

## Ruling on N.Y. primary appealed

NEW YORK (AP) — The top lawyer for the nation's largest city went to the U.S. Supreme Court yesterday in an effort to overturn a voting rights ruling that would bar tomorrow's primary elections for local offices.

Allen Schwartz sought a stay from Justice Thurgood Marshall after failing to win reconsideration from the special three-judge panel that issued the ruling Tuesday. The ruling left campaigns in chaos and voters in confusion.

Schwartz had pleaded with the judges to let the election proceed for citywide and boroughwide offices and to postpone primaries for City Council seats. It was a redistricting of City Council lines that prompted a suit in behalf of blacks and Hispanics who contended the reapportionment was discriminatory.

When the Supreme Court is not in session, Marshall has jurisdiction over such requests from this part of the country.

"Regardless of which way this goes, I see confusion" among voters, said Betty Dolan, executive director of the Board of Elections.

"This is a Thursday election to begin with — that's unusual and has added to confusion," said John Dearie, ruling for

city comptroller. "If the election is re-instated tomorrow... we'll end up having the fewest people participating."

Twenty-five percent is a good showing for a city primary.

Councilman Edward Sadowsky of Queens, who had no primary foe, said the development was "the only exciting thing in an otherwise dull election campaign."

Among the contests involved are Mayor Edward I. Koch's bid for renomination on both the Democratic and Republican tickets.

While refusing to stay or modify its ruling, the panel indicated to Schwartz it would be willing to entertain a compromise if the minority groups that brought the suit would agree to the idea of barring only the City Council races.

Schwartz said he talked with the plaintiffs' lawyers for 15 minutes, but was unable to reach an accord. Opposing lawyers, however, said an agreement might have been reached if they had time to get in touch with their clients.

"He wanted an immediate determination," said Paul Wooten, lawyer for the New York State Black and Puerto Rican Legislative Caucus.

"The clock is running and we are running too," Schwartz said.

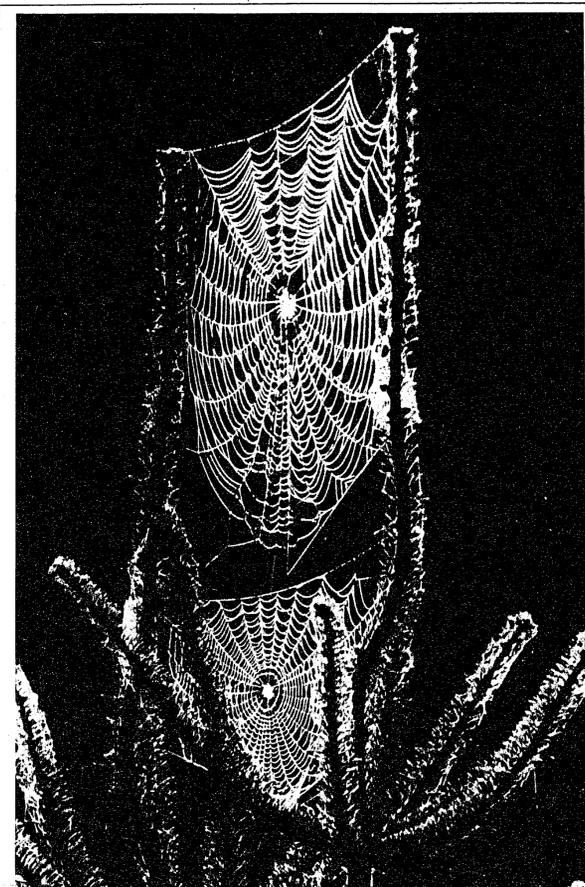
Koch's foes in the Democratic primary were State Assemblyman Frank Barbaro and Melvin Klensky, an academic turned politician. The Republican contest pitted Koch against Assemblyman John A. Esposito.

In the comptroller race, Dearie faced incumbent Harrison J. Goldin. Voters also were to pick candidates for borough president and district attorney. The district attorney's race in Brooklyn pits former U.S. Rep. Elizabeth Holtzman against assistant District Attorney Norman Rosen.

The court's ruling did not address the discrimination charge, saying only that the election would be illegal because "the city had not done all it could to comply" with the federal Voting Rights Act.

The act, aimed mainly at Southern states, also reaches the boroughs of Manhattan, the Bronx and Brooklyn to get Justice Department approval of any new local election law or redistricting.

Queens and Staten Island need not have such approval, but no elections were expected there if other city races were prohibited.



Spider art

The cool Adirondack mountain air coats a spider's work with dew outside the village of Lake Placid.

## Man told too old for Merchant Marines

SEATTLE (AP) — When James H. Petrie was accepted into a Merchant Marine training program at a Texas college, he borrowed \$2,400 to pay his tuition and set off eagerly to start classes.

But as soon as he showed up, the school sent him home — saying that at 71 he was too old.

*'I spent three years trying to get into the program and finally it was nailed down and some little twerps, young'ns, threw in a monkey-wrench.'*

—James H. Petrie, 71-year-old applicant

"I spent three years trying to get into the program and finally it was nailed down and some little twerps, young'ns, threw in a monkey-wrench," he said yesterday.

Last year Petrie, a retired railroad and Boeing employee who

lives in Kirkland, Wash., was accepted by Texas A&M University's Moody College Merchant Marine officer program. After securing a federal education loan, he reported to the college in Galveston on Aug. 24.

That's when Moody College President William H. Clayton wrote Petrie to say he couldn't stay because "you could not graduate from the license-option program until you are 76."

"The potential is virtually zero that companies hiring graduates of this institution would employ a man of your age," Clayton wrote.

"It's pure age discrimination," said Petrie.

Petrie says he visited Texas A&M in 1980 and Kenneth Haynes, then superintendent of the Marine Academy, "was agreeable to me coming... Haynes told me I'd raise the average age of cadets."

Petrie said trouble started when he failed to put his age on a housing application. He put his age on all other documents and talked about his age with "deans, associate deans and department heads."

But "the corps advisor, J. B. Mainord, and some other underlings objected that I didn't show my age on the housing application. Mainord took me before the president," Petrie said.

William J. Whartle, assistant vice president for academic affairs, said university officials accepted Petrie on the basis of test scores and grades and didn't "flag" his age on the application.

old, including homosexuality, sodomy and adultery.

Falwell said his group fears that such a law in the nation's capital would become a model.

D.C. City Council Chairman Arrington Dixon said the city would lobby against the proposed veto. He said groups from outside the city had no right to impose their will on district citizens.

## Falwell attacks sexual assault reform act

WASHINGTON (AP) — The Rev. Jerry Falwell, leader of the Moral Majority, has announced a campaign to have Congress veto a sexual assault reform act passed by the District of Columbia city council. The proposal would legalize homosexuality and adultery. The reform would apply to both sexes equally, but also would legalize most private sex acts between consenting adults over 16 years

old, including homosexuality, sodomy and adultery.

Falwell said his group fears that such a law in the nation's capital would become a model.

D.C. City Council Chairman Arrington Dixon said the city would lobby against the proposed veto. He said groups from outside the city had no right to impose their will on district citizens.

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 Nittany Mall; Shop 10:00am to 9:00pm each day, Closed Sunday.



Sidewalk sale

Private farmers and garden owners sell their products recently at the street corners in Gdansk, Poland. Solidarity has demanded it be allowed to control the delivery of food, but the government is rationing the rations, and much of the food is believed to be appearing on the black market.

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Blast off!

CAPE CANAVERAL, Fla. (AP) —The space shuttle Columbia "lifted off" yesterday afternoon 3 1/2 hours behind schedule in a major dress rehearsal for its scheduled Oct. 9 launch.

An electrical failure late Tuesday threw the simulated launch behind schedule. Problems later came up in computer programming, but officials said the programming problems were related only to the simulation.

At 5:35 p.m. EDT yesterday as astronauts Joe Engle and Dick Truly sat in the Columbia's cockpit in full space garb, launch was simulated.

The team also practiced procedures for a failure of one engine.

## Ye Olde College Diner gets facelift

BY MICHAEL ROSSI  
 Daily Collegian Staff Writer

Ye Olde College Diner has a new look. The diner, 128 W. College Ave., got a \$50,000 facelift over the summer but renovations still are not completed, Daniel Barbet, owner of the diner, said.

Renovations began at the end of last spring, Barbet said. Copper and brass from the front of the diner were exposed and bricks were added. Inside the diner, an unused room was converted to an ice cream parlor and the lighting was changed to brighten things up, Barbet said.

Business has increased as a result of the addition of the ice cream parlor, Barbet said. The ice cream parlor, which opened during the Arts Festival, features 30 flavors of homemade ice cream.

"If you're not 21, it's a nice place to bring a date," Barbet said.

The Diner reopened Sept. 11, 1980, after Barbet bought it, saving it from bankruptcy, he said.

Although the front of the building is still undergoing renovation, Barbet said he has more changes planned. He plans to open a small bakery in the front of the diner which would sell bread, pies, cakes and pastries. Barbet also said he plans to fix up the diner's kitchen, possibly during Christmas break.

The diner is open 24 hours a day and serves a full menu at all times, Barbet said. He said the ice cream parlor is open from noon until midnight.

"You can have breakfast at 6 at night or a hamburger at 8 in the morning," Barbet said.

Marlene Steinkirchner, daytime manager of the Diner, agrees that business has increased.

"I think it has," Steinkirchner said. "It has gotten quite popular. I don't know if it's the renovations or the food. We give fast service and fast food."

The Equal Rights Amendment to the U.S. Constitution (full text)

Section 1. Equality of rights under the law shall not be abridged by the United States or by any state, on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

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