement," he said.

The program will be university-wide and will include all academic units in the colleges, in the departments and on campus.

The program will include special courses open only to those accepted in the program.

Students who have been accepted in a formal honors program, as well as students admitted as Penn State Scholars and National Merit Scholars, will automatically be accepted into the program.

Other student membership will be determined "preferably by the faculty at the department level and will include no more than 5 percent of the total undergraduate enrollment," the program outline said.

Students will automatically be dropped from the program if their average falls below a 3.0.

## Faculty Senate reviews housing

By AMY SMITH  
Daily Collegian Staff Writer

The University Faculty Senate was presented with a report yesterday reviewing the on-campus student housing problem.

"Personally, I hope the University will build more additional housing units on campus," said Arthur E. Goldschmidt, chairman of the senate committee of Student Affairs, Awards and Scholarships.

According to Ralph E. Zilly, vice president for business, the physical long range plan developed in 1972 assumed the University would maintain present campus housing.

Any new housing built, will replace the Nittany dorms, Zilly said. "But that has not been widely discussed."

"There will always be student housing problems and it is difficult to

make recommendations to solve them," he said.

Reducing the amount of reserved space for unmarried graduate students and encouraging students to participate in off campus learning experiences in the fall were recommended to alleviate the housing problem.

The report also recommended construction of housing units consisting of suites rather than dorms as long range solutions.

"The University policy for acquiring dorm accommodations, the new borough rezoning decision and future enrollment standards are important in viewing these recommendations," Goldschmidt said.

In other action, the senate heard discussion on the amendment to the constitution that would include senate

representation of the Hershey Medical School.

"What this all boils down to is the Hershey school students have no objection to the current representation," said Susan Friedman, Graduate Student Association senator, who opposes the amendment.

"We propose that four senate seats be filled by Hershey students and graduate students in an election conducted by the GSA," Friedman said.

By combining the Hershey Medical School with the graduates, the seats will be up for nomination from either of the schools, but would not commit the Hershey School to a seat in the senate.

The amendment will remain tabled for one month before action is taken.

## Correction

The Daily Collegian yesterday incorrectly quoted Henry B. Harvey in a story about Monday's debate over the Municipal Council's human rights ordinance.

Henry was quoted as saying, "We emphasize that we recognize our own failures and weaknesses, but we cannot condone a person who practices this behavior."

Henry actually said "We emphasize at the beginning and throughout our testimony that we recognize our own frailties and weaknesses, are not condemning the persons practicing these modes of behavior, but rather we stand against the behavior itself as being immoral and wrong."

## A real snow job

Snow today, possibly heavy at times, will taper off to flurries early tonight with a high of 23 today and a low of 15 tonight. Snow accumulations will be in the 3 to 5 inch range. Tomorrow we'll have considerable cloudiness, breezy and colder conditions with a few flurries and a high of 18.



Barren The Centre County countryside as photographed from Oregon Hill looking toward the Allegheny Front.

Photo by Chip Connolly

## Legislators approve pay hike for officials

HARRISBURG (AP) — The state House approved a pay raise yesterday for legislators, judges and the governor's cabinet but pushed back its effective date until Dec. 1, 1980. By a 104-90 vote, the House delayed the \$3.7 million pay package that the Commonwealth Compensation Commission had recommended.

Centre County's Rep. Gregg Cunningham, a Republican, voted against the pay raise.

The original report was modified to comply with the state Constitution, which bans incumbents from increasing their salaries while they are in office.

The Senate must still act on the commission's recommendation. Senate President Pro Tem Martin Murray said the vote would come next week. Unless the Senate concurs exactly, the original pay proposal will take effect March 1.

Under the House proposal, the legislators elected or re-elected for the new 1981-1982 legislative session would have their \$18,720 salary raised by 8 percent in the first year, and by 7 percent in 1982.

The House also adopted an amend-

ment that would give the same two-step pay hike to judges, who originally were in line for an immediate 15 percent raise.

Gov. Dick Thornburgh's cabinet members would get a 12.5 percent pay raise under the proposal.

The action stirred mixed reactions in the House, with some members complaining that it was too little money, and others saying that legislators deserved no increases at all. "I worked here until 10 o'clock last night, and then I come down here and hear you say we're not worth it (more money)," said freshman Rep. Milton Street, D-Phila., his voice rising in anger. "We should be getting \$25,000 and \$10,000 in expenses so we can do the job we were sent up here to do."

Legislators currently receive \$7,500 in expenses, plus \$44 per day for committee meetings and 17 cents per mile for car use. They also get free medical, eye and dental care for their families.

Another freshman Democrat, Robb Austin of Allegheny County, strongly opposed a pay raise. "Not only can't we fill potholes, but our bridges are crumbling and local taxes are going up.