

# Albany Student Press



The ASP

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## THE FSA STORY (Part Five):

The chart to the right shows FSA at a glance. It lists the major program items over the past two years and the amount of money made or lost by each. Note the food service figure—a near quarter million dollar drop. At the same time, bookstore losses tripled and income from vending fell slightly. Only vending made money last year—and it is operating illegally.

	YEAR ENDING 6/30/70	YEAR ENDING 6/30/71
FOOD SERVICE	+\$221,097.13	-\$17,054.67
BOOKSTORE	-\$70,119.14	-\$205,334.87
HOUSING	-\$25,553.18	-\$13,713.70
AUXILIARY SERVICES	-\$29,005.74	-\$30,101.28
VENDING	+\$40,038.56	+\$35,476.33

## Student Dollars Cover FSA Losses

### PROBE CONTINUES: FOOD SERVICE EXAMINED; PROFITS QUESTIONED

by J. Stephen Flavin  
and Al Senia

The following is the fifth in a series of articles concerning Albany State's Faculty-Student Association.

If you are an undergraduate student here at Albany State, and you think you are being mistreated by the all-inclusive corporation that is Faculty-Student Association, you are correct in your analysis.

If you're an undergraduate student living on one of the five quadrangles, you have even more of a reason to complain, because you are forced to deal with the FSA corporate monopoly through its food service operation.

As everyone knows, you can't live in a dormitory at SUNY-Albany without taking a food service meal.

And as everyone knows, Robert Cooley, director of the corporation, wants to raise the price of that meal.

It seems a fair request when placed in the context of the general inflation of the times.

But you'd change your mind quickly if you looked at an FSA financial audit and saw what really happens to your board money.

### "NON-PROFIT" CORPORATION

Under the by-laws of the corporation, FSA exists as "a non-profit corporation...existing pursuant to the Not-for-Profit Corporation Law of the State of New York."

What this means is that FSA must provide essential services to the community at minimal costs; theoretically, at least it is forbidden to make a profit. Any profits are supposed to be returned to the customer, either through better service or lower prices.

Food service used to be the major money-maker for FSA. Two years ago (the year ending June 30, 1970), it made \$221,097.13 in profit.

But the profit never went back into food service.

Instead, it was used to defray the losses of FSA's "benevolent functions:" Alumni Affairs, free meals for resident staff, International Students, Mohawk and Dippikill, and "Special University Functions," which covers everything from faculty recruitment and receptions, to administrative "slush funds."

It was a situation that was unethical, if not outright illegal. The undergraduate students on the FSA membership board recognized this fact last year, and under the leadership of Student Association President David Neufeld and Vice-President Lampert, moved to correct it.

For the most part, they were successful. A Committee on Financial Affairs was formed to deal with the entire issue. It concluded that: "each of the self-supporting (FSA) operations should stand on its own."

### THE CAMPUS CENTER

The FSA audit shows the Campus Center losing a massive amount of money—\$222,298.20 last year.

Robert Cooley told the last FSA membership meeting that: "The Campus Center has lost money since the day we opened it," and that the Cafeteria is responsible for most of the loss. That is no understatement. Since 1968, the year it opened, the Campus Center has lost \$681,000. The quad profits paid off.

He also said: "The Patroon Room should break about even" and that "Special Functions makes money." (Special Functions are usually dinners or other

benefits catered by FSA food service.)

It is an interesting comment because a report issued by New York State Controller Arthur Levitt about a year and a half ago, contradicts it. The state auditors said:

"The Campus Center Cafeteria is similar to the Quadrangle cafeterias which have been operated profitably, and it would be reasonable to assume that the Campus Center Cafeteria should also produce favorable results."

"If this is the case, then the losses are the result of the Patroon Room and Special Functions." But that's not what Cooley told the board. And it's not what some FSA employees have told these reporters.

The employees call the Patroon Room "the white elephant of the Campus Center" and "a faculty dining club."

This discrepancy has, of course, cast some suspicion on the accuracy of the official audit.

Food service personnel contend that "there are many extra expenses slapped against the Campus Center that management doesn't know about."

These reportedly include additional costs in the payroll charged against the Campus Center food operation which might actually be Campus Center building cost or padding of the supervisory payroll.

Significantly, Ronald Clough, newly-appointed head of the entire Campus Center food operation told these reporters: "If we closed the Campus Center food operation down, we still won't make up the quarter of a million dollar loss."

To put it another way, when you eliminate all direct and indirect expenses, a deficit remains that cannot be accounted for.

There is additional evidence of faulty figuring.

According to an internal estimate made by food service officials, the Patroon Room must serve 45 to 55 people a night to break even.

Our information (verified by occasional spot checks) shows that the average number of customers served per night is anywhere from

### "The Campus Center has lost money

since the day we opened it."

10 to 20. (The numbers were somewhat higher last week.)

Yet Robert Cooley told the Membership Board of the FSA that the Patroon Room breaks even.

And last week, Food Service Director Malcolm Corbiey ordered all dinner operations to cease, hardly an action to take if the Patroon Room is indeed not losing money.

Vice President John Hartley, responsible for the day to day operations of the corporation, counter-manded that order, claiming that not enough notice was given customers and staff, and that only the Board of Directors can order an operation shut.

So the Patroon Room is now opened at night, still losing money.

John Hartley is the man who said earlier this year: "FSA cannot sustain the losses in the Campus Center. If a unit can be proven to lose (money), then eliminate it."

Another time he said: "If a unit can be found to be operating at a loss, and the prices can't be changed or the value increased, OUT!!"

Said one food service official: "The operation loses. Food service is aware of the loss. And food service shuts it down. And the administration keeps it open. Who is responsible of the loss?"

As a further note on the cafeteria operation, students might be interested to know that Cooley considers it to be a "service" rendered to the student body by FSA. He claims that only 10 per cent of the resident students have contracted for three meals a day. According to his logic, that means the other 90 per cent use the cafeteria.

This ignores the fact that resident students have the option of eating on two cash lines on the quads, going to the snack bar, going out to eat for breakfast or lunch (since all residents get dinner), making their own meals, or not eating at all.

Mr. Cooley also fails to mention that this "service," which the resident students are underwriting, is graciously extended to both the faculty and administration.

In short: "No one service—the student dining halls, for example—should be burdened with carrying out the other operations of the FSA program."

Some of the programs were phased out; others were re-evaluated.

But all of this reform, it turned out, really begged the question. Undergraduate students no longer have to worry about what happens to FSA profits. There aren't any profits to worry about.

The corporation is, in fact, insolvent. According to its own financial audit:

The bookstore lost \$205,000.

Housing lost \$13,700.

Auxiliary services lost \$30,000. (These include the barber shop, bowling alley, beauty salon, etc.) And food service? It lost \$17,054, a near quarter of a million dollar turnaround in one year.

The only aspect of the FSA program that made any significant money, in fact was the vending machine operation. The vending machines, as was shown in a past article of this series, are being operated illegally under present state law.

The final tally shows FSA as being \$338,487.39 in the red.

### FOOD SERVICE

This article of the FSA series will deal mainly with food service operations. It is in this area that students have the greatest contact with the corporation that "serves" them, and it is here that the abuses of FSA are most blatant.

Earlier this fall, we met with FSA Director Robert Cooley who informed us that he was supporting a board increase the following January to compensate for losses in the food service program. He told the October 20, 1971 meeting of the Board of Directors that "For the second semester, a contract price of \$750.00 for 20 meals...has been assumed." (This information is contained as part of the minutes of that meeting.)

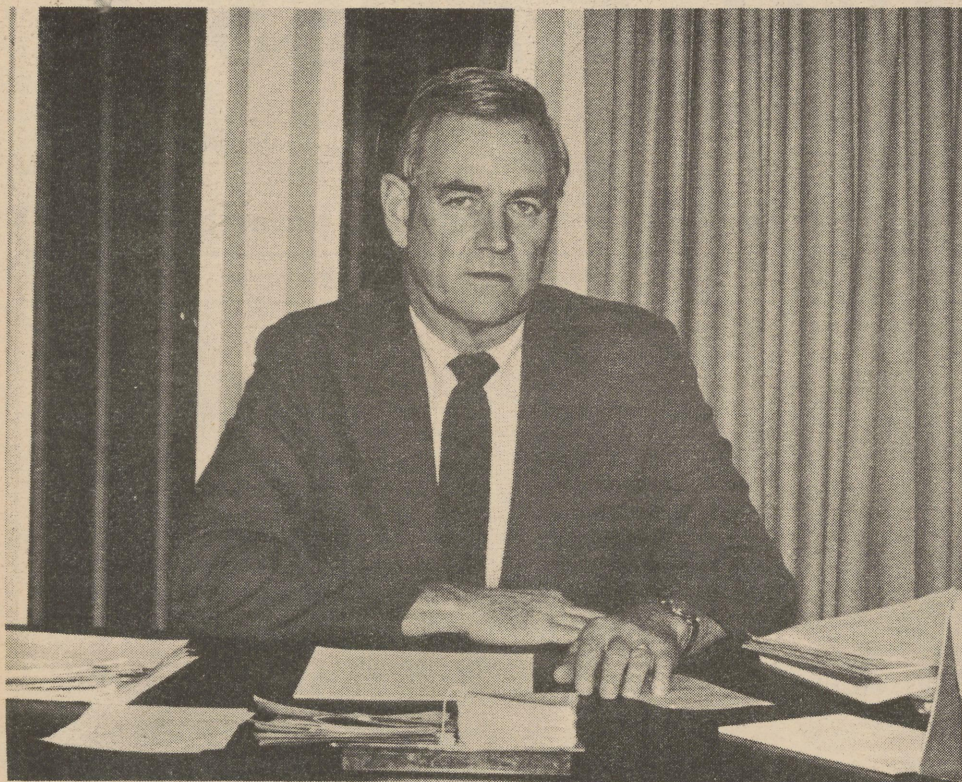
This figure is a one hundred dollar increase over the present rate; about a 15 per cent boost.

Continued on Page 2

**"The final tally shows FSA as being  
\$338,487.39 in the red"**

**"Every quadrangle dining hall has made**

**a steady profit over the last three years..."**



"If a unit can be proven to lose money, eliminate it."

FSA Story Continues

...chow



"Robert Cooley is on an island."

...chow

Food Service Probed

Continued from Page 1
(The) minutes also state that:
'Dr. Benezet stated that he had recently informed a group of students that there would be no 'whooping' increase in the board rates...It was suggested that the matter of a board increase be given careful study..."

Cooley, in his interview with the ASP, offered the following reasons for wanting the hike:

--Prices were not raised two years ago and both food and labor costs have increased.

--The new academic calendar disrupted the twenty year pattern of hiring established by the corporation and increased the difficulty of hiring qualified help that could be dropped from the payroll during vacation periods.

--Stealing and freeloading in the dining rooms continues.

His points are valid, though some of them are open to some criticism. For instance, Cooley admits that rates were not raised two years ago because the campus had been involved in a national student strike and: "We (the management) didn't want to throw the issue of a price increase into a very disturbed situation."

In other words, you don't push for a price increase when students are already agitated; you wait until they calm down. Then you hit them for a boost, claiming that prices weren't raised when they should have been. Some undergraduate board members are claiming that it is not a very logical way to run a corporation.

And while "ripping off" undoubtedly occurs, the prime reasons Cooley pushed for installation of the "cages" that encircle

the quad dining rooms, is to make a price increase less likely. Cooley says the cages have stopped the brunt of the theft—but that a price increase is needed anyway. The installation of the cages, by the way, was opposed by many students—including the student government president.

But more importantly, none of the factors cited by Cooley get to the main issue.

According to his own figures, every quadrangle dining hall has made a steady profit over the past three years, even after all direct and indirect expenses were deducted.

The quad cafeterias have been consistent money makers.

The total for the last three years:

- Colonial made \$325,000.
--State made \$326,000.

- Dutch made \$271,000.
--Alden/Waterbury made \$208,000.

That is over one million dollars in steady profit; profit that never got pumped back into the quads.

Where does the money go and why are students being asked to pay more of it by Mr. Cooley?

The answer is very simple: Because the operations in the Campus Center, the Brubacher dining facilities, and the little-known Husted cafeteria downtown, all of which give little benefit to the very students who underwrite them—you.

BRUBACHER

Brubacher is FSA's second monetary loser that the undergraduate students underwrite. The Brubacher cafeteria lost nearly \$40,000 last year, and interestingly, the undergraduates who pay

for this loss are not even allowed to use the facility. Only grad students are allowed to eat in the Brubacher cafeteria, and the grad students do not have a mandatory meal plan as the undergrad. resident students do.

Food service recently shut down the cafeteria on weekends (at an estimated payroll saving of \$2000 a month) and now grad students are complaining about the lack of service. They have to walk across Alumni Quad on weekends and eat at Alden/Waterbury.

The Brubacher Snack Bar also loses money and part of the reason may be the way undergrads are treated. Says a food service official: "Making the Brubacher territory reserved for graduate students has resulted in additional losses in the Brubacher snack

Continued on Page 4

Where the Food Service Profits Go

Table with 4 columns: Fiscal Years '69-'71, Campus Center, Brubacher Cafe, Husted. Rows include Total Sales, Gross Profit, Expenses, and Net Loss.

Note: Brubacher Cafeteria is exclusively for graduate students. Graduate students do not have a mandatory meal plan.

Husted cafeteria is operated by SUNYA Food Service at the private Milne High School. Food Service attempts to operate a strict vending operation at Milne have been thwarted by the former administration. Undergrad's board profits absorb the losses for these operations as well as Faculty housing, program items, Bookstore, Alumni Office, Mohawk Campus, etc.

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slapped against the Campus Center

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THEN ASK SANFORD ROSENBLUM

SA lawyer

He'll be here tonite at 7 pm in CC 346

# Women's Groups Clash at Capitol

by Tracy Egan

The statewide conference, "Women: A Political Force", was disrupted briefly on Saturday by shouting members of a group calling itself Women Against War and Fascism. The disruption came as Betty Friedan, one of the founders of the National Organization of Women, addressed the meeting in State Capital Assembly Chambers.

The dissident women, most looking to be in their early twenties or younger, continued shouting until Friedan turned over the microphone to group spokeswoman Beth Rodriguez. The audience of women, though largely seeming to disapprove of the disruptive tactics, were fairly quiet while Rodriguez spoke. She read a prepared statement charging that the state has "hidden" money from the people, resulting in welfare cuts. She also called for free day care centers. The protestors shouted slogans including, "Money for Welfare, not for Highways" and "Attica-Welfare, Rockefellers Crimes." They also objected to what they claimed was the staging of a conference which poor women could not arrange to attend, even though it was free.

Betty Friedan tried to continue her address, but once again there was an attempt to shout her down. A brief scuffle, of which most of the conference participants were unaware, broke out in the back of the chambers when some conference women asked the group to be quiet and then asked them to leave. The group of about 25 women dissenters left soon after and continued their protest in front of the Capitol steps.

Inside, Friedan resumed the statement of purpose for the conference—the political power which women must learn to assert. She pointed out that "We are not here as a token political force. This (the Assembly Chambers) has been turned over to us because we are already a political force." She stressed that if women were to be effective as a force to better society through government, they must be able to transcend rhetoric and work with women whose style and political standing may be different from their own.

Decrying the fact that the State Senate has no women members, and that out of 207 seats in the State Assembly, only three are held by women. Friedan urged that "this government be of, by and for the women who deserve to be here." She continued "men in high places are trembling at the threat of this new non-violent force... All the talent and political energy which formerly was given to men will be given to women...the only power which can keep women from attaining their goals is women themselves."

June Martin, Director of the Central Staff of the New York State Assembly, gave an address on sponsorship, lobbying and the draft of legislation.

The conference then broke up into workshops to discuss recommendations for the drafting of legislation of interest to women. One of the recommendations called for prostitution to be legalized.

### Sunday's Conference Activities

Sunday, the conference continued, without disruption, as a school for candidates, with Assemblywomen Cook, Gunning and Krupsak speaking. Congresswomen Bella Abzug and Shirley Chisholm also spoke. Chisholm hopes to form a coalition of women to back her declared candidacy for President. She said Sunday that "...women are moving in a more positive direction than men... they are crossing class and color lines because of a real gut commitment."



Betty Friedan was one of the speakers at the weekend conference, "Women: A Political Force." During her address to the some 800 women present, she was interrupted by women protesting the conference.

... rosenburg

## S.A. Accused of Allowing 'Racism Funded by Student Tax'

by Aller Altman

Council member Jody Widelitz, chairman of the Grievance Committee, accused Student Association of "racism funded by student tax" at the Central Council Meeting on Thursday. The charge was made in regard to a speech by Black Islam Minister Farrakhan, that took place on Wednesday. The speaker was sponsored by the E.O.P. Student Association and funded by student tax.

## Gloomy Budget Picture Revealed at Senate

by Stephen H. Goldstein

Dr. Philip Sirotkin, University vice-president for academic affairs, addressed a special meeting of the University Senate Monday and summarized the status of the 1971 university budget, the projected budget for 1972, the priorities decided upon in a meeting between university deans and his office, and current and future enrollment figures.

When Governor Rockefeller submitted his budget to the Legislature, this university's total appropriation was set at \$39,854,000. That figure was first reduced by nearly \$1 million, and legislative review cut another \$1 million from it. After a number of other restraints were imposed, including an "expenditure ceiling" ordered by the Division of the Budget, the final budget rested at \$36,828,000, more than \$1 million higher than the 1970 budget.

One target of the budget problems, the ratio of students to faculty, has suffered, according to Sirotkin. Official figures note a ratio of 14.2 students per faculty member but the "operational figure" is 15.3 to 1. The ratio in 1970 was 13.6 to 1. The general feeling in the SUNY system is that this ratio is one of the better ones among SUNY units.

The 1972 budget will be submitted to the Legislature when the session opens in January. SUNYA's chunk of that document first showed an expected increase of \$5 million. SUNY Central has reviewed the request, but it has not reached the Division of the Budget.

SUNY Central's review of the 1972 budget cut the \$5 million increase to \$2.8 million. According to Sirotkin, a result of the budget cut would be an increase in the ratio of students to faculty to 16.14 students per faculty member.

"We may well be operating with a worse deficit next year than this year," commented Sirotkin, who cited the defeat of the Transportation Bond issue as a source of future fiscal difficulty.

### Meeting with Deans

Sirotkin's meeting with university deans resulted in the following agreed priorities: to increase the employment of minority groups and women; to improve the workload distributed

The charge resulted from E.O.P. Student Association's action of barring white students from the speech until all seats were filled in the back. Widelitz presented Council with a signed statement from some of the people turned away from the speech declaring "they were not permitted to attend a function paid for by Student Association."

One of the white students who was refused admittance, said that he was told all seats were reserved for E.O.P. students though he saw old and young black people being admitted. He commented "they finally let us stand in the back." Another white student who was refused admittance, commented that he was told he would have to wait for all E.O.P. students to be seated before he could be seated.

In response to the charge, Mike Lampert, President of Student Association, assured Council that the Executive Branch would look into the incident in order to determine if it is a violation of student tax policy. If it is, he explained, he would try to prevent it from happening again, by either freezing E.O.P. Student Association's budget for a short period or warning them that their budget would be frozen if the incident occurred again.

Council member Eric Lonschein commented that everyone who paid tax should be allowed into an event funded by student tax. He said that the incident was a flagrant violation of Student Association policy that mandated immediate action. Widelitz said that the E.O.P. Student Association broke the trust that Student Association had in them by not allowing all students to attend the speech. When the E.O.P. Student Association applied for funds, they assured Council that all events would be open to the entire University Community.

### Day Care Request

In other business, a loss of quorum due to Council members leaving the meeting, cut short discussion over a budget request from the Friends of the Day Care Center. The Friends of the Day Care Center is an organization formed for the purpose of supplying funds for the Day Care Center.

continued on page 18

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# Where the Food Service Profits Come From

Fiscal Years '69-'71	Colonial	Dutch	State	Alden Waterbury
Total Sales	\$2,138,572	\$1,951,761	\$2,108,936	\$1,124,402
Gross Profit	\$1,410,230	\$1,264,015	\$1,389,901	\$758,215
Expenses	\$1,085,623	\$993,111	\$1,074,091	\$576,771
<b>Net Profit</b>	<b>\$325,060</b>	<b>\$271,284</b>	<b>\$316,261</b>	<b>\$208,685</b>

Total Quad Meal Contract Net Profits, fiscal years 1969-1971, \$1,121,290.

Continued from Page 2  
bar. Undergrads feel unwelcome and are boycotting the facility... thus increasing the loss."

Comments Peter Haley, Assistant to the Director of Food

Service: "Undergraduates are absorbing the losses on Brubacher—as they are on other FSA operations."

**HUSTED**

The third and final food service loser is the Husted Cafeteria, loca-

ted in the Milne School, a private high school. The university operates Milne, and high school students as well as central administrators use the facility. Most undergraduates don't even realize it exists.

Food service management recommended a few years ago that Husted be turned into a straight vending operation to alleviate the losses. The high school students and central administrators didn't like that. The Albany State administration killed the idea.

The loss last year? \$20,596.35. Undergraduate resident students paid the bill through quadrangle profits.

everyone in the University community can come and sit in on the meeting.

At any rate, FSA is in trouble. Robert Cooley told these reporters in September that "the corporation is not insolvent." But it is nearly \$350,000 in the red. FSA is paying off its debts by borrowing from the banks (thus creating new ones), converting some real estate it owns into cash assets, and using the board money and income from textbook sales that is has been receiving. Almost everyone in the student government, and more than a few administrators argue that this situation does indeed equal insolvency.

There is also concern that negative student attitudes are further undermining the corporation.

**PRICE HIKE?**

In the light of all of this evidence, the chances of Cooley getting his wish and increasing meal contract prices has appreciably diminished. In fact, no other FSA official supports his boss in the belief that undergraduates should pay more money for meals next semester. Because of the shaky financial posture of the organization, no one is saying anything about what next year may bring in the way of price increases.

But as for the spring of '71, one high FSA official told the ASP that "Robert Cooley is on an island."

And if last month's membership meeting was any indication, the Membership Board and Board of Directors also remain unconvinced. They were so concerned about the amount of monetary loss in the Campus Center food operation, that they refused to recess and invited Mr. Cooley to come back on November 29th at 2:30 for a better and fuller explanation. As newly enfranchised "constituent members of FSA,

One faculty board member, Arthur Collins of the English Department, is known to be so concerned about this that he recently invited the editor-in-chief of this newspaper, the President and Vice-President of Student Association, and the Chairman of Central Council to his home for dinner to talk about the subject. He is afraid that increasingly adverse student criticism of FSA is scaring away would-be money lenders and thus, further threatening an economic collapse.

But in actuality, many feel that Collin's fears should have been anticipated. As Robert Cooley wrote in his director's report of October 28, 1970:

"The FSA is an open book, its employees, a group of hard-working people, the Corporation non-profit; and it is our hope that, as the sustained program for airing 'how we tick' goes on in the coming months, University people will better understand our organization and its contributions to their welfare."

It is one of his few wishes that is being realized.

**Employees call the Patroon Room**

**"the white elephant of the Campus Center"**

**and "a faculty dining club." ... solomon**



## DESIGN OUR 1972 SALOMON BINDING T-SHIRT AND SKI EUROPE FREE!

We are having a contest! A design contest to see who can come up with the wildest, most original design for next year. Sketch something out on a scrap of paper or whatever—you don't have to be an artist to win. Entries will be based strictly on zanniness and frivolity.

But get this, super-skier: grand prize winner will be flown to Europe on Scandinavian Airlines

for two weeks of skiing, all expenses paid. Remember, your design would include both front and back of T-Shirt.

Contest absolutely closes midnight December 31, 1971. Send entries to "SALOMON T-Shirt Contest," A & T Ski Company, 1725 Westlake North, Seattle, Wash. 98109.



**S** Order your 1971 SALOMON T-Shirt by sending \$3.00 along with your name, mailing address and T-Shirt size (Small, medium or large.) to SALOMON T-Shirts, 1725 Westlake North, Seattle, Washington 98109



# "ONLY A NIGGER"

PHILADELPHIA (LNS)— James Richardson and William Morris, two black detectives for the Philadelphia Police department, were arrested, humiliated and beaten early this week while trying to break up a scuffle between three people on the corner of a West Philadelphia neighborhood.

According to their attorney, Cecil Moore, the two officers were leaving the Jefferson Club, in West Philly, about 3:15 Tuesday morning. They were off duty, and dressed in civilian clothing.

"They noticed an argument going on between two or three people on the corner. The two black officers broke the argument up and then a red car drove up," said Moore. "The officer in the red car accosted Richardson," Moore continued. "Richardson shouted, 'I'm an officer,' and showed his identification."

"Then, five other officers arrived on the scene including a sergeant." The officers frisked Richardson and felt his gun. Richardson was insisting he was an officer and showed them his badge and I.D., "said Moore, "and so did Morris."

"The sergeant told the officers to 'book-em'". Richardson was allowed to put his gun in his auto that was parked nearby before entering the meat wagon and being taken to the police station at 55th and Pine streets.

"Richardson and Morris thought that once they got to the police station they would the whole matter cleared up," explained Moore.

According to their attorney, the following events took place: "They were taken to the operations desk at 55th and Pine Streets and then they headed towards the phones to call their superiors.

"Morris made his phone call, but when Richardson attempted to, he was grabbed by the same officers who were at 52nd and Spruce Streets. The officers told Richardson, 'you can't make a phone call, smart nigger.'

"They then took Richardson to the back, where they beat him with nightsticks and fists and their feet.

"A black corporal at the station house broke the beating up and Richardson and Morris were allowed to go.

"Morris went home and Richardson went to the Philadelphia General Hospital. Around nine o'clock that same Tuesday morning, both Richardson and Morris were called into the Round-House (police administration building) to give statements. That's when I was contacted by Richardson," the attorney concluded.

Moore said that he was filing a federal court suit against the City of Philadelphia and the State of Pennsylvania.

## 62%

# For Withdrawal

New York (LNS)— A few years ago, we would have thought it was a misprint. By a margin of three to one (62% to 21%) Americans now favor withdrawing all forces from Vietnam by next May "even at the risk of a Communist take-over," according to the latest Harris poll.

At the same time, they strongly and specifically oppose all of the half-way alternatives Nixon has up his sleeve:

Leaving 50,000 non-combat troops there— 55% opposed, 32%

in favor.

Continuing to use U.S. bombers and helicopters— 57% opposed, 23% in favor.

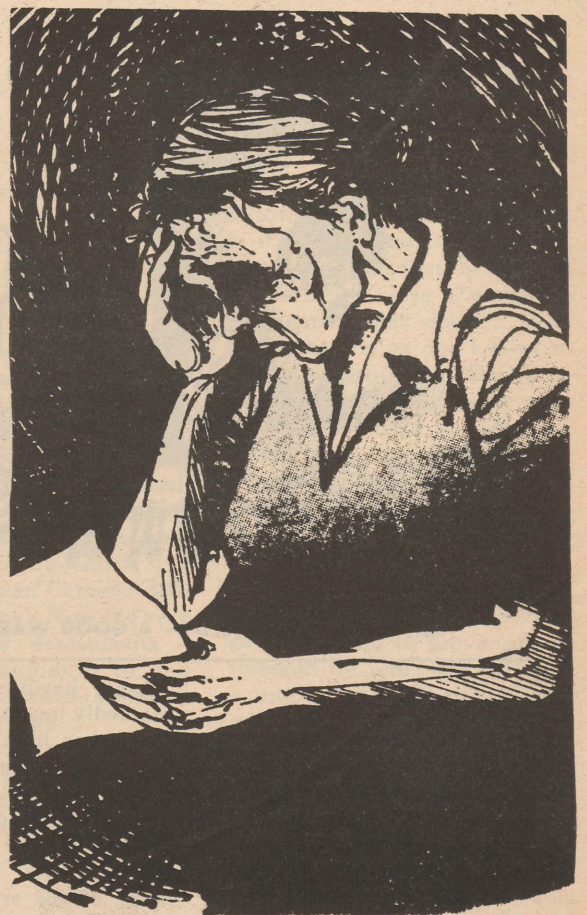
Continuing to send over \$1 billion a year in military aid to the South Vietnamese— 70% opposed, 16% in favor.

At the same time, a recent study has revealed that more bombs have been dropped over Indochina during President Nixon's first three years in the White House than during the last three years of the Johnson Administration.

Lynbrook, NY (LNS)—The student editors of the Lynbrook High School newspaper won back their positions and forced the school to back down on any further censorship on grounds other than "libel, obscenity and plagiarism."

The six-person editorial board of the paper, headed by a 17-year-old woman, Phyllis Curott, had been dismissed for insisting on reporting that the school band had decided against participating in any more Memorial Day parades. The band members felt that Memorial Day parades had implicit political meaning and that they would rather play a concert on their own. The school administration apparently felt that a newspaper report of the band's decision had a political meaning too—one that they could not tolerate.

But when the students threatened a suit and their ACLU lawyer convinced the local Board of Education that the school would lose the case if it ever went to court, their editorial positions were restored and they were given a free hand in setting editorial policy in the future.



'We regret to inform you your son was among the lowest casualty count in recent months'

## Not So Credible

EAST LANSING Mich. (LNS)— Nobody believes anything the establishment says these days according to the University of Michigan's Center for Political Studies. A recent Center opinion sampling shows a big drop in the number of adult Americans who express a high degree of confidence in the Federal Government according to Time Magazine. In 1964, 62% of those polled expressed high confidence. In 1970 the figure was 37%.

Dr. Warren Miller, director of the Center, says the loss of confidence spread to other institutions and leadership too. Bankers and financial leaders were well regarded by 67% of the public back in 1966 but with the stock market shaky, jobs scarce and the wage price freeze being met with more and more distrust, they have slipped in regard to 36% in 1971.

Psychiatrists have fallen from grace by 16 points from a 51% vote of confidence in '66 to 35% today and scientists and technological progress has dipped from 56% to 32%. Of course, nobody ever trusted advertising execs, but in '71 they crashed to 13% from a previous peak of 21% confidence.

## Bircher on Bench?

Earth News

Investigative reporters in the Phoenix, Arizona, area have uncovered distant connections between Supreme Court nominee William Rehnquist and the John Birch Society—but they have been unable to find any direct involvement of Rehnquist with that ultra-conservative organization.

Newsman David Lucer, editor of the weekly "Voice of the City" in Phoenix, has documented that Rehnquist was one of the principal speakers at an "Arizonans for America" conference back in 1958. That conference was arranged by Francis Cullen Brophy, who is now a member of the national board of directors of the John Birch Society; and one of the other main speakers to address that 1958 right-wing conference in Phoenix was Robert Welch, founder of the Birch Society.

Lucer reports that obtaining background material on Rehnquist from the Arizona daily newspapers has been "very difficult." He cited the fact that the "Arizona Republic," a newspaper known for its ultra-conservative editorial policy, suddenly closed down its newspaper library on Monday "for no reasons which were ever explained." Lucer added that he was able to persuade the Republic's editor to give him access to the news clips on Rehnquist—only to find that many of the news stories, including the 1958 story of his speech to "Arizonans for America," were missing.

Lucer, a journalist campaigner for civil rights and civil liberties in the Phoenix area, insists, however, that he has not been able to clearly document any direct connection between Rehnquist and the Birch Society. Said Lucer: "I have talked to Birch members who swear they saw Rehnquist at meetings. But when it comes time for them to make a sworn statement...well, they begin to have second thoughts; they admit they aren't really sure the man they saw at those meetings was Rehnquist."

Rehnquist's possible connection to the Birch Society was originally voiced by former New York Times reporter Sidney Zion. Zion is the same newsman who first revealed that Daniel Ellsberg leaked the Pentagon Papers to the New York Times.

Rehnquist, whose background is currently being investigated by the Senate Judicial Committee, has submitted a sworn statement to that Committee denying membership in the Birch Society.

## VD on the Rise

NEW YORK (AP)— The president of the American Social Health Association said today that the number of reported syphilis cases in the United States increased 15.6 per cent in fiscal 1971 over the previous year. Dr. Bruce Webster also said that reported cases of gonorrhea, which the ASHA had officially declared an epidemic last year, increased 8.9 per cent in the same period.

"There is indeed a VD crisis," Dr. Webster said, emphasizing that the ASHA figures were based only on reported cases. He said an association study indicated that doctors report to public health authorities only one out of eight cases they treat.

His remarks were in a statement prepared for a news conference.

THE BEST THING A COLLEGE STUDENT CAN DO TO COMBAT VD IS TO KEEP HIS ZIPPER UP AND BEHAVE HIMSELF! (GIGGLE!)

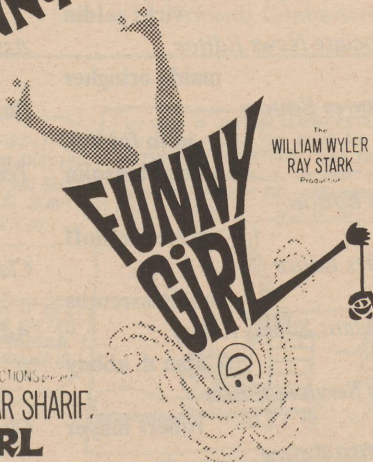


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**tuesday -movie night**

full length feature and Old Time flicks

**wednesday -girls' night** Drinks ½ Price! Old Time Flicks, again!

AMATEUR NIGHT: free drinks for entertainers!

**thursday, friday, saturday -contemporary folk**

Thursday, Friday, and Saturday: BILL POLCHINSKI

**sunday -flicks again**

Rerun of Tuesday's Movie (No Minimum or Cover)

plus: "Twofer Night": TWO DRINKS FOR THE PRICE OF ONE!

# editorial comment

## Conspiracy!

Once the University tells you that budget cuts will make your classes larger and the choice more limited, and the FSA begins dropping broad hints about a 15% meal price hike, it seems almost like a conspiracy that the State Ed people have come up with a plan to jack up SUNY tuition to \$1500 per year.

Certainly the plan, as explained in last Friday's ASP, has some merits, at least as far as the private schools of New York State are concerned. Non-public institutions will be able to lower their rates and SUNY will raise its to a median \$1500 standard rate. Thus anyone who can afford the \$1500, plus the usual \$1200 per year living expenses, can go to college.

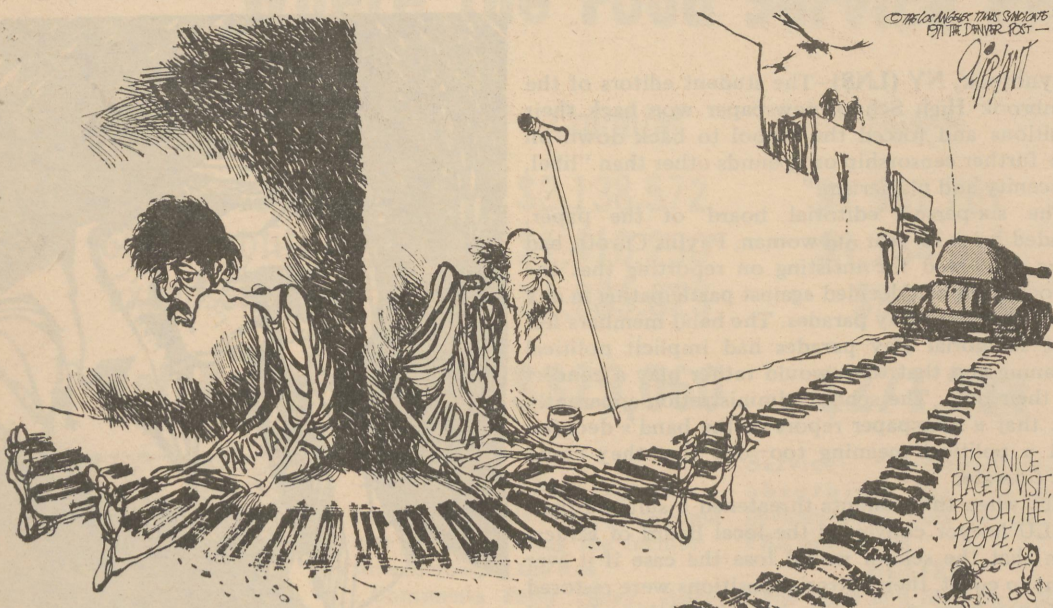
The rich and the middle class get a college education, the poor get a token EOP effort, and the above-poverty working class get *nothing*.

It's no wonder that it came out of the State Education department!

Of course, thanks to the immense bureaucracy of the state, plus the efforts of those legislators who still have consciences, this move, like any radical move, whether just or unjust, will probably not get to the consideration stage for years. At least this time, the bureaucracy works in our favor, acting against any change at all from status quo.

But how typical it is! The people of this state who can least afford to send their kids to college are the first to get screwed. How many of the wealthy will be disadvantaged by a 200 per cent increase in tuition at SUNY? For that matter, how many send their sons and daughters to a state school?

The poor student loses, the working people lose, and education generally, when the gifted-but-poor are excluded, loses as well. Who gains? Not only the State, but the private schools which all of Rocky's friends, and probably most of the State Legislature, attended when they were young, seventy years ago. And they'll certainly be pressing the old alumni for some fast aid. All of us had better pray that State Ed doesn't take that "aid" out of the limited funds of the State University.



'THAT'S WHAT WE NEED — A GOOD WAR TO KEEP OUR MINDS OFF OUR TROUBLES!'

### Keep Goodman!

Dear Sir:

In regard to the recent denial of tenure to Assistant Professor David Goodman I as a student at S.U.N.Y.A. would like to express my opinion. I feel that it is imperative that students have a right in the say to the retention or dismissal of faculty.

I feel too only the students who take courses taught by that professor are proper judges. As a student in one of Dr. Goodman's classes I feel competent enough in expressing my opinion both fairly and honestly.

Professor Goodman's ability as a scholar was judged by his peers to be deficient while his lecturing capability was rated only as competent. I find Professor Goodman's ability as a scholar very much better than many other professors who have received tenure. I also perceive his lecturing capacity as very much above the average. Also the relationship by students and Dr. Goodman is quite close as he is well liked. It is this closeness I feel which carries the most weight in the retention of Dr. Goodman.

I hope that you will take this in to consideration and re-evaluate Dr. Goodman and I hope you will maintain his position in this university as a history Professor.

Very truly yours,  
David Skrilow

### Library Stress

To the Editor:

In the *New York Times* on Monday, 8 November, there was an article about the Yale University

Library, having to do with the markedly increased use of books and other library services during the current year. Although the Librarian, Mr Rutherford Rodgers, speculated at considerable length on the reasons for the increased use, the operative element of his article was the discussion of the actual increase, namely, some 66%. Here we have calculated our increase as approximately 60%.

Needless to say, this increase has placed considerable strain upon the operations of the Library, especially of Circulation. Library users are taking out many more books and seem to be returning

The stark facts of life concerning circulation of materials in the Library are the following:

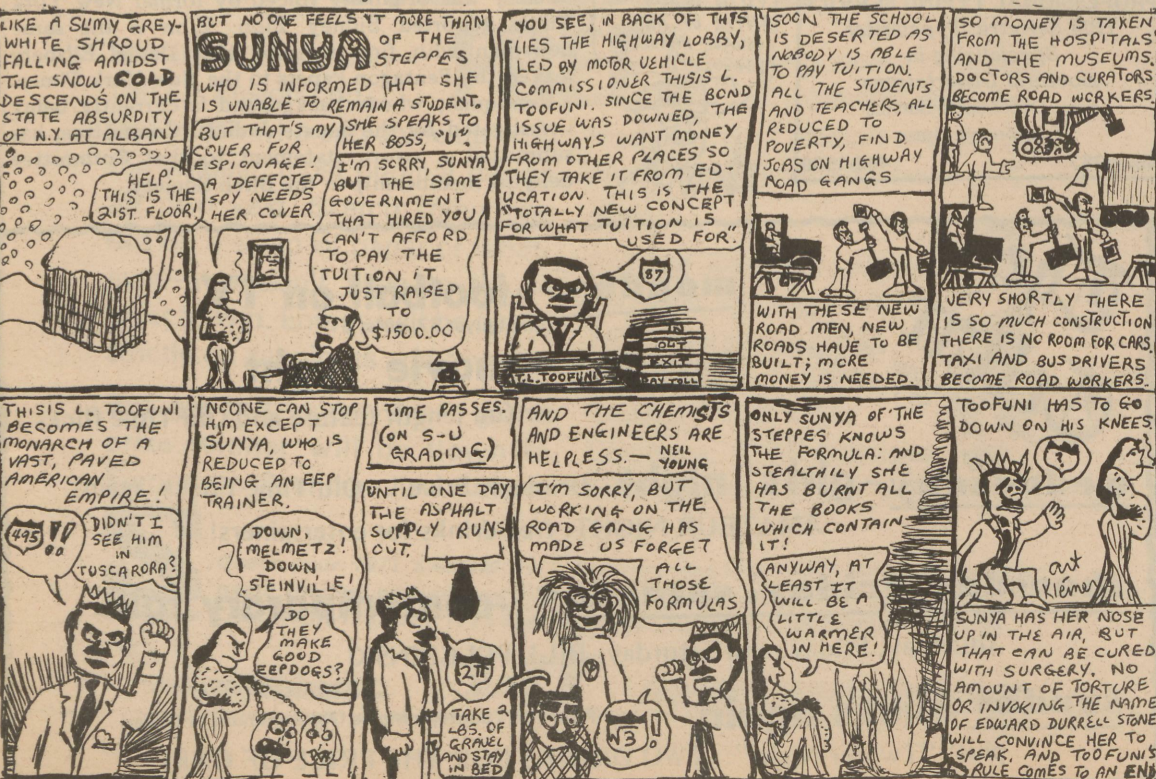
1. the policy of making personal reserves complicates the check-in of all books and slows it down, since it is necessary to check all cards for possible personal reserves before any books are returned to the shelves;

2. a policy of renewal causes the same problem, since it is patently unfair to renew a book if there is a personal reserve on it. Under normal staff circumstances, the Library should be able both to renew and to make personal reserves. In the present circumstances, it is hardly a question of "either or." I would be interested in sampling student opinion on temporary abandonment of both of these services, in the interest of getting the books back on the shelves at the earliest possible moment after their return. With the new double cards, which have been delayed because of the necessity to put them out to bid and to accept the lowest bid, we will be able, ideally at least, to get a book back on the shelves within hours after it is returned. I say "ideally" because this posits the existence of sufficient staff to get the books reshelfed. However, relieved of the necessity to check every book for possible personal reserve, the circulation staff could devote a much larger percentage of its time to reshelfing.

The Senate Library Council is about to promulgate a new Circulation Policy, one which was ideated largely in a vacuum and with little consultation of the Library staff. Under any circumstances whatsoever, the policy is essentially unworkable; under the present stringent budget situation, it will be disastrous not only for the users but for the Library.

Sincerely yours,  
J.R. Ashton  
Director of Libraries

them more readily than formerly. Our staff has been hit by a number of resignations and illnesses, vacancies which we are unable to fill in the present budget crisis. In fact, it has been recently decreed that no vacancies present or future will be filled anywhere in the State University system. While we occasionally deploy clerical and professional staff from other areas of the Library to help shelve the books, we thereby damage the other operations of the Library, such as cataloging. This kind of emergency operation is never going to be satisfactory either to the users or to the Library staff.



## Albany Student Press

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tom clingan

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The Albany Student Press is located in Campus Center 326 of the State University of New York at Albany, 1400 Washington Avenue, Albany, New York 12203. The ASP is partially funded by Mandatory Student Tax, and can be reached by dialing 457-2190. The ASP was founded in 1916 by the Class of 1918. This newspaper is a member of the College Press Service and the Associated Press. Price for subscriptions is seven dollars per academic year. Communications are printed as space permits and are informally limited to 300 words. Editorial policy of the Albany Student Press is determined by the Editorial Board.



# communications

## Outstanding Teacher

To the University Community,

In keeping with a Senate decision last spring the President has appointed a seven-member Outstanding Teacher Awards Committee. The committee includes four faculty members: Terrell Bynum, Robert Frost, Helen Horowitz, and Hyman Kuritz; and three students: Tom LaBarbera, Phil Prince, and Bert Sapurstein. The committee has elected Terrell Bynum chairman for the year.

The Outstanding Teacher Award will be a grant of \$2,000. Up to two such awards will be given annually to members of the SUNYA academic staff.

The first task facing the committee is the development of a workable and appropriate set of criteria for reaching decisions. In tackling this task, the committee will work closely with all parts of the University community and will also gather information from other colleges where similar awards are given. The procedures of the committee in securing nominations and reaching decisions will be made public throughout the University community.

Nominations for the Outstanding Teacher Award will be accepted between November 15 and February 15. All members of the University community are invited to submit nominations, including self-nominations. Nominations may be anonymous. In order to function affectively, the committee decided that none of its own members may be nominated.

Nominations must include more than just a name. They should also mention the courses which the professor teaches that indicate excellence; and they should specify in detail why the nominee should be considered an outstanding teacher. These inputs will help the committee develop guidelines and criteria for selecting winners of the award.

All nominations, inquiries and information should be sent to the committee chairman, Terrell Bynum, in Humanities 256.

The Outstanding Teacher Awards Committee

## Wanted: Jews of the New Left To Build a New Society

by Barry Silverberg  
*Opinion*

SUNYA is blessed with a multitude of Jewish radicals. In the New Left, especially, well-informed sources recently reported that there are "many of us in the left who are Jewish and relate to being Jewish (who) would like some of our politics heard above all the usual drivel and rhetoric that gets thrown in our direction." With such good news, every Jew at SUNYA and in the Albany community should be gratified. Our salvation lies near at hand. The leaders of "the people" are Jews: they relate to being Jews; and they're interested in helping to recreate Jewish social scenes so that we can all take part in the paradise they, the people are going to create. Blessed be the New Left, Creator of our liberated souls and bodies, who bringeth forth our salvation from the imperialist running dogs of capitalism and fascist forces of the state!

For centuries, the Jewish people have been "fucked over." I suppose that places the Jewish oppression (dig that radical talk!) on the same level as the present Third World oppression. Nobody with the least bit of sensitivity denies the unfair standards of American society with regard to the Blacks, the Chicanos, the Indians, or the women of our society. We are all amply aware of the impending doom of our society once each of the divisive factions gets control of guns and other weaponry. Then, they'll all be in the position to liberate themselves from the "fascist running dogs."

Jews have always been in the forefront of "causes." Their very presence in such a position often places us in suspicion. What have they got to gain by supporting Blacks, Chicanos, or Indians? Many of the groups we so ardently support question our motives. Their suspicions are real, for they fail to recognize the very reason that places Jews in positions of support. We have been persecuted for centuries and we know what it feels like to be killed, gassed, or tortured. Many of us can still feel the pain of our last generation that died in Hitler's camps.

By God, we are well aware of what a ghetto means to a people, or what slavery means. Let it not be forgotten that we were exiled from our original land for centuries.

Our acceptance in various societies has always been conditional. Until America, we could never be sure of when our bodies would be destroyed and our immediate culture eradicated. The medieval lords forced Jews into such occupations as merchants and money-lenders (a sin in the Roman Catholic doctrine of the time). Now the very forces -- their descendents -- that forced many Jews to find survival in those areas, accuse us of such conspiracies.

The non-acceptance of the Jew by medieval society makes any claim that Jews sought favor and assimilation, incredible.

actively concerned about their fellows in the Soviet Union; but is it not natural to solve your home problems first, before you go forth to solve the world's problems? That doesn't mean that some of us don't elect to join other groups in their struggles, but rather than many of us see the first need to be self-solution; then, to add our numbers and influence to the more general struggle. As Ghandi said, one cannot begin a march without the first step!

Similarly, one cannot claim appreciation of another's struggle or attempt to gain another's freedom for him (and with him) until one has "liberated" oneself first.

There'll be no rebuttals from this writer as to inequity within the American state and nation. Yet, the problem seems to lie beyond the material freedom of the "oppressed" peoples. For example, what is gained by a demonstration of window-breaking, if the demonstrators' first reaction is to take the TV sets? The demonstration is against "oppression" supposedly, so why not educate "the people" to reject the very thing they are struggling against -- competitive materialism. All a demonstration, such as I've just noted, accomplishes, is a change of ownership of the material enforcements of our society.

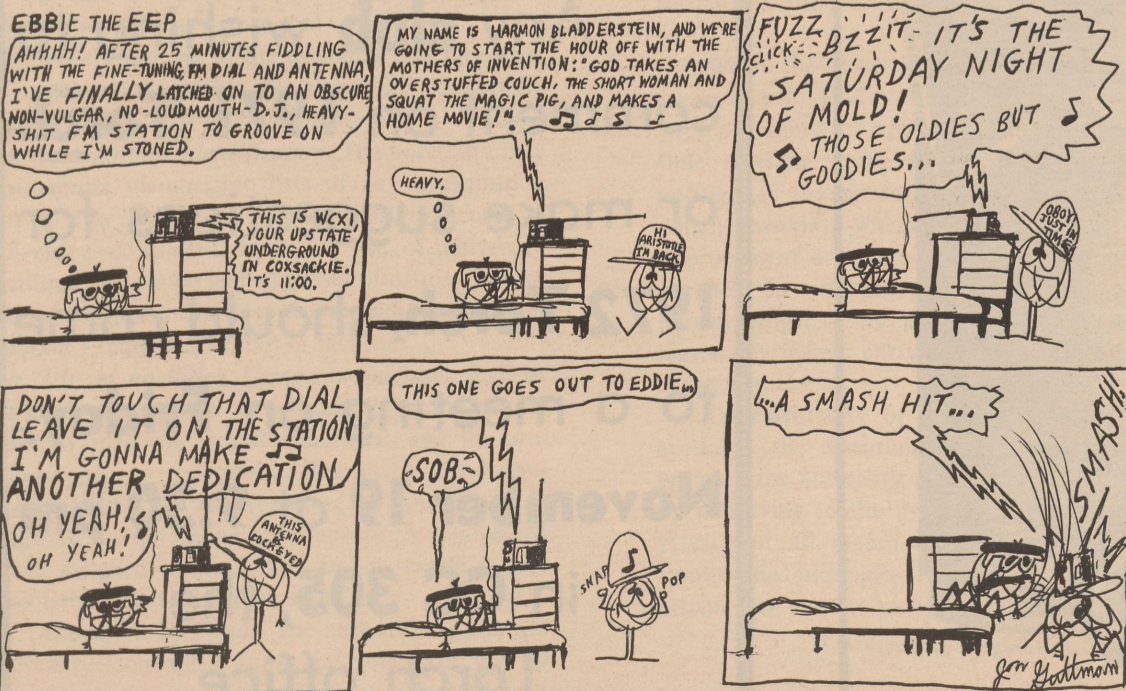
The "revolution" implied as necessary from most New Left articles (page 15 of Friday's ASP being no different) can never be accomplished until TV sets are no longer desired by people who need food a lot more. Perhaps, the front-liners of our salvation would do better to aim their investigative geniuses at that problem, rather than in distorting Jewish attempts at self-help.

The Jews of SUNYA cannot be neatly categorized and placed in a box with a neatly tied ribbon by any man or woman -- regardless of his or her polemical genius. We are a group of individuals, with individual concerns. We are not all the distasteful bigots that speak of Blacks as "shvartzes." To attempt to categorize us as such, is a betrayal to the cause of "the people" -- so readily an absolute for the New Left Jews.

"Many of us  
see the first need  
to be  
self-solution...."

The fact of the ghetto (shtetl) forced Jews to accept their position as pariahs in general medieval society. To venture beyond the ghetto gates (yes, Virginia, gates with locks and keys!) was to invite what today would pass for muggings and murder. Is it not understandable why some Jews still feel a sense of paranoia?

But the paranoia is being dissolved, as today's generation finds common cause with other persecuted peoples. Many of us see injustice within society, and are attempting to correct it. Perhaps we don't use "fucked" and "fascist" enough in our articles (oops! I mean rhetoric). Indeed, we may be guilty of concern for our brothers in the Soviet Union, before we are



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**SQUARE DANCE  
FRI, NOV. 19 9-12 P.M.  
CC BALLROOM**

**ride wanted**

Ride needed to Cortland Nov. 19 or 20. Call Pam 7-3015. \*\*\*\*\*

Ride wanted to Princeton Univ. this Friday, 11/19. Call Linda 2-7773. \*\*\*\*\*

Help—desperate—need a ride to Mass. Pike exit 13. Friday 11/19 after 1:00 p.m. Call Al. 4663. \*\*\*\*\*

**M.B.A. RECRUITMENT  
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The School of Management of Syracuse University, Syracuse, New York will be interviewing interested applicants for the Masters in Business Administration and M.S. in Accounting Programs on November 22, 1971 all day. For further information inquire at the Placement Service Office on campus.

**housing**

Grad student or woman over 21 needed to share apartment with 3 others. On bus line. Own room. \$65/mo., utilities. 438-3487. \*\*\*\*\*

For Rent—3 rooms, furnished, heat and hot water provided, carpeted, Delaware, average area, ideal for couple. 434-3752 after five. \*\*\*\*\*

One or 2 or 3 roommates wanted for spring and/or summer terms for spacious, clean apartment on Willett St. Mostly girls here, but suit yourself. Please help us go to Hawaii & call Margie or Sandy. 465-3039.

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Air Force Arctic Coats \$32  
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**ALL  
MEN'S & LADIES' SIZES  
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QUAD) 2nd Floor Lounge**  
(right side) between 7-9P.M.

**services**

**WANT TO GET AWAY THIS  
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Typing done in my home 869-2474. \*\*\*\*\*

**Boston Univ. Ski Group- SKI  
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**personals**

Dear John—Don't jump, call 5300. Or better yet, call ME. Sue. P.S. KILL accounting. \*\*\*\*\*

Merola is immortal—Merola will never die! \*\*\*\*\*

Merola is alive and kicking. \*\*\*\*\*

Girl to help with Thanksgiving dinner. Call G. Morrison at 438-3731. \*\*\*\*\*

Congratulations Marvelous Mitch—You were great! (WSUA will never be the same). \*\*\*\*\*

Roommate wanted for handicapped dorm student. Room and board in return for services, no experience necessary. Call 457-4328 after 4:00. Ask for Arlen or Phil. \*\*\*\*\*

MELLEN I found your butter rolls at Hildegard's. Happy 18th! Now you're legal! Les. \*\*\*\*\*

Happy Birthweek Dolly! Love, Rich. \*\*\*\*\*

Wind riddle, call me. Spaceface. \*\*\*\*\*

Professors: Book orders were due 8 Nov. 71. Please turn them into Bookstore in order to insure delivery by the beginning of next semester. \*\*\*\*\*

Moira. Double up for safety. Chick. \*\*\*\*\*

People's commissioner, Nick Danger, George Tirebiter, Betty Jobialosky, Rocky Racoco, support the RECORD Co-OP. \*\*\*\*\*

PRC IS COMING!!! \*\*\*\*\*

HARVEST HAPPENING SALE still going on today in Bookstore—Tee shirts, candles, Posters, blotters and many other items. \*\*\*\*\*

Snap shot photo's ordered thru the Bookstore that are over six months old will be destroyed if not picked up by 1 Dec. 71. \*\*\*\*\*

**STUDENTS:**  
If Your Parents are DIVORCED and one is still single, we need you for some social Research. For further information call: Maddy 457-4740 or Barry 457-4713.

**help wanted**

Part time job available for Student or adult. 2-3 afternoons a week. from 2-6 PM, but hours can be adjusted to accommodate individual's schedule. Family of Multiple Sclerosis patient in Delmar N.Y. needs help with household and driving responsibilities. Call 439-5506 after 4 PM or evenings. \*\*\*\*\*

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**OVERSEAS JOBS FOR STUDENTS.** Australia, Europe, S. America, Africa, etc. All professions and occupation, \$700 to \$3,000 monthly. Expenses paid, overtime, sightseeing. Free information—Write, Jobs Overseas, Dept. E6, Box 15071, San Diego, CA. 92115. \*\*\*\*\*

Wanted: Salesman-distributor for large selection 8-track stereo tapes, all kinds, up-to-date. 1/3 cost of factory tapes. Send name, address and phone. Box 9113 Albuquerque, New Mexico. 87119. \*\*\*\*\*

**OVERSEAS JOBS FOR STUDENTS.** Australia, Europe, S. America, Africa, etc. All professions and occupation. \$700 to \$3,000 monthly. Expenses paid, overtime, sightseeing. Free information—Write, Jobs Overseas, Dept. 07, Box 15071, San Diego, CA. 92115. \*\*\*\*\*

**for sale**

Free! Kitten needs home. Owner allergic. Call Gary. 465-9589. \*\*\*\*\*

1971 Vega Hatchback. Original warranty. AM-FM; 4-speed transmission. Asking \$2200. Bob 457-4771. \*\*\*\*\*

For Sale: '66 Ford Fairlane. Needs some work. Best offer. 457-7858. \*\*\*\*\*

FOR SALE: Used snow tires and wheels 14 in. \$10. 438-3055. \*\*\*\*\*

Gibson Les-Paul De Luxe 1971-model. Excellent condition with hard-case. \$325. 861-2335. \*\*\*\*\*

Magnavox 4 track tape recorder. 7 in. reel stereo playback. Transistorized. Sell \$50.00. Call Dennis 457-4779. \*\*\*\*\*

Criterion 4-way spkrs: 6 speakers in ea. (12 in woofer), yr. old. 4 years left on warrant. Exc. only \$75 each. Call 472-6319. \*\*\*\*\*

Nordica ski boots. Size 9 1/2, 5 buckles. Good condition. Moving to the tropics, must sacrifice—\$20. Call Scott, 457-4726. \*\*\*\*\*

FOR SALE: Good Winter Transportation 1957 Chev \$100 or best offer. Call 434-3513. \*\*\*\*\*

1968 Corvette 427-390 Conv. Hardtop. Radials Luggage Rack 438-7976. \*\*\*\*\*

FOR SALE: Woman's ski outfit—fur hat, medium jacket, size 12 pants—\$25 call Donna 7-7869. \*\*\*\*\*

Any club wishing to comment on 1971 Torch or make suggestions for 1972 Torch, should come to a meeting on **Friday, November 19 at 9:30 pm** in **CC 305**, the Torch office.

One word best describes the taste of beer... it's on the tip of your tongue.



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# Proposal For Judicial Reform

This proposal is an outgrowth of the Judicial Workshop held on February 12-14, 1971. Participants in the workshop ranged widely in terms of representing various segments of the university, as well as interested individuals within the City of Albany and other schools within the state.

The aims and purposes of this document adhere to the basic concept of a community judicial system in which all members of the university community are subject to the regulations established by the community. The intent of the proposal is to outline the principles upon which such a system would function and to set forth a general structure out of which this system could operate.

## I. RIGHTS OF COMMUNITY MEMBERS

If the university is to succeed in its pursuit of truth and dissemination of knowledge in a setting where the freedom of inquiry flourishes, the university must provide an institutional framework which encourages debate and freedom of intellectual endeavor without fear of consequences.

The university is in a real sense a laboratory in which the participants— faculty, students, and administrators—unite in their mutual search for intellectual growth. This necessarily means experimentation with new and untried systems and theories. It requires the articulation of views at the frontier of thought which may seem heretical to the majority, and may indeed never gain acceptance. But these experiments, and these testings of sentiment, must not be restricted by artificial or arbitrary rules that would be stifling in the university context, no matter how appropriate they might be in another context. In short, academic freedom in the fullest sense of the expression is indispensable to the existence of the university.

1. **Freedom in the Classroom.** Freedom of discussion and expression of views must be encouraged and protected. It is the responsibility of the professor and the student in the classroom and in conference to insure the realization not only of the fact but also of the spirit of free inquiry. In particular, every effort must be made by all concerned to guard against prejudiced or capricious academic evaluation.

2. **Freedom of Association.** Organizations within the university may be established by members of the university community for any legal purpose, whether the aims are religious, political, educational, economic, or social. Association with an extra-mural organization shall not necessarily disqualify the university-based branch or chapter form university privileges. Membership in all university-related organizations shall be open to any member of the university community who is willing to subscribe to the aims of the organizations and to meet its stated obligations. Organizations are officially recognized according to guidelines established by the Graduate or Undergraduate Student Association, the by-laws of the University Senate, national or statewide professional organizations, provisions of the Civil Service Employees Association, or the Senate Professional Association.

University interest in the existence and objectives of organizations within the university community should focus on the following matters:

a. **Associational Identification.** The university may not require membership lists of any organization but it may require, as a condition for access to university-controlled funds or use of university facilities, the names and addresses of officers and/or individuals within the organization who are responsible for a request for funds or facilities.

b. **Use of Facilities.** University facilities shall be assigned as available to organizations for regular business meetings, social functions, and for programs open to the public. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, time of use, and to insure proper maintenance of the facilities used.

c. **Allocation of Funds.** The authority to allocate university-controlled funds budgeted for use by recognized organizations should be delegated to a body in which participation by those requesting the

money is involved. Approval of requests for funds may be conditional upon submission of budgets to the body authorized to approve and allocate funds.

d. **Use of the University Name.** No individual, group or organization may use the university name without express authority from the president of the university, except to identify the university affiliation of the individual, group, or organization. Approval or disapproval of any policy or position may not be stated as the position of the university by any individual, group or organization, except as authorized by the president of the university.

3. **Freedom of publication.** All publications produced by university organizations or offices (including the student press) must be free of censorship, and its editors and managers must be protected from arbitrary disciplinary action arising out of disapproval from any source of editorial policy or content. Similar freedom must also be assured any radio stations operated by university organizations or offices.

4. **Freedom to Protest.** The right to peaceful protest within the university community must be preserved. The university, in recognizing its legal obligation, retains the right to assure the safety of individuals, the protection of property, and the continuation of the educational process. Orderly picketing and other forms of peaceful protest are protected activities on university premises if there is no interference with free passage through areas where members of the university community have the right to be.

5. **University Governance.** Members of the university community must be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the community. There must be clearly defined means for participation by all concerned in the formulation and application of institutional policy affecting university affairs.

6. **Violation of Law and University Discipline.** If a member of the university community is charged with an off-campus violation of law, the matter should be of no disciplinary concern to the university unless the individual is unable to comply with the requirements of his particular membership within the community.

If the violation of law occurs on campus and is also a violation of a published university regulation, the university may institute its own proceedings against the offender at any time.

7. **Privacy Rights.** The university must protect the interest of its members in preservation of the right of privacy.

a. The university should not regard itself as the arbiter or enforcer of the morals of its members where civil or criminal law is not broken, or where standards of conduct established by the university have not been violated.

b. The right of privacy for students in the residence halls is a value which must be protected.

1) Nothing in the university relationship or residence hall contract should give the university the authority to consent to a student's room by police or other government officials without a warrant or other state/federal legal authority to do so.

2) Where the university or its representative seeks access to a student's room to determine compliance with provisions of applicable law relating to multiple dwelling units, the occupant(s) should be notified of the purpose of said entry in advance (when feasible). Where entry is sought to make improvement or repairs, notices should be given in advance. In emergency circumstances where imminent danger to life, safety, health, or property is reasonably feared, entry should be allowed without advance notice.

c. **Confidentiality of Records.** Respect must be accorded the essentially confidential relationship between the university and the community member by preserving to the maximum extent possible the privacy of all records relating to each member. Controlling principles for the use of records in disciplinary matters are specified in Section VI.

## II. University Regulations

University discipline may cover misconduct by a

community member—student, faculty, or staff—which adversely affects the university community's pursuit of its educational objectives, or threatens the safety of persons and property.

The following actions and/or behavior are expressly prohibited. Violations may result in official disciplinary action by the university. Procedures will be followed as set forth in the following pages, adapted to the role of the accused within the community. It is the responsibility of the individual to familiarize himself/herself with these regulations.

a. Violation of any civil or criminal law on university owned or operated property.

b. Dishonesty, such as cheating, engaging in fraudulent behavior, forgery, alteration or misuse of university documents, records, or identification; or, knowingly furnishing false information to the university.

c. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university activities, including its public service functions, or of other authorized activities on university premises, to such a degree that the activity can no longer reasonably continue.

d. Failure to answer without reasonable cause a summons to appear at a judicial hearing. The individual who is summoned may refuse to appear, but he/she must answer the summons unless reasonable cause is shown.

e. Physical abuse, harassment, or intimidation of any person on university owned or supervised property or at university sponsored or supervised functions, or conduct which threatens or endangers the health or safety of any such person.

f. Unauthorized entry to or use of university facilities, property, or equipment, or removal or destruction of such property or part thereof, or of property under university administration and/or supervision.

g. Theft and/or destruction to property of a member of the university community while such property is on university premises.

h. Violation of university policies or of regulations governing the registration of student organizations, events on campus, and use of university facilities, as described in this publication.

i. Violations of rules governing residence in university owned or operated property, as described in this publication, and in the university housing brochure.

j. Violation of regulations governing the use of alcoholic beverages on campus as described in this publication.

k. Possession, use or distribution of narcotic or dangerous drugs, except as expressly permitted by law.

l. Disorderly conduct or lewd, indecent, or obscene conduct or expression on university owned or controlled property or at university sponsored or regulated activities.

m. Failure to comply with the directions of university officials acting in the performance of their duties. (Any university official directing any university community member to act in accordance with his wishes must identify himself upon request).

n. Failure to present a university I.D. card when requested to do so by a university official. (Any university official requesting identification from any university community member must also present his/her identification upon request).

o. Failure to honor all contracts with and debts to the university and to those agencies with which the university contracts.

p. Violation of university policies or of regulations governing the possession or use of automobiles, motorcycles, or other motor vehicles on campus; or violation of parking regulations published by the Campus Security Office.

q. Possession and/or use of firearms or other weapons or explosives, such as fireworks; or possession and/or use of dangerous chemicals except as authorized for use in class, or in connection with university sponsored research or other approved activities. (Provision has been made to store weapons in the Security Building. Those adhering to the provisions for storage would not be in violation of this regulation).

r. Willfully setting fire to university property or creating a conflagration on university property.

### III. The Judicial System—

#### Its Purposes And Composition

**A. Delegation of Authority:** The President. As a technical matter, the University's charter usually gives the power and authority over the educational mission of the institution to a Board of Trustees. They, in turn, assign certain powers to the president of the University as the highest administrative officer. He, in turn, assigns execution of judicial and administrative procedures to subordinate officers, faculty, and, increasingly, to students.

It will be presumed that the president will normally sustain the findings and recommendations reached by any hearing or appeal boards. Question of those findings and recommendations might be expected only when unusual circumstances or new evidence present themselves. In such a case the president would be expected to return findings and recommendations to the appropriate board with full comments of his own as to a need for reconsideration. After such reconsideration by the appropriate board, a reversal by the president should rarely, if ever, occur and should in such cases be fully explained to the university community.

#### B. Clearing House.

1. Composition: In order to assure the effectiveness and efficiency of this group, the following composition is required:

a. The clearing house shall consist of 12 (twelve) members of which no more than six will serve at any one time. The members will serve on a rotating basis, depending on the case load, and the basic ratios of membership representation within the 12 individuals selected will remain the same at all times. If necessary, in times of heavy case loads, two boards of six each should operate simultaneously. Of these 12 members there shall be:

4 students (1 graduate and 3 undergraduate) appointed jointly by Student Association and Graduate Student Association

2 teaching faculty chosen by the faculty

2 non-teaching faculty chosen by the faculty

2 classified service personnel (not including members of the security force) chosen by the classified service personnel

2 representatives from the university security force chosen by the Chief of Security. These representatives will serve as full voting members except in cases related to criminal matters brought to the Clearing House as a result of law enforcement action.

Membership within each sub-group should be as divergent as possible, to afford the greatest scope of representation.

b. The Clearing House members will be notified by the president of the university of their appointment in April of each year for a term beginning in September. Each appointed member shall serve for one two-year term, with half of the membership in each category changing each year. No person may serve for two consecutive terms. Provision should also be made in April of each year for one six-member group to be available to function during the summer months. No member may serve concomitantly as a member of the Clearing House and as a member of any hearing or appeal board(s).

2. Nature: *The University Disciplinary Clearing House shall serve the following functions:*

a. To distribute referral forms to any individual who desires to file complaints or charges against a university community member, and to assist that individual in completing the forms.

b. To be the central "clearing house" for disciplinary matters, to receive referral forms, and to determine the appropriate referral route. In addition to routing referrals through such hearing boards as those noted in this document, the Clearing House may also refer cases or complaints to other university offices, to the chairman of a department, to any existing grievance committee, or to the University Traffic Appeals Committee.

c. To review all security reports forwarded to it by the Director of Security, and to determine which reports warrant university adjudication.

d. To review all incident communication forms forwarded to it by university offices, and to determine which reports warrant university adjudication.

e. To initiate with the appropriate office, organization, or individual any additional investigation, or interview any additional person in order to reach a decision on disposition of any incident under review by the Clearing House.

f. To refer to a university disciplinary system hearing board or other adjudicatory body any case requiring university adjudication, regardless of additional pending action (e.g., criminal court).

g. To refer the complainant to appropriate courses in taking other action when the case is considered by the complainant to be too serious to be handled only within the university.

h. To be the pre-hearing body in any serious or emergency case in which interim action might be necessary before a formal hearing, or where a determination must be made as to whether the university should be taking action in a court of law acting with the hearing board to keep the university community informed about the judicial system.

#### 3. Procedures:

a. Within five working days of receipt of the reports noted in c and d above, the Clearing House shall have completed its review and rendered a decision, in writing, to the appropriate individuals.

b. If such a decision includes the need for university adjudication, the Clearing House shall forward the completed referral forms to the appropriate hearing board.

c. Within three working days of the receipt of all referral forms noted in 2b, above, the Clearing House shall forward the case to the appropriate hearing board.

d. In all severe or emergency cases requiring a pre-hearing, the Clearing House shall meet as soon as possible. If it cannot meet within 48 hours of the incident, interim action should be taken by the Director of Security or his designee, with the preliminary hearing to be held as soon as possible after this (See Section III F, part 3E). In instances where action is taken prior to a pre-hearing, the purpose of the pre-hearing would be to review the action taken and to decide upon the need for further adjudication.

e. The Clearing House will not serve as the referring body when another member or group within the university community is willing to fulfill this role. It may, however, serve this function in the absence of such a person or group, when adjudication is seen as necessary by the Clearing House. It may also cosign a referral form, with the knowledge of the referring body, when appropriate. In cosigning a referral form, the clearing house shall be considered to be acting in the name of the university.

f. Some cases will be referred by an individual or group of individuals independent of Clearing House review or cosignature, and some will be reviewed or referred by the Clearing House. Both types of cases shall receive equal treatment by the adjudicating body or the appropriate channel.

g. The fact of pending or completed court action (if known) on any of the primary parties related to a case should be forwarded with the case referral form for consideration by the adjudicating body or other appropriate channel.

4. Quorum: At least three members must be present at all times in order for the Clearing House to operate. A 2/3 vote of those members in attendance is needed for the acceptance of any motion.

5. Officers: There shall be chosen two members of the Clearing House to chair the meetings for each of the two groups which will operate throughout the year. The chairmen will be responsible for all operations of the Clearing House, and shall serve in the capacity of chairman for one year only.

#### C. University Hearing Board.

1. Nature: This board exists to adjudicate charges lodged against student members of the university community. It shall be the highest student hearing board in the judicial system. It also serves as the appeal board for all lower boards. (Its scope of review on appeals is described in Section IV, B6). In addition, the University Hearing Board has original jurisdiction over disciplinary matters involving all university community members on university-owned or operated property, except for those cases handled by any lower boards or other appropriate bodies.

When violation of the Rules and Regulations for the Maintenance of Public Order has occurred, the University Hearing Board shall be the hearing body and shall follow the specific procedures as stated in the Rules and Regulations for the hearing of such cases.

2. Composition: In drawing together the representation described below, the board will assemble a bona fide cross-section of the university com-

munity.

The board will consist of 18 (eighteen) members, of which nine will serve at any given time. The members will work on a rotating basis, and the basic ratios of membership representation within the 18 individuals selected will remain the same at all times. If necessary, in times of heavy case loads, two boards of nine each should operate simultaneously. Of these 18 members there shall be:

12 students (3 graduate and 9 undergraduate) appointed jointly by Student Association and Graduate Student Association

2 teaching faculty chosen by the faculty

2 non-teaching faculty chosen by the faculty

2 classified service personnel chosen by the classified personnel

Membership within each sub-group should be as divergent as possible, to afford the greatest scope of representation.

The board will be appointed in April of each year for a term beginning in September. Each appointed member shall serve for one two year term, with one half of the board changing each year. No person may serve for two consecutive terms. Provision should also be made in April of each year for one nine-member group to serve during the summer months. No member may serve concomitantly as a member of the Hearing Board and as a member of the Clearing House or other hearing or appeal board.

3. Quorum: At least six members must be present at any time in order to conduct business. A vote on disciplinary action also requires the participation of six members.

4. Officers: The 18 members will choose two of its membership to serve as chairmen of the hearing boards. The chairmen should serve not more than one year in that position. Their responsibilities are:

a. Establishing the calendar for hearings

b. Notifying all persons to appear at the hearing, including other board members

c. Writing all decisions or delegating the responsibility to another board member

d. Signing all decisions

e. Following up on all cases as necessary

f. Presenting orientation sessions each year for new members

g. Acting along with the Clearing House, keeping the university community informed about the judicial system

h. Initiating changes in the system as needed.

There should also be a full-time secretary who shall serve the hearing board and the appeal board. The secretary shall maintain all records concerned with the disciplinary system, and shall assist the various chairmen of any hearing body or other appropriate channel with any correspondence related to the boards.

#### D. University Appeal Board

1. Nature: The University Appeal Board hears appeals on student cases from the University Hearing Board (appeals from lower student hearing boards must first be heard by the University Hearing Board before they can go to the University Appeal Board). It will also hear appeals from any other source except in cases where one of the campus bargaining units has already begun formal grievance procedures in accord with provisions of their contract and the Taylor Law. It has no original jurisdiction. Because it is the final arbitrator in matters of campus, it should be highly sensitive to and capable of weighing the interest of the person who has appealed with the interests of the institution, and should be representative of the various segments of the university community.

2. Composition: The University Appeal Board shall consist of:

3 students (1 graduate and 2 undergraduate) appointed jointly by Student Association and Graduate Student Association

2 teaching faculty chosen by the faculty

2 non-teaching faculty chosen by the faculty

2 classified service personnel chosen by the classified service personnel.

Any other persons (up to three additional provisional members) may be added to the University Appeal Board for specific cases as a majority of the board deems necessary. Such additional persons might be named if the case, for example, requires the knowledge of an expert in a particular area, or if the individual lodging the appeal comes from a constituency within the university which is not adequately represented on the appeal board.

3. Quorum, Term of Office, Voting procedures and other procedural questions should follow the same guideline as for the University Hearing Board.

E. Other Student Judicial Bodies

Other student hearing bodies they demonstrate that they contribute significantly to the within the university. Organization would fall below the University, would use the latter as an appeal and would mete out university sanctions (see Section official university sanctions are appropriate, these boards would refer to the University Hearing Board. Each board desiring recognition within the university disciplinary submit its constitution to the Board for approval. Included of the board, jurisdiction, quorum, and other procedures. is recognized, the Clearing House all applicable cases to the new ples of boards which may want would be traffic violations quadrangle boards.

#### F. The University Security Force

The question of the role of a university security force is of developing a university disciplinary there are many unanswered questions. topic there are some definite principles to be followed in order for the discipline to be successful.

1. While responsible for enforcing university security force is a university community, responsibility of the university.

2. In line with this responsibility, force must act in accordance with goals of the university, including use of its disciplinary system.

3. With these principles in guidelines must be followed within the university community is for violating a university regulation officer becomes involved with the discipline.

a. If the infraction is clearly must be arrested at the direction security of his designee, and a report should be filed with the House.

b. If the infraction may be one of the following actions consultation with the director designee:

1) no action other than a warning  
2) the case may be referred to the Clearing House for appropriate action

3) if the individual refuses to cease his activities, and a warning security officer may make an arrest  
c. If the infraction could range from a misdemeanor to a felony referred to the University Hearing Board decision as to whether the case outside the university community the Clearing House cannot handle the incident according to the guidelines listed in Section IIIB, the director designee should use his own discretion upon the question of action of community with the understanding the case will be conducted by the earliest possible time.

d. Decisions on action to be taken of security or his designee prior to review should be considered in light of past Clearing House review.

4. In cases where a university officer has cause to lodge a complaint House for referral, or the individual matter to the attention of the

g. Faculty, staff and Faculty Senate. Each of these groups has within a method for dealing with complaints constituents. In all cases in against individuals within these House will assist the individual complainant in locating the appropriate pursuing the complaint.

#### IV. DUE PROCESS

##### A. The Judicial System

1. Hearing Procedures for student bodies are described below. As

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Law permits, these procedures should also be followed in hearing cases involving any other member of the university community.

a. The calendar for hearings shall be fixed by the chairman of the Hearing Board after consultation with the individuals involved in the proceedings. The chairman shall have the discretion to alter the calendar for good cause. The date for the hearing shall be set no later than three working days after the receipt of the referral forms, and the hearing itself shall take place no later than ten working days after receipt of the forms.

b. The hearings shall be conducted in such a manner as to do substantial justice, and shall not be unduly restricted by rules of procedure or evidence (see Section IV, A5).

c. The charges and evidence shall be presented by the complainant and/or., if the university is the injured party, by a person designated by the president of the university to serve such a function.

d. The Hearing Board may address questions to any party to the proceedings or to any witnesses called by either party or by the board itself. Any party may request the cross-examination of other parties. The chairman may use his discretion and limit the number of witnesses to be heard.

e. The hearing shall be private if requested by the person charged, or by the complainant (with sufficient reason), or if disruptions of the proceedings require it (see Section IV, B3).

f. Right to counsel: See Section IV, B1.

g. A record shall be made of all proceedings at the hearing except that, on order of the chairman, procedural matters may be discussed in executive session. This record shall be available under the supervision of the chairman to all parties at the hearing. The deliberations of the board after the formal hearing of the case shall not be recorded.

h. The chairman shall determine, after consultation with the parties to the proceedings, whether a summation of one or more aspects of the case would be helpful to the board.

i. No-appearance at a hearing: see Section IV, B5.

j. The board shall write a report containing the decisions of the board and the reasons for those decisions, and have them made available to the parties in the case.

k. When two or more people are jointly charged with the same alleged infraction, their hearings will be held jointly. (Excessively large numbers of violators may, in the judgment of the hearing board, jeopardize the fairness and impartiality of the hearing. In such cases the board may conduct several hearings in order to reduce the number of cases heard at one time and in order to restore fairness and impartiality to the hearing procedure.) If one or more of these individuals desires a private hearing while the other(s) desires a public hearing, the hearing will remain a joint one with the public being excluded from those portions of the hearing involving those persons desiring the closed hearing. (See Section IV, B3)

**2. Pre-hearing Disciplinary Action**

One of the problems which arises in a university disciplinary system is the use of pre-hearing disciplinary action. In general, the following principle would hold in determining any pre-hearing action: the individual's status on campus should not be altered except when that person's status represents a danger to his own safety and well-being, or to the safety and well-being of other students, faculty, or university property.

In any case where pre-hearing action is seen as necessary or at least as possible, the alleged violator should be given the opportunity to be informed of the offense, of the possibility of pre-hearing action, and be permitted to make a statement before any decision is made. A detailed denial of the offense, supported by names of witnesses would probably require further investigation.

In the case of our disciplinary system, the Clearing House would function as the preliminary hearing body in all cases, except when a quorum of that board cannot convene within the time parameters specified in Section III, B. In this case, pre-hearing action would be taken with the pre-hearing itself to be held as soon as possible.

These guidelines pertain also to those violations of civil or criminal law, other than felonies, in which a determination must be made as to whether the accused should be arrested in addition to being referred within the university disciplinary system.

**3. Double Jeopardy**

Unlawful action should not preclude or mandate

disciplinary action by both the university disciplinary system and the courts of law. The focus, rather, should be on the most effective way of dealing with the individual(s) involved. Since the same act may violate both university regulations and the laws of other jurisdictions, both the courts and the university have the right to adjudicate such a case. This is not double jeopardy. Double jeopardy occurs only when the courts of a given jurisdiction try a person more than once for the same violation.

The university's concern is not double jeopardy in such cases, but rather a concern for unnecessary duplication of punishments. Unless the interests of the university or of any member of the university are implicated in some way, prosecution should not take place within the university. The university should also avoid employing diverse channels of action where there has been essentially one offense, if that one offense can be handled effectively by the University Hearing Board.

**4. The Transcript**

A record shall be made of all proceedings of the hearing, except as specified by the chairman (see Section IVA, 1g). In the event that a written transcript of the record is requested by either the defendant or complainant (e.g., for the purpose of preparing an appeal), the cost of such a transcript shall be borne by the individual making the request.

**5. Rules of Evidence**

Although rules of evidence need not be followed in university disciplinary hearings, it is suggested that standards of relevance and materiality be maintained in order to preclude the utilization of unreliable information. The hearing board must base its decision on substantial evidence, and only on evidence presented during the hearing. In keeping with the standard of fundamental fairness, it is acceptable to permit charged persons to testify concerning moral justifications, motives, and reasons for their acts, in order to assist in the determination of the appropriate sanction.

Any past infractions which are on record within the files of the hearing board and/or presented to the board during the hearings or the deliberations by be used to determine the sanctions which are the most appropriate to the charges for which in individual has been brought to the hearing.

**6. Publication of Decisions**

Once a decision has been made by a hearing board, the results of the proceedings must be made available in writing to the defendant, with copies available to the complainant and to any other persons who took part in the hearing of the case. Any member of the hearing board or appeal board may attach a minority report to the final report of the board. Such minority reports, along with the final report, may be used by the complainant or defendant in developing an appeal.

Where a hearing is open to the public, any interested community members or groups may view a copy of the decision. However, it shall be within the power of the hearing board to determine the validity of motives for requests of results of the hearing, and to have the power to keep confidential from the public any information which it feels will not be used in a manner consistent with the principles of the judicial system. An example of circumstances which might lead to a decision to restrict the availability of information would be: a case arises in which testimony reveals highly confidential information related to psychological problems of the involved individual(s). Public access to these facts could only be detriment to the individual(s) concerned.

Periodic notice should be distributed throughout the university stating the results of recent hearings. This information should be general, giving no names and only the types of cases and the results. The purpose for publication of this information is to inform the university community as to the workings of the judicial system.

**7. Other Recognized Procedures for Adjudication of Cases**

Pursuant to the Taylor Law, the following pertain:  
a. Faculty members, or professional staff not in the classified service of the civil service: charges of misconduct in violation of the rules of the university shall be made, heard, and determined in accordance with Title D of Part 338 of the Policies of the Board of Trustees. Those found guilty of misconduct may be subject to dismissal or termination of employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure.

b. Staff members in the classified service of the civil service: charges of misconduct in violation of the rules of the university shall be made, heard and determined in accordance with Section 75 of the Civil Service Law. Those found guilty of misconduct may be subject to the penalties prescribed in said section.

Any other faculty or staff member of the university community found guilty of misconduct by a recognized university hearing body shall be dismissed, suspended, or censured by the appointing authority prescribed in the Policies of the Board of Trustees.

For all procedures as recognized above by the university in the adjudication of cases, criteria for due process as outlined in Section IV must apply.

**B. The Individual**

**1. The Right to Council**

Any individual charged with misconduct has the right to be advised at the hearing by anyone of his choice, including a lawyer, but he must represent himself. To have an advisor or a lawyer speak for any parties concerned with a case would escalate the nature of the hearing to something approximating a legal trial. Because the hearing is being conducted within the university by a community hearing body, and not in a court of law, the speedy and informal characteristics associated with the hearing are preferred over a legal atmosphere. The system is not intended for legal adversaries to use as a "battle ground" but for members of the same community to decide what is best for the accused and for the community. Trained, paid attorneys would add little to this.

The University Hearing Board will attempt to maintain a file of faculty and staff as well as interested students, who would be willing to assist a complainant or defendant in any case which comes before the hearing bodies. Such advisors, like lawyers, have the right to be present during a hearing, but as in the case of lawyers, will not be permitted to speak for either complainant or defendant.

This restriction on lawyers and/or advisors within the hearing itself in no way restricts the right to counsel and representation outside the hearing room.

**2. Self Incrimination**

An individual has the right at a university disciplinary hearing not to incriminate himself, and he may not be punished solely for asserting this right. In claiming the right to refuse to answer questions, the individual is asserting his right not to disclose information which could be used to incriminate himself further.

**3. Private and Public Hearings**

As a general rule, hearings should be open to any member of the university community. In asserting this stance, the university is acknowledging the validity of public hearings when they insure observers that justice is done, when more university community members may view the judicial process, when community members may make comparisons between cases, and when possible suspicions of special treatment and/or prejudice are tested.

Although hearings are generally open to the public, requests for press coverage by local news media should be directed to the hearing board for approval. In general, still or television cameras, lights or electronic recordings will not be permitted during any hearing, public or private.

The hearing board begins, then, with the assumption of an open hearing. It can proceed to change this in view of one or more of the following circumstances:

- a. the accused requests it.
- b. The complainant requests it (with sufficient reason)
- c. disruptions of the proceedings require it.

The closing of the hearings to the public would in each case be ordered only when needed to insure a fair and impartial hearing. It is vital that the rights of cooperating community members be preserved.

**4. Group Hearings**

It is recommended that group hearings be held in cases where a number of individuals are involved in the same alleged infraction, and where the facts of involvement are identical. Group hearings are favored under these specific circumstances in order to assure greater objectivity on the part of the members of the hearing board. The provision guards against a tendency to use the first case as a precedent in hearing the other cases which follow,

when the facts are basically alike, It also allows all defendants to present their cases, retains fairness to all parties, and retains the context of the incident within which the alleged infraction(s) took place. See Section IVA, 1k for additional information.

Group hearings by no means predispose the hearing board to render the same judgment for each defendant. Each shall be judged on the facts of his/her participation in the incident, and not by the actions of others who were involved.

In the case where one or more of the defendant requests a private hearing while the others desire a public hearing, the public would only be excluded during the testimony or cross-examination of those requesting the private hearing. (See Section IVA, 1k and Section IV, B3).

#### 5. Non-appearance

Section IId requires that all parties, including the accused, must appear before a hearing board when summoned, or give reasonable cause for their absence. The appearance of the defendant at the hearing in which he is accused, however, is not necessary in order for the proceedings to be fair and in keeping with due process. The only necessary condition for a fair hearing is the opportunity to be heard. This implies that the person(s) involved must be informed of the charges and the possible consequences and has been given the opportunity to attend a hearing.

Non-appearance of the defendant should never be caused by the establishment of an inconvenient hearing calendar. Alternative dates should be available. If, within reason, the defendant has been given viable alternatives to the date of his hearing, and there is still no mutually agreed-upon time and date, the hearing board may proceed to fix the date of the hearing. A three-working day advance notification to the defendant should be issued, along with a statement that the hearing will proceed whether or not the defendant is present.

Non-appearance does not mean that the appropriate procedures need not be followed in hearing evidence, weighing facts, and rendering judgment. In addition, the non-appearance of one party does not prevent the appearance of any other individual associated with the case. Non-appearance (except in violation of Section IId) shall not be considered as a valid justification for the imposition of disciplinary penalties.

Under the conditions of non-appearance, the defendant does not admit guilt, nor does he waive his rights to due process. He simply implies by his absence and his negative answer to the summons that he will not participate in the hearing process. In doing so, he does not lose the right to appeal (based on inadequacy of process or severity of punishment, not on non-appearance), and he does not lose the right to a transcript of the proceedings.

#### 6. The Right of Appeal

a. Both defendant and complainant have the right to appeal the decision of a hearing body.

b. An appeal of the decision of the hearing board must be submitted to the appeal board within seven calendar days of receipt of the decision of the hearing board. This appeal must be in writing.

c. An appeal, when accepted by the appeal board, must be based upon one of the following issues:

1) Questions of procedure at the hearing which involve due process

2) Was the evidence sufficiently strong to justify a decision?

3. Was the sanction imposed in keeping with the gravity of the wrongdoing?

4) Appearance of substantive new evidence related to the case.

d. The appeal board may accept the original decision of the hearing board, may reverse the hearing board's decision and return the case to that board for a further hearing, may reverse the hearing board's decision and dismiss the case, or may reduce the sanctions imposed. They may not, however, increase the sanctions imposed.

If the appeal board accepts the decision of the hearing board the matter is deemed final, except that either party may petition the president of the university for a new hearing. In cases where the president grants the petition for a new hearing, he may conduct the hearing himself or designate the individual(s) who will hear the case. The accused, additionally, has the right to petition the original hearing board to reopen the case upon discovery of new evidence. The hearing board will judge the sufficiency for the new evidence, and no appeal can be taken for its decision.

Normally the appeal board reviews the written record from the hearing board in determining whether to accept the request for an appeal, or in actually hearing an appeal. However, the appeal board may ask for an oral presentation concerning the grounds for appeal, and may also ask for rebuttal statements from the hearing board. The appeal board should invite the chairman of the hearing board to be present at appeal hearings, to clarify the actions or decision of the hearing board.

e. Hearings of lower boards, appealed to the hearing board, terminate at the hearing board level.

#### V. DISCIPLINARY ACTION

##### A. Sanctions

The most important principles which should guide hearing bodies in choosing sanctions are:

a. Relevance to the gravity of the offense.

b. Relevance to the area of activity or circumstances in which the offense occurred (i.e., residence halls, parking lot, etc.).

The following sanctions are the official university sanctions which may be used by the hearing board and by the appeal board. *Additional sanctions which apply to faculty and staff are noted in Section IV, A7.*

1. Admonition. An oral statement to the offender that he has violated a university rule.

2. Censure. Written reprimand for violation of specific regulations, including note of the possibility that more severe disciplinary action could occur in the event of confirmed violation of any other university regulation. The censure should contain a specific period during which the censure is in effect.

3. Disciplinary Probation. Exclusion from participation in privileges or activities as set forth in the notice of disciplinary probation. The length of probation should be stated in the notice of such action.

4. Disciplinary removal from residences. Exclusion from the residence halls for a specified amount of time. This action will involve forfeiture of all room and/or board charges.

5. Restitution. Reimbursement for damage to or misappropriation of university property or of property under university administration and/or supervision, or of property of a member of the university community while such property is on university premises.

6. Disciplinary hold on records and/or right to register for classes. Action taken as an assurance that other conditions of disciplinary action are met.

7. Incorporation of notice of any official sanction into the academic transcript and/or the official sanction into the academic transcript and/or the official personnel folder of the individual.

8. Suspension. Exclusion from classes and other privileges or activities as set forth in the notice of suspension. The length of suspension should be stated in the notice of such action, as should conditions for readmission, if any.

9. Expulsion. Termination of a person's status at the university for an indefinite period.

##### B. Expulsion and Suspension

Expulsion should be used only in the most serious cases where no amount of rehabilitation would warrant reconsideration of the individual's status within the community. Sanctions such as "suspension - term" and "suspension - conditional" are recommended in place of expulsion in order to give the greatest latitude to the individual and the future improvement of his/her ability to function within the university.

##### C. Return to the Community

The process of gaining readmission to the university after the individual has completed the terms of a particular disciplinary action is as follows:

1. Expulsion. Readmission must be requested first through the hearing board or other adjudicatory body which first imposed the sanction of expulsion. Since any petition for return would be extraordinary, since no provision would ordinarily be made for the person's return to the community, and since no guidelines for the return process should exist, such a petition should be directed to the person or persons most likely to exercise competent judgment over the petition for readmission. The judgment of the group which imposed the sanction should carry

#### TO: JUDICIAL WORKSHOP STEERING COMMITTEE

I am in favor of the proposal as written.

I am not in favor of the proposal

I would be in favor of the proposal if it included the following:

(Please write all comments either below or on a separate sheet of paper and bring this form and additional comments to the Campus Center where a drop-box has been provided.)

The document is long and, therefore, tends not to be conducive to a careful review. Please take the time to read and react! The deadline for comments is **MONDAY, NOVEMBER 22ND**. A box will be placed at the information desk of the Campus Center for responses. In addition, this form is provided.

primary weight with the person or persons who would then review the application for readmission.

##### 2. Suspension.

a. Term: The individual is automatically readmissible by the proper authority to the first regular semester after the completion of his/her term of suspension. No disciplinary review is needed.

b. Conditional: The board which suspended the individual must review the petition for readmission. This petition should contain evidence supplied by the individual that he had fulfilled the conditions of the suspension. If a simple majority of the board agrees that the conditions have been met, they would authorize the readmission. The petition for readmission would at this point then be treated as any other petition for readmission.

3. Removal from Residences. This sanction may also be imposed for a term or with conditions, and petitions for readmission to the residence halls should be handled in a manner similar to suspensions, with the appropriate administrative office in this case being the Office of Residences.

#### VI. MAINTENANCE OF CONDUCT RECORDS

The university's policy of record keeping in disciplinary matters should always be in accord with the gravity of the offense, and its long term effect on the individual. The university shall provide that minor disciplinary matters, or matters which relate more to personal growth patterns rather than to deep-rooted personality flaws will not be permanently recorded. If a hearing body determines that a disciplinary matter is of sufficient importance to appear in the individual's official record, an adequate explanation should be attached.

The following provisions will be followed in the regulation of conduct records. In cases involving members of local bargaining units, contractual agreements on the maintenance of records shall also apply.

A. Each hearing body shall maintain in a central location shared by all hearing bodies a set of records consisting of all the official material which has been assembled during the hearing of each case. These records will be destroyed two calendar years after

the specific sanctions imposed as a result of the hearing of a particular case have been met (i.e., if an individual is reprimanded on 1/1/70, his/her files will be destroyed on 1/1/72. If a person is placed on probation for two years, his/her records will be destroyed two years after those two years of probation have been fulfilled).

B. It shall be the function of the chairman of each hearing body to maintain the records related to his/her hearing body, and to authorize their use.

C. There shall be nothing in an individual's record of hearing(s) which he/she has not seen, and each person shall have access to his/her own record (subject to reasonable regulations as to time, place, and supervision).

D. Any person wishing to challenge the accuracy of any entry in his/her record of hearing(s) may do so by appealing to the board which maintains this record.

E. Except with the prior written consent to the person involved, no information in any such record may be released to any individual or group other than another hearing body or individual within the university which/who is concerned with hearing a case in which the individual is accused of a violation. Individuals or groups concerned with hearing a case where a witness or a complainant in a former case is now the accused will be denied access to the records of the former case.

F. If, as a result of the hearing of a case, the hearing body determines that some record should be placed in the individual's permanent file, this determination must be in writing as part of the decision on the case. The information would then be sent to the appropriate dean or vice president for inclusion in the permanent file. Individuals for whom disciplinary action did not include the placement of a record of the case in the permanent file should be considered as having no disciplinary record within the university.

G. The parents of any minors involved in disciplinary action should not be informed of any disciplinary action except for that of suspension or expulsion, or major alteration in college-related expenses (i.e., requirement to give restitution for extensive damage, removal from residences).

# G r a f f i t i

**ATTENTION—Business Students.** Phi Beta Lambda is working for you! We need your support! Join us at our next meeting. Thurs. Nov. 18, at 7:30 P.M., BA-119. For further information, Steve—7-5261.

## & INTERESTED FOLK

### MAJORS, MINORS

**ATTENTION SENIORS:** If you are interested in other cultures, foreign languages, Eng. and education, and in putting it all together to teach minority students or overseas, consider the *TESL Master's Program*. See Richard Light ED-124, or Ruth Blackburn ED-112.

The *Philosophy and the Humanities colloquium* with Prof. J. Paris, formerly of SUNYA, pres. ed. of *Change speaking on "Structuralism and Beyond"* Wed. Nov. 17, 7 P.M. in HU-354.

Join the **SUNYA GAY ALLIANCE**—group rap sessions—Wed. Nov. 17, 8:00 P.M. HU-B-39. Closets are lonely places.

*Back by popular demand!* on WRPI. Mary and Richard speak on the *Gay Revolution*. Tonight. Listen in!

*Gay Women's Alliance* meets every Tuesday nite at 9. 184 Washington Ave, 2nd floor. Come out and join us.

**GO—GO GIRL COMPETITION** for Dutch Quad dance on Sat., Dec. 4. To audition and for further info. call: Tom at 7-3382.

**Table Tennis Open Tournament** sponsored by Chinese Club. Everyone invited in the community. Nov. 19, 20, and 21 at Men's Gym. Registration at CC information desk.

The *Fencing Club* will meet this Wed. Nov. 17th 7:30, and Sat. Nov. 20th 10:00 A.M. in the Dance Studio. New members welcome.

*Meeting of Women's Caucus* for faculty Thurs. Nov. 18th, at 1:00 P.M. in CC-373.

Miss Joan Schulz, Prof. of Eng. at SUNYA and Mrs. Gloria De Sole, a Prof. at Skidmore College will be guest speakers of the *Albany Zero Population Growth Chapter* on Nov. 17. The public is invited to attend the discussion in SC-19 at 8 P.M.

*Attention, poetry lovers!* Come and hear three young poets - Dave Mitchell, Roberta Singer, and Gil Williams who will all be reading from their works Wednesday, Nov 17th at 8 PM in Room 76 of the School of Library and Information Science.

Mary Leue Director of the Albany Elementray Free School and correspondent with A. S. Neill (Summerhill), John Holt, and Jon Kozol will speak Wednesday, Nov. 17 at 8:30 in the basement lounge of Onondaga-Oneida.

*International Forum* is having a reception for all students who are interested in studying abroad next year or next summer. If this is YOU come to HU 354 - the faculty lounge third floor of the humanities building on Tues. Nov 16 at 7:30 and talk to students who just come back from GERMANY, FRANCE, SPAIN, ITALY...All students who have taken part in these programs are also urged to attend. Coffee and doughnuts will be served. So don't forget! Tues. Nov 16 at 7:30 in HU 354.

*First Ski Club meeting* Wed., Nov. 17 in LC 2 at 8:00 PM. Dues (\$2.50) will be collected.

Cathexis the Psychology Club, is presenting *Children of the Silent Night* about Perkins Institute and *Can I Come Back Tomorrow?* (about behavior mod.) on Tuesday, Nov. 16 at 8 PM in LC 1. Possibility of trip to Perkins Institute will be discussed. Funded by S.A.

### PEACE & POLITICS

*Draft Counseling Hours* Mon. 11-4:30; T. 2-4:30; Wed-11-4, 7-9; Th. 1-4:30, 7-9; or by special appointment.

On Thurs. evening, Nov. 18, at Chapel House, 8 P.M., a forum will be held on *"Nuclear Deterrents and the Logic of the Arms Race."* Dr. J. Knight of SUNYA's Pol. Sci. Dept. will speak. Respondents will be Brig. Gen'l F. Higgins, and Fr. S. Stalanos.

### WHAT TO DO?

*Student Recital* will take place every Thursday from 12:00—1:00 in the Recital Hall of the PAC.

*"The Sign of the Cross"* an early Cecil B. DeMille extravaganza, will be shown at Harmanus Bleecker Library, 19 Dove Street, on Thursday, November 18 at 8:00 PM. The firm stars Charles Laughton, Claudette Colbert, and Fredric March. Like all Library activities, the movie is free and open to all the public.

Contests in billiards, bowling, bridge, chess and table tennis, sponsored by the Association of College Unions (ACU), will take place from Monday, November 29 through Saturday, December 4, 1971.

Registration forms for each event may be obtained at the Campus Center information desk until November 26.

The following persons will be in charge of administering the different areas of competition; Lee Battes, Chess, 489-6751; Daryl Hendersy, Billiards, 783-6676; Paul Schiffan, Table Tennis, 489-4124; Nelson Swart, Bowling, 457-6314; Tom Trifon, Bridge, 457-4664.

There is a one dollar (\$1.00) fee for each participant in the area of bridge, billiards, and table tennis. Bowling entrants must purchase an A.B.C. or W.I.B.C. collegiate membership card for \$.50.

Students will be paired for competition and participants will be notified by each tournament director.

Winners will be eligible to compete in the Region II contest hosted by SUC Oswego, February 10-12, 1972.

### OFFICIAL NOTICE

**ATTENTION STUDENT TEACHERS FOR 1972-73:** In order for you to student teach in any quarter of 1972-73, you must register in the student teaching office. You may register on any of the days assigned for your discipline. Please note the dates below and remember to register in Room ED 332 or +++. The office will be open from 9:00 A.M. to 4:00 P.M. each day.

As you come to register be prepared to declare a semester for your student teaching and a geographic area other than the capital district to which you would be able to go. Because of the great number of student teachers for this next year, it is necessary that a large percentage will have to student teach away from the Albany area. You must be ready to make this commitment, therefore, do not make any arrangements concerning apartments or leases until you are sure of your teaching assignment. ENGLISH—Nov. 29, 30, & Dec. 1, 1971. SOCIAL STUDIES—Dec. 2, 3, & 6. BUSINESS EDUCATION—Dec. 7 & 8. MATHEMATICS—Dec. 9. LANGUAGES—Dec. 10 & 13. SCIENCE—Dec. 14 & 15. SPEECH PATHOLOGY—Dec. 16 & 17.

Teacher Education students in the junior year abroad programs should inform the Student Teaching Office of their plans prior to the second semester of their junior year.

Director of Housing Fisher and Chief of Security Williams will be in the Colonial Quad. U-Lounge on Tuesday, Nov. 16 at 7:30 PM Come air your gripes to them in person.

"I put a lot of bread into a down payment on my new car. And I'm not going to blow it."



You worked hard for that new car of yours. Now all you've got to do is take care of it. Part of it's using the right gasoline. Amoco®. The type most new car owner manuals recommend.

Amoco is specially formulated for your new car's anti-pollution engine. Made to help it run better, longer. And Amoco can *double* the life of your tail pipe and muffler compared to fully leaded gasolines; spark plugs last longer, too.

Amoco Super-Premium gives you all these benefits plus better mileage than other premiums. It's the only anti-pollution premium gasoline you can buy.

That's one reason why more new car buyers switch to Amoco and other gasolines at American than any other brand.

So now that you've got that new car, use the gasoline you can count on.

You've got a new car. We've got a new car gasoline.



You expect more from American and you get it.™

# CONCERNS TABLE

Wed & Thur, November 17 & 18

10 am to 2 pm

Campus Center Lobby

## BRING YOUR QUESTIONS ON ANY AREA OF CAMPUS LIFE

- Food Service
- Student Activities
- Parking Facilities
- Residence Halls
- Security
- Maintenance

ad nauseum

sponsored by Campus Center Governing Board

# THE ASP SPORTS

## Booters Finish Dismal Season; Dumped 6-3 by New Paltz

by Bruce Maggin

The Albany Great Dane Soccer team concluded a disastrous soccer season last Saturday, as they lost to New Paltz 6-3.

The Danes showed some sustained offense for the first time in a while. This was only the second time this season Albany scored three or more goals. For Albany, Carlos Alvarez scored twice, finishing the season with five goals, and George Keleshian scored once. New Paltz's 6 goals were scored by six different players as they tallied four times in the first half. This game left Albany with a record of 1-5 in SUNY conference play.

The Booters finished the season with an overall record of 2-9. This set an Albany record of most losses in one season surpassing last year's record eight losses.

The Danes record over the last decade is a measly 30-56, with only one winning season. One of the reasons for this mediocrity is Albany's lack of recruiting. Albany awards no scholarships to soccer players and all the players must meet the academic standards of the university. Coach Bill Schieffelin said that he lost a few boys who could have played with the soccer team but they could not meet the academic requirement to be accepted. In order to improve the soccer team, the coaching staff must convince quality soccer players to come to

Albany next year. Also some players from the Junior Varsity must be found to play with the varsity team.

The major problem that must be corrected for next season is Albany's lack of offense. The Danes scored a meager 14 goals this season and were shutout 3 times. The opposition scored 32 goals.

Albany seems to play too conservative. Perhaps a more wide open style of play would greatly aid Albany's meek offense. It is

hoped that the 3 goals last Saturday was a start for more offensive punch next year. For Coach Schieffelin, he has a great deal of work to do to build the soccer team into a contender.



The Great Dane Soccer team stands around after a final game loss to New Paltz, 6-3, which gratefully ended a poor season.

...chow

## Hoopsters to Start Rebuilding Season

by Bill Heller

The biggest question facing Basketball coach Dr. Richard Sauers, is, "Can this year's team match the excellence of last year's?" Dr. Sauers, starting his 17th year as Albany basketball coach, will have his work cut out for him. First of all, the '70-'71 Great Danes accumulated an impressive 17-5 record that led to their being rated fifth in the final New York State College Division poll. This included winning the last 10 games in a row. Add to that, the loss of four starters, and you can perceive the situation.

Missing from this year's edition of the Hoopsters will be co-captains Jack Jordan (15.8 average) and Alan Reid (11.7) at forward, center Steve Sheehan (9.0) and guard Jim Masterson (9.5). That leaves Captain John Quattrocchi, at guard, as the only returning starter.

However, Quattrocchi brings with him some impressive statistics. As a sophomore last year, he averaged 13.7 points a game, and scored over 20 points in four games. With four starting berths open, this is how it looks so far. Don Joss (6'3"), who started a few games last year,

appears to have the inside track at center.

The forward problem will probably be solved by Werner Kolbn (6'4"), a returning letterman, and sophomores Reggie Smith (6'2"), and Byron Miller (6'2"). Smith and Miller both averaged over 10 points for the freshman team last year. Junior letterman Dave Welchons (6'2") is a good bet for the other guard.

Sauers feels that the team that gets the most good shots will win ballgames. To make sure that the team will do this, he will employ such tactics as an aggressive man to man defense, a full court zone press, and a set offense allowing a lot of two on two plays and requiring the players to think on their own. "The players will have to think quickly on their feet, and react quickly." Although there is a lack of big rebounders to initiate the fast break, Dr. Sauers will still have his team running.

This year's schedule is a tough one, with the roughest competition likely to come from Hartwick, Brockport, and SUNY at Buffalo. This year's team is young, with only three seniors, and a little green, but is the type of team that will improve game by game.

## JV Booters Upset Army Cadets, 6-4

by Stuart Shalat

In only their third year of play, the Albany State J.V. Soccer team ended their season on a winning note and with a winning record with a shattering upset of the West Point Cadets by a score of 5-1 at West Point Wednesday.

Coach Don Prozik's team, which has had stunning offense this year posting thirty one goals in ten games, surprised the physically strong Army defense, and he gave the Pups a 6-4 record.

The scoring got underway for Albany with twenty-five seconds left in the first period off the foot of Mick Walker, the first of his four goals in the game. The Dane Pups took a 2-0 lead into the half with a score in the second period.

In the beginning of the third period Army came back strong, but the State defense held. At 16:25, and just two minutes later at 18:25, Walker put the game almost out of reach, 4-0. The

Cadets came back part of the way twenty-five seconds of the fourth quarter, with a goal, but again the Albany defense tightened up and at 10:23 Mario Fleurant scored on an assist from Walker to end the scoring and the game.

Throughout the season the Dane Pups saw fine offensive performances from their front line. Outstanding at left wing was Leon Sedefian (soph.) with four goals and twelve assists. Leading scorer was Eduardo Ordonez with eight goals and two assists.

## Harriers Do Well in College Champs

The Albany Harriers ran twenty-second in a field of fifty-one teams, Saturday, in the annual NCAA College Division Cross Country Championships.

The top six men on the team

The Great Dane defense was up to the challenge, but for the second straight week, it was the Albany offense that was the main cause for what should have been an important win. Albany completely shut off the highly touted Hudson Valley Community College's passing attack, but succumbed to their own miscues and an early field goal, to be edged 3-0.

The game ended HVCC's season at 7-2, and left Albany 3-4, going into their last game, home against Pace, this Saturday.

What turned out to be the winning score was the result of one of six Albany turnovers, as Steve Slagen picked off a Bill Flanagan aerial, and returned it to the Dane 29. Albany held on their 11, but Fred Kiefer booted a 26-yard field goal to make it 3-0, just before the first quarter ended.

The rest of the game was a multiterm of drives, by both teams, that always fell short. The

Great Dane defense held on its 34 twice, its 30,8, and 15 yard line, on five different occasions.

On the other hand, Albany missed no less than four golden opportunities to get on the scoreboard. The Danes fumbled twice, deep in Hudson Valley territory. In the first quarter, they lost the ball on the HV 25 and in the last period, they gave it up on the enemy 31. They also ran out of downs on the HV 26, late in the game, and Vinnie Pierce missed a 15 yard field goal, just before halftime.

A look at the stats reveals that both passing attacks were anemic. The Albany secondary caused many dropped balls by their ferocious hitting. However, the Danes were even worse in the air. They completed 4-15, for 50 yards and had three interceptions. Carvin Payne's 86 yards for 23 carries led the Great Danes.

The game was the lowest point total for Hudson Valley all season, and it marked Albany's first shutout since last year. Once again, a credit to the Dane defense, and as far as the Albany offense...

flew to Evanston, Ill. to run against over 400 other competitors from small colleges all over the country.

The track was fast and the air clear and cold, and the Harriers gave a respectable showing in the

large field. Albany's top finisher was Scott Abercrombie who finished 111th. Freshman star Brian Quinn was next, 137th.

Dennis Hackett came across 153rd. After him finished Larry Frederick, John Koch was next and Bill Sorel after him, accounting for the entire Albany

contingent.

The individual winner was Bill Flack of North Dakota State, and the team victor was California State at Fullerton.

Yesterday the Dane Harriers, minus Brian Quinn, for no known reason, competed in the IC4A Championships at Van Cortlandt Park, Bronx.

### BUSSES WILL BE RUNNING BETWEEN SUNYA AND NEW YORK CITY

TICKET HOURS WILL BE:	Monday 11-1	Tuesday 10-12:30
(sold across from check cashing)	Wednesday 11-1	Thursday 10-2
	Friday 9-12	

Busses leave from the circle at 4 pm on Fridays

Busses leave NYC at 4 pm on Sundays



Interfraternity Council presents

## The Official Albany State Football Team Films

narrated by head coach, Robert Ford

This week- The Siena Game of Oct. 25

Wednesday, Nov. 17 at 7:00 pm in LC 1

admission free

# Thoughts on Trends

by Mike Igoe

Judging by the rapidity that area films are coming and going lately once the sudden shift in the subject material prevailing from week to week, it would seem that theater owners are conducting an experiment to determine what kind of market they're catering to.

Two weeks ago the film fare consisted primarily of mature audience, sex-gearred films such as *How to Succeed with Sex*, *Ginger*, *The Minx*, *The Female*, and even a few horror thrillers: *Let's Scare Jessica to Death*, *I Drink Your Blood*, and *I Eat Your Skin*. Last week the offerings leaned more towards a general audience. *West Side Story*, *Plaza Suite*, *Love Story*, *Doctor Zhivago*, *Walkabout*, *Cactus Flower*, and *Patton* fell into this category. A glance at the theater pages this week reveals a mixed slate of presentations.

This observation might bring to mind some questions concerning the cinema. Why is it that some movies which you'd like to see take off when they've just arrived in town? Why do others that have been shown for umpteen numbers of times seem to linger on? What determines the caliber of the flicks? A closer look behind the scenes discloses that many factors are involved. Some local theater managers rendered a variety of comments on the whys of what viewers see.

Mr. Arthur Bowell manager of the Fox Colonie Theater explained that his movie house, part of a national chain, carried first run movies as a rule. He pointed out that the class of these shows was determined by public response. Mr. Bowell added that publicity will always make a film whether it be excellent or of a very poor quality. "Many sex films got as far as they did because they received so much publicity. *I Am Curious (Yellow)* is a good example of this. It got a tremendous response throughout the country."

Mrs. Betty Turnbull manager of the Cinema 7 in Latham agrees that publicity determines how long a show will stay. Mrs. Turnbull claimed that publicity, particularly word of mouth, helped to make hits of films that played there such as *Bob & Carol & Ted & Alice*, *Kama Sutra*, and their current hit, *The Summer of '42*.

Mr. George Stowell, manager of the Madison Theater said that a big response to a particular film helps to explain why some films

are played many times over in various area show places. Mr. Stowell cited the eight week run of *Klute* at the Madison and the fact that *Klute* enjoyed runs in several other area theaters as an example.

In regard to the type of movies being produced, once again it seems that the general public is largely responsible. For when there is a major response to a certain type of film, movie companies rush to make imitations of the successful product. As Associated Press drama writer William Glover put it, "there are countless numbers of unreleased 'Easy Riders' rotting away in the can."

Thus, we can make ourselves felt on the type of movies we want to see by not patronizing inferior quality films. You might be inclined to say to yourself, "What can I do? I'm just one person." However, if we all take this view, the effect can be substantial. This has already been evidenced by the large grosses of *Love Story* at the box office. Here people have clearly indicated they want a return to more conventional movies and less sexual slop. Also, the major Hollywood film companies have announced they won't be making any more X movies, at least not for the present.

Even on a local level here in Albany, the public mood has influenced the policies of some of the theaters. A theater manager who wished to remain anonymous claimed poor response in this area helped to clean out the sex markets here. The manager of the Tri City Twin Drive In, Mr. Rapp, firmly stated that his theater will not show X-rated movies or as Mr. Stowell put it, "by comparison nationwide. Albany is a much different city." A fact to which I'm sure Mr. Goodman will agree.

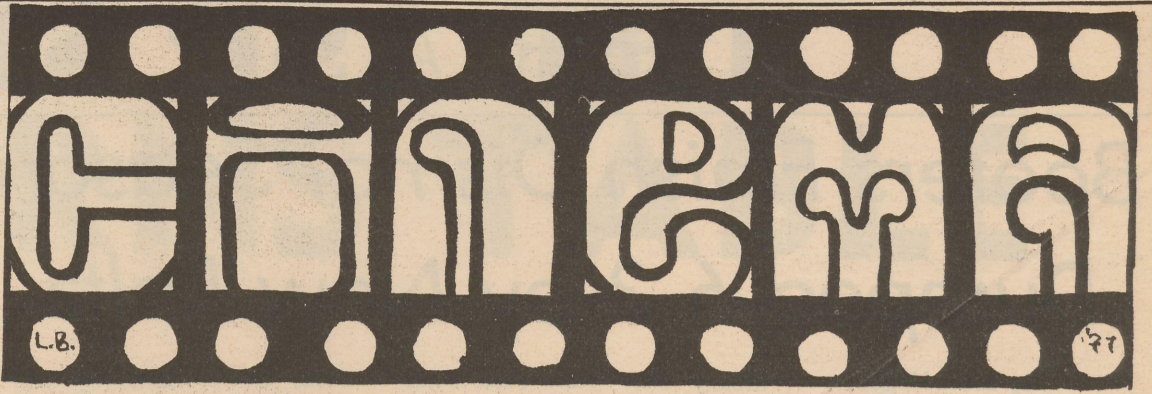
## BROTHERS AND SISTERS

My Arts Department and myself would like to take this opportunity to offer a very definite invitation to the Brothers and Sisters of this University community.

We invite you to help us mold an Arts Department which is representative of what kids on this campus can relate to.

We need movie reviewers, record reviewers, theater and dance reviewers. We'll help you learn what to look for; we just need kids who want to work.

If you think you want to, stop by the ASP Office sometime.



by Robert Verini

THE TOTAL FILM-MAKER (Random House) is a book by and about Jerry Lewis the movie-maker, but is most interesting in the insights it gives into Jerry Lewis the man. Culled from lectures he gave while teaching a film course at U.S.C. (which certainly gives one pause) the book is sloppy and poorly organized, repetitious and often incoherent; nevertheless it is a useful look at a little boy who truly never grew up.

I personally can't abide Lewis. While I applaud his efforts as a humanitarian, and not having met the man I know nothing of his off-screen personality (although as with Streisand one can make some good guesses); nevertheless his

are of the violent opinion that every film must have the mark of an "author," that is, one who is in total artistic control). French critics have twice voted Lewis Best Foreign Director of the Year, which really says more about those critics than it does about Lewis.

What I do want to emphasize is that one's opinion of Jerry Lewis is not irrelevant to an appreciation of his book. THE TOTAL FILM-MAKER, besides presenting many practical details involved in the production of a movie (his chapter on financing is particularly interesting), raises serious, fascinating questions about the mentality of those before and behind the camera, Lewis, of course, in particular.

The impression of the author which the book, inadvertently or not, leaves with the reader is that

nooks and crannies of sound stages to pick up knowledge. (What costly delays this practice caused is not mentioned). Lewis works hard at his craft, believes in it, and honestly feels he has something to say in his films. This is, I imagine, the feeling of most directors; and it is refreshing to hear it spoken so directly and with such emotion. In the arts, dedication, belief, and hard work are absolutely essential. Lewis swears by all three, so in this respect, at least, I must admire him.

It would take one far better versed in psychology than I to completely fathom Jerry Lewis's self-portrait in his book. I do feel, however, that he was undoubtedly born sixty years too late. He and his art are anachronisms, throwbacks to the days when a pie in the face was a novelty and uncontrolled slapstick the rage. Anachronisms, when they are people, tend to be rather pathetic; and patronizing as it may seem I can't help but feel sad when I

## The

films I find by and large dreadful: as funny as the proverbial crutch. To be sure he has his good moments—the first half hour of THE ERRAND BOY is, I think, as funny as anything ever put on celluloid—but both his acting and directing have a depressing air of familiarity about them, as if we've seen it all before, and done better. Moreover, all of the Lewis efforts I've seen (and I shudder at their number) seem to degenerate into a kind of desperate, ultra-hysterical slapstick in which Lewis begs for a laugh in much the same way a dispossessed, goldfish screams for water. Ultimately this provokes acute embarrassment rather than prolonged laughter.

Lewis doesn't seem to think so. Only once in his 208 pages does he come close to admitting that he has "made some bad comedy:" and even then he blames it on too many broad facial expressions (if only the answer were as simple as that!). What's more surprising is that many critics, especially in Europe, don't think so either—I refer of course to the auteur school of criticism. (For those unfamiliar, I will discuss the auteur critics in a later article; for the moment let me say that they

## Subjective

of a complex, intense, ego-maniacal individual whose compulsion for learning all there is to know is at once admirable and terrifying. Occasionally he displays ignorance phenomenal for one who has been in show business so long. He says: "Some directors have wonderful tricks and devices for pulling performances. Norman Taurog is an expert. When he wanted to make me cry, he'd take me into a corner and ask me to think about what would happen if my little boy was hit by a truck." Tricks and devices indeed! Relating part of a scene to one's own feelings and experiences is one of the fundamental precepts of acting, as the most inexperienced performer knows. Earlier in the book he seems to pride himself on his ignorance (he defensively states that he is going to use a word—"humanities"—wrong deliberately, "no matter what the word purists say," when it would be just as easy to find a synonym) and then displays a kind of reverse snobbism: "I'm getting (in my films) to those who probably don't have the mentality to understand what the hell A MAN FOR ALL SEASONS is all about." N.B. If any reader could not figure out what that film was all about, please let me know. I'll be stunned.

But as I say, Lewis does have a compulsion to learn. He mentions how, when he was merely acting, he could never be found for shooting, always looking through

## Filmgoer

think of Lewis' career, seeing how so much love, care, and just plain time he puts in to produce films that most people, it seems, find generally worthless. For all its tidbits of information, THE TOTAL FILM-MAKER is hardly the last word on the subject of moviemaking; yet it's probably the last word on Lewis, who may have told us more about himself than he ever suspected—or wanted us to know.

\*\*\*\*\*

GONE WITH THE WIND(M-G-M/Selznick): Still the best entertainment buy in town, GWTW has a sweep and passion about it that few films before or since have equalled. Despite three directors, thirty-five scriptwriters, and myriad filming problems, the movie has great cohesion, and the progression of the characters is logical, tight, and believable. Viven Leigh's accomplished performance as Scarlett is a triumph, as is Gable's swaggering Rhett; but don't overlook the work of Olivia deHavilland, Hattie McDaniel, and Thomas Mitchell, among many others, all of whom are perfection. One added delight: watch for the full-length portrait over the mantel in Rhett and Scarlett's mansion in Part Two.

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# Cratchets

by Steve Hirsch

The two nuns in the front row were rather surprised to find Marcello painting a scantily clad model instead of the Red Sea. There's no doubt about it, La Boheme in the Frank Corsaro version, presented this weekend by Capital Artists, puts those members of the audience used to more traditional performances in minor shock. The Corsaro version updates the story from 1830 to 1919, and makes those loveable young male chauvanists Rudolfo, Marcello, Colline and Schaunard, Americans in Paris post World War I. For those uninitiated to the joys and frustrations of opera it makes a fine primer; the four lads drink, wench and rip-off their landlord in true contemporary style. When the Corsaro version is done well as it was in Lake George this summer, it is tremendously enjoyable. Unfortunately, the Capital Artists production was only mediocre. Joan Spain was pathetically un-vivacious as the grand C. T. Musetta. She sang well enough, but she had all the vibrancy of a dead fish. Schaunard, as played by David Aldrich, acted poorly and sang weakly. He just did not come across as a young World War I veteran. You got the feeling he might have spent the war as a colonel forced to latrine duty. The chorus, to put it mildly, was terrible. They were off key and out of phase with conductor Kurt Saffir more than they were correct. They, too, were lifeless.

Now that I have played the venous-spitting critic, let me mention some of the good. Theodore Morrill was an excellent Rudolfo, professional in every way. He even acted like he meant it. Eileen Bush, as Mimi was equally as fine. Acts III and IV, which are mostly Mimi and Rudolfo, were excellent. Also, SUNYA's Joel Acosti of Captain Hood fame, made his debut as Benoit, the horny landlord. Hoel had the best baritone voice in the company, and once they get away from the "let's give the kid a break" attitude evident in the program, he'll be one of their biggest assets.

The Capital Artists should be commended for their efforts to bring opera to the people; there is no question about that. The addition of a good orchestra, however, does not make the company. The production was entertaining, and the two romantic leads good enough, but for God's sake, get rid of that chorus.

OCTOBER 29, 1970,

OR,

"HAPPY BIRTHDAY" K. (I) D.

*This city might not be clean,  
but it sure is noisy.*

*the very air is alive with violence  
and would it, perhaps, sound paranoid  
should i startle the world with silence  
and speak into the void*

*...nothing?*

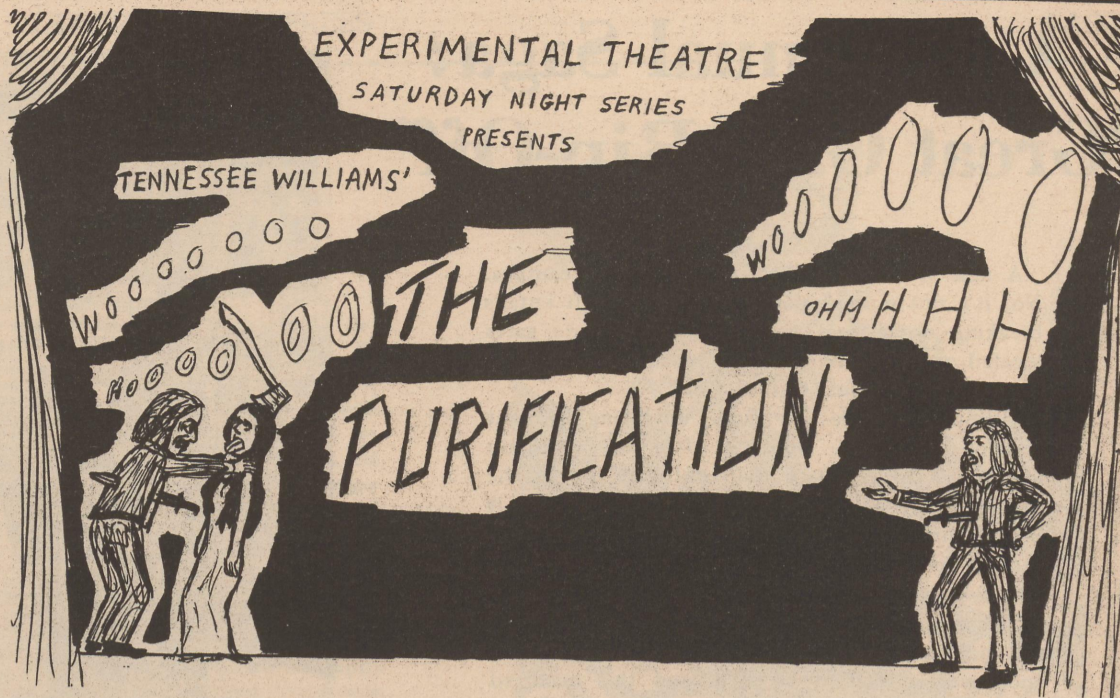
*This place might not be cheerful,  
but it sure is cold.*

*the cold clap of winter wind...  
against my window...pain rattles...  
against my brain...battles against...  
a feeling of increasing failure...  
of unceasing failure...  
a numbness...*

*nothing.*

*Spiro blows  
his bubble gum.  
Rocky sucks  
his thumb.  
Ratso calls the Cowboy dumb.  
I might not be here tomorrow,  
but I sure am here today.*

by Caruso



by Steve Aminoff

Some truly innovative theatrical techniques were employed in the Experimental Theatre's fine production of Tennessee Williams' *The Purification*.

Director W.C. Doscher included a brief note on what was being done with this play in the program. He explains, "What you are seeing tonight is the culmination of six weeks work with the theatre techniques of Konstanten Staniscauski and Jerzy Grotowski."

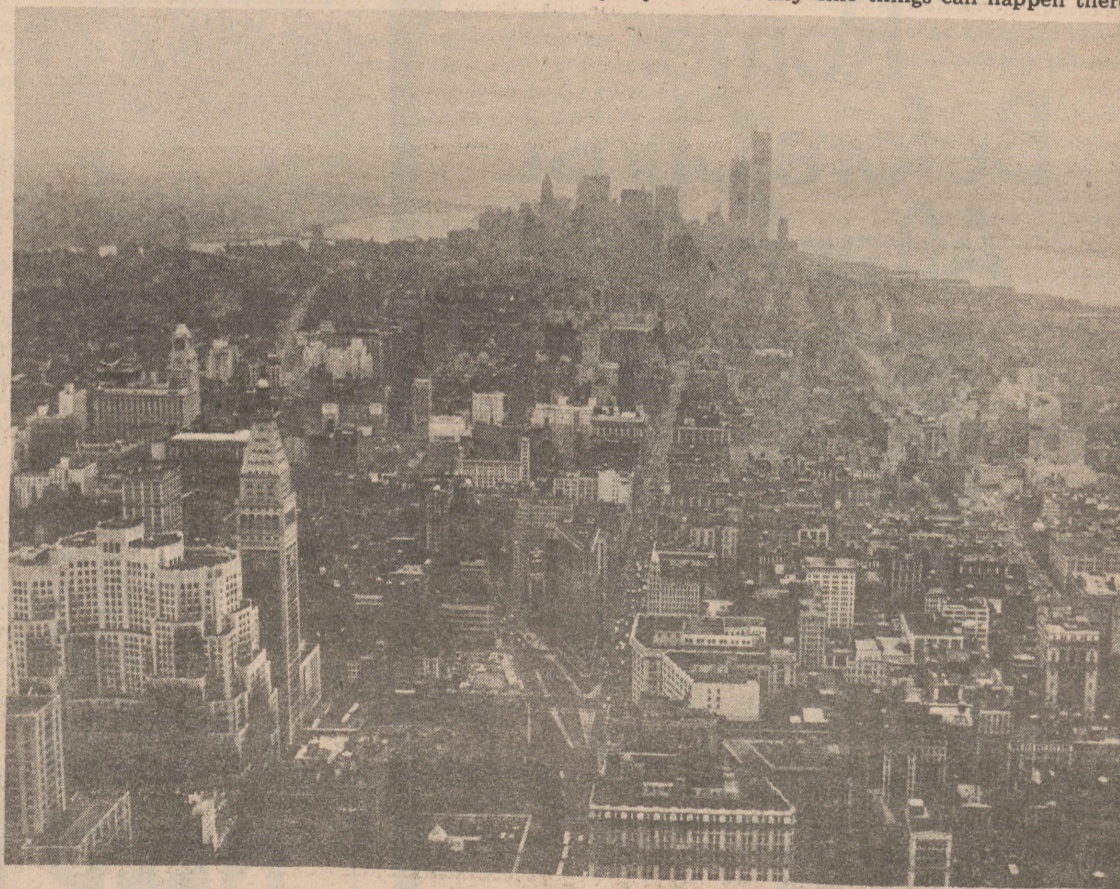
I found the type of theatre that was used (the second floor Lab Theatre in the PAC) to be a very effective instrument. Granted, the room looks more like a vacant warehouse than a theatre in the traditional sense of the word. But this type of atmosphere can lend a communal feeling which can be invaluable in terms of giving the audience a sense of unity with the production.

I found some of the effects, though, to be poorly thought out and somewhat inconsistent. The plot, ideally, allowed for a break in the intensity in the form of some music and merriment sandwiched into the confrontation of a man with his lover's mur-

derer. This break featured folks going into the audience with offerings of ladles filled with water. The mood was supposed to be one of relief, and the kids who brought you water looked friendly. But the lighting was kept at the same dimly-lit level, and the violin player was playing sounds which were not any more happy than the mood of just a few minutes before. A little more consistency of mood might have done to make things seem more "together."

The performances were good. Robert Chanin knew exactly when to turn the energy on and off. His ability to be restrained yet definitive in his emotions provided a sense of "believability" which is so important. Even during the vivacious oratorios of Alan Herman's portrayal of Rossania, I found my attention drawn to Bob. Alan's acting was alive, and worked. I just wish he'd learn how to "die" a little better.

All in all, Experimental theatre is a nice thing to do on weekends. I have a feeling a lot of people will start getting into it on a regular basis. I hope so, anyway. Some really fine things can happen there.



## LAST DAYS

For '72

Senior Yearbook Portraits

Monday, November 15

10-2 3-7

Tuesday, November 16

9-11 12-6

PICTURES WILL BE TAKEN IN CC 305.

## The Class of '72

has been invited to recommend speakers for this year's Commencement ceremony.

Suggestion boxes will be set up at the Campus Center Information Desk, and in the Library Entrance from November 15th-23rd for this purpose. Anyone within the University community should feel free to make suggestions.

The ballot form below is provided for your convenience.

Suggested Commencement Speaker

\_\_\_\_\_

## A Continual Saga: 'Great Gate Rip-Off'

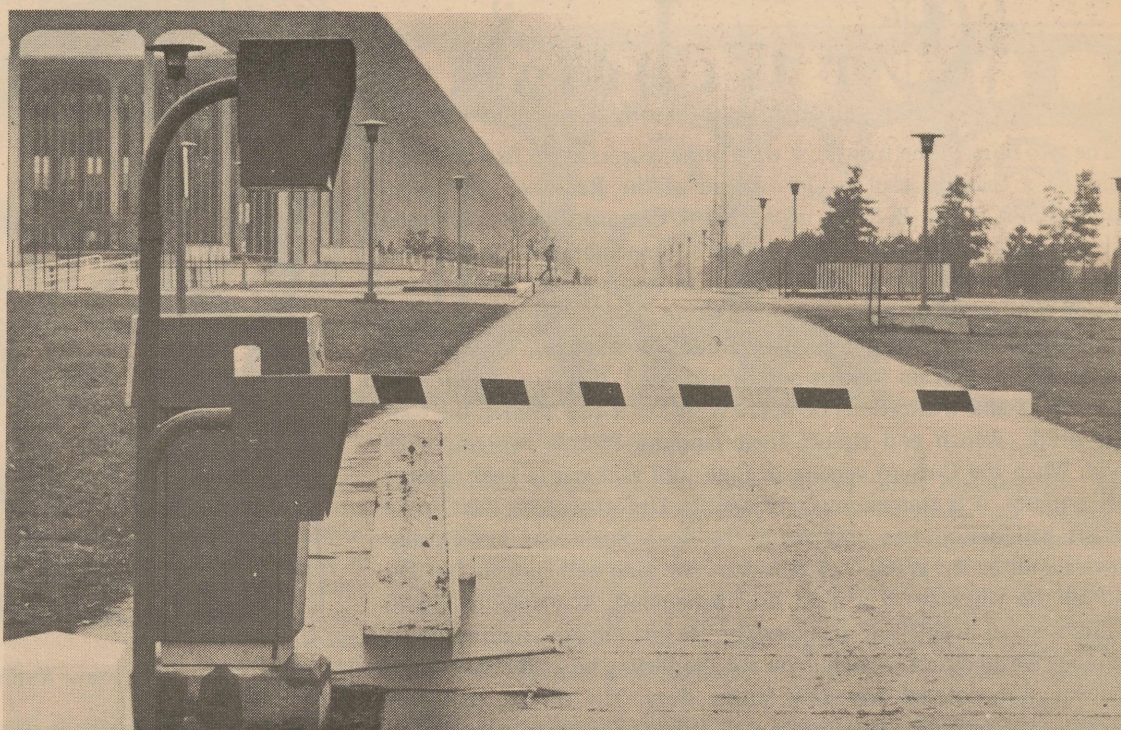
by Steve Salant

A new student activity is sweeping the campus. No, it's not mumblypeg or tiddlywinks. It entails breaking down and collecting the electric gates located on State and Colonial Quads. This is what is known as "The Great Gate Rip-off."

Although the gates are usually up during the night and on weekends, students often take it upon themselves to facilitate their entrance during the day. A group of students will pull the gate until it snaps. This is legally classified as criminal mischief and its consequences could be a jail sentence or a fine. Security feels that it is not necessary to impose such harsh penalties for this action and it generally will make the student just pay for the damage. Only once was a student arrested, and this occurred because he allegedly started to harrass the officers who caught him.

Students who participate in this activity may not always pick up the gates and bring them home, but passersby will often take them. Students often consider them a "trophy" and feel that they will add a little life to their otherwise "drab" rooms. The "Great Gate Rip-off" is not just limited to students. Truck drivers making deliveries to the university like to play this game. Their reasons can only be guessed at as expediency.

This activity should not be taken lightly. Its causes range from student pranks to malicious destruction. The Colonial Quad gate, according to security, was completely destroyed by an axe or a crowbar. The two gates (Colonial and State) have been broken approximately 40 times much to the dismay of security and to the expense of students. The charge to a student who breaks a gate is \$40.00.



Save this picture! It may be a classic! This is a rare shot of a still intact mechanical gate. . . . solomon

## Academic Calendars Discussed

The 1972-73 calendar was the focus of a meeting held an hour prior to special University Senate meeting Monday afternoon.

Senators and other interested persons attending discussed the various internal and external constraints upon calendar preparation, three models for the fall semester and four models for the spring semester were presented.

Calendar preparation is restricted by "internal parameters" ranging from the effect on the quality of the academic program to deadlines for adding and dropping courses to dates for opening and closing residences to various administrative considerations. The chancellor's mandated 30-week instruction period for an academic year is one of the external con-

straints, as are the policy of no exams, registrations or convocations on major religious holidays; public opinion of a month-long intersession in a tight budget year; and the adoption by various other colleges of the plan that ends the fall semester before Christmas.

Two of the fall semester models suspend classes on Sept. 18 for Yom Kippur. One of the two models shortens the examination period to five days to compensate for the holiday, and the other schedules on Sept. 5, the Monday classes suspended Sept. 18. The third fall model eliminates suspended classes for any religious holiday.

The first model for the spring semester includes a three-week winter recess and classes suspended for Judeo-Christian holy days in a second spring recess. Spring plan no. 2 has a four-week winter recess and includes religious observance after 12 weeks of classes. The third spring plan would require the Chancellor's approval to end before the mandated May 15, a four-week winter recess and a spring recess eight weeks into the semester. The spring recess would not coincide with religious holy days. The fourth spring plan also requires the Chancellor's permission to end on May 5, termed "hard to obtain;" a three-week winter recess and the same type of spring recess as in spring plan no. 3. The third plan calls for classes ending May 12, a date that might secure Chancellor Boyer's approval more easily than May 5.

## SUNY Budget in Trouble

continued from page 3

among staff; to improve the allocation of space and staff assignments; to begin a cutback and modification of existing programs; and to offer no new faculty openings for 1972. "Apparently no program will be better off in the future than at present," said Sirotkin.

Sirotkin referred to a letter from President Benezet to SUNY Chancellor Ernest Boyer calling for an increase in interdisciplinary programs, including environmental studies, an increase that Sirotkin noted probably will not be allowed.

Other proposals within SUNY for this university include a three-year bachelor's degree, being reviewed by the Undergraduate Academic Council and due for future Senate consideration. Support for the three-year program will have to come from

external sources such as the Department of Health, Education and Welfare in Washington and from private sources like the Carnegie Foundation.

### Enrollment Figures

The current enrollment here is 13,905 students, by a head-count. This figure compares with a September 1970 head-count of 13,240. Full time enrollment currently lists 12,200 students, compared with a 1970 FTE of 11,497.

Estimated 1972 figures set the head-count at 14,935, but that number may be later revised. The figure is based upon the assumption that 1,600 freshmen and 900 transfers will enter next year. The 1972 total breaks down into 9,435 undergraduates and 5,500 graduate students, a net increase of 800 graduate students.

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After Fellini.



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Food Protest  
Petition Out

by Evelyn Katz

Petitions calling for a rechanneling of FSA funds for increased student benefit have gone up on Indian Quad. Lee Gamelsky, one of the students involved in the petitioning, when queried as to why the petitions had gone up replied, "Well, because of hunger for one thing."

Posted on the way to the dining area the petition calls for five specific actions to be taken on behalf of all students who contract with FSA: 1) student representation in planning the menu; 2) seconds on all meals; 3) fresh fruits and vegetables; 4) sandwiches on Sunday nights, and; 5) restitution for uneaten meals.

Gamelsky continued, "That's not all though. The basic idea is that FSA is making a profit when the money should be going back to the students. They're balancing their own books."

The petitions will remain up until next Thursday morning.

# Environment Exploited by Ad-men's Eco-Pornography

The following is reprinted from the August 26 issue of the Washington Park Spirit:

by Mark Plaatt

"Eco-Pornography" is not a pictorial magazine whose features exploit men and women in all sorts of Kama Sutra positions. It does not come through the mail in a plain brown envelope with a Swedish stamp in the upper right hand corner. Nor do dirty old men snicker and drool over it for hours.

Eco-pornography is all around us everyday. I can be heard on the radio, seen on T.V., in commercials, and in magazines. Yet there are no little-Victorian old ladies protecting young innocents from such smut and garbage.

The term eco-pornography may be familiar to many but it is hard to define. After many years of reading pornography, a person can usually recognize hard-core obscenity and that which has social significance. However, if one may combine a little Webster (ecology) and the Supreme Court (pornography) the result is "the exploitation and misuse of environmental issues and terms."

Eco-pornography can be found in any media used by business and corporations to advertise their products. Bill-boards, one type of media, are themselves environmentally degrading. They must attract attention and be read quickly to be an effective advertising medium. Taste is usually the last criteria considered in creating these masterpieces of American art. The Lark "STOP SMOGGING" bill-board featured in The Spirit two issues ago is a prime example of eco-pornography. Another example is found in the Atlantic-Richfield bill-board featuring a scenic photography with the heading, "How to help keep America beautiful..."

A more familiar advertising medium, television, has been used particularly by large corporations for PR commercials, PR, or Public Relations, can be defined in two ways. It can describe programs that inform the public of contributions to social causes and the acceptance of responsibility in like matters by large corporations seeking to improve their public image. PR can also describe programs designed to camouflage environmental abuse by the large

corporations and industry.

There are many companies who are slowly accepting their public responsibilities and have seriously begun cleaning up. However, most super-corporations spend more money and time on their PR than on their pollution abatement equipment.

Consider the television commercial whose narrator broadcasts, "We struck oil in Alaska, 200 miles north of the Arctic Circle. Now men are working there 24 hours a day, seven days a week... We're there because our dealers are in your local neighborhood. He's so important to us that we'll go the ends of the earth to keep him supplied with products to take care of your car." No mention is made of the planned Alaskan pipeline or the damage to the ecology of the Alaskan wilderness if such a pipeline is built. Getting the product to dealers is given primary importance in this commercial, and the environmental threat to Alaska is ignored.

Many products themselves have taken an ecological bent. Low-phosphate detergents have all but flooded the market in the rush to save the environment. Some low-phosphate detergents will actually clean your clothes. Others, such as the now infamous ECOLOG detergent can be harmful to clothes and humans. ECOLOG (pronounced ecology) came on the market soon after the first Earth Day. Sales zoomed as housewives could now do their part for the environment. This was fine until it was discovered that ECOLOG was almost one-half salt, did not clean clothes very well and caused skin rashes.

Trash Mashers are another line of products which are advertised as a solution to an environmental problem. In reality, this line of products does more harm than good. The spray used to deodorize the garbage when compressed, prevents food from decomposing naturally. Cans and bottles are crushed together, and cannot be recycled or reused.

Locally, eco-pornography exists in abundance. One radio station in particular, WPTR, has a nasty habit of using the word "ecology" before the time (Ecology NOW time is...); a practice completely without significance. There is a difference between the over-use of a counter culture term and the mis-

uses of language that should describe critical ecological issues. Ecology, as defined by Webster, is that branch of science concerned with the interrelationships of organisms and their environment. Its meaning should be taken far more seriously than the media would often have us think.

Eco-pornography has not escaped criticism from the business community. Malcolm S. Forbes, president of Forbes Magazine attacked the use of eco-pornography in an editorial entitled "No Room on the Bandwagon."

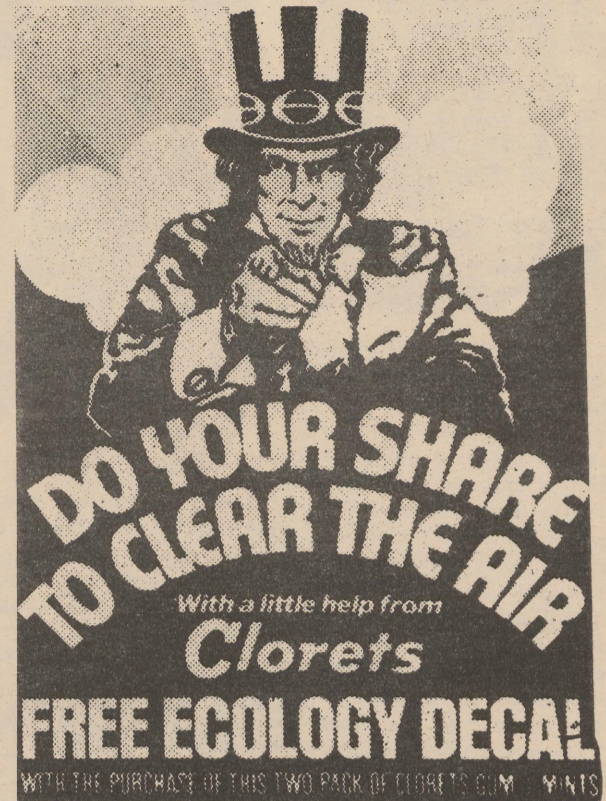
"...With such a stampede to board the anti-pollution bandwagon, some people are falling off in their attempts to climb on, falling flat on their faces in front of the wheels."

Jerry Mander, president of a San Franciscan advertising agency, prepared a portfolio of Eco-pornography to accompany an article in Scanlans Monthly. Some of his selections included: Standard Oil's "Announcing the most long awaited gasoline development in history;" Shell's "Last year we saved a lot of fish from drowning. And made a lot of kids happy;" Humble Oil's "This bird sanctuary is an oil field;" Bethlehem Steel's "What in the world does a forester do at Bethlehem Steel;" Westinghouse's "We're providing electricity through clean, safe, nuclear power;" and Clorets "Do you share to Clean the Air with a little help from Clorets."

A recent survey at SALES MANAGEMENT, a marketing magazine, asked, "Does Ecology Sell?" The results revealed that companies vying to paint their products into ecological sainthood often end up as martyrs.

Advertisers and marketing men have a common unofficial slogan, "If it sells my product, use it." With increasing awareness of the environment, fewer people have accepted eco-pornography as truth. The waste land which is eco-pornography will disappear if it does not sell products, and it is not now selling products.

The consumer is advised to differentiate between truthful advertising claims and the not-so-truthful. The theory of consumer sovereignty may often seem more myth than fact. However, the consumer will finally decide what is sold by what he buys.



## Industry Lags In Anti-pollution Fight

AP— A \$200,000 fine was imposed yesterday upon the Anaconda Wire and Cable Company for 100 unlawful discharges of copper and other wastes into the Hudson River from its plant at Hastings-on-Hudson, New York.

Federal Judge Thomas F. Croake fined the company, which pleaded guilty last Sept. 27 to a 100-count indictment alleging spills five days a week from Jan. 4 to May 24 from its Westchester county mill.

A special anti-pollution grand jury, filing charges Sept. 8, alleged infractions of the Federal Refuse Act of 1899.

Company officials told the judge last Sept. 27 that the plant had remedied the situation in compliance with New York State anti-pollution standards.

Without further interpretation, Judge Croake told company officials: "This cannot be considered part of the overhead of a business. That is my thinking, and I have given it very serious consideration."

Under the law, fines ranging up to \$2,500 for each violation could be imposed. Croake set \$2,000 for each, ordering the company to pay by Dec. 1.

Representing Anaconda were vice president William Riley; secretary H. Robert Limmer; and lawyer Donald L. Deming.

\*\*\*\*\*

Earth News

The Council on Economic Priorities released a report which revealed that many ad claims by major manufacturers are false or misleading.

The Council on Economic Priorities (CEP) is a non-profit organization, similar to Ralph Nader's organizations. Earlier this year CEP released an extensive study on the paper industry, explaining how polluting that particular industry is.

The report reveals that the major polluters do most "environmental advertising." That is, CEP found that the companies with the worse pollution records spend more money on advertising either disclaiming pollution complaints or claiming that the companies don't pollute more than the lesser polluters.

The CEP report cites many specific cases, among them the advertising done by both Ford Motor Company and General Motors. Both GM and Ford, according to the report, advertise that they have reduced pollution emissions from 65 percent to 80 percent on 1971 cars. CEP, however, cites a California study which shows that 75 percent of the 1971 cars on the road failed to meet that criteria.

"Ford claims that auto emission comprises only 39 percent of total air pollution," CEP says. "Yet CEP shows auto pollution impact on urban areas is over 75 percent."

The report also states: "The images created by generalized claims are not consistent with those conveyed by specifics in the news." CEP says that this leads to a "frustrating conflict which in light of the growing U.S. concern over the condition of our environment... may not be tolerated much longer."

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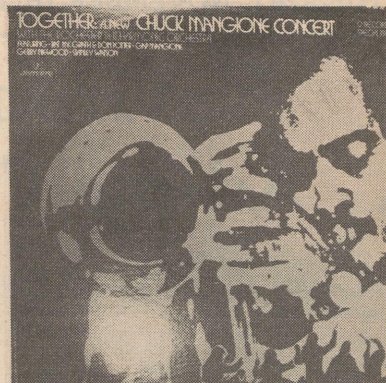
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# RECORDS



photos by solomon

**JEFF BECK GROUP:** Rough and Ready (Epic 30973)  
 After being immobilized for two years by a motorcycle accident, Jeff Beck, former lead guitar of the Yardbirds and the Jeff Beck Group (with Rod Stewart) has formed a new band that includes a black singer. Jeff Beck playing soul-rock music? Yeah, it hit me kind of funny at first. Since Beck is noted for his flaming egotism and a desire to lay down as much guitar as possible (which was fine within the context of his other groups) it seemed rather unlikely that he would adapt to the new sound.

But yes, he does adapt. There is still enough of the most unpredictable, staccato guitar in rock, but Beck does not get carried away with himself, and adds much to the mood of each song. Ironically, vocals do not play a large role in the proceedings. Bob Tench has a pretty good voice and he excels in "I've Been Used," "Got the Feeling," and "Short Business" but his range is rather weak and he has trouble handling love ballads like "Jody." Perhaps this is the reason his vocals are staid rather than far in the background.

"Got the Feeling" shows off the new Beck. It has a typical soul opening with Beck grinding out some notes on wah-wah pedal. Overdubbing of guitar and piano is used extensively so a smooth, complete feeling is obtained. A variety of sounds by Beck fills in any empty spaces. Max Middleton, who spent many years playing classical piano, combines many unusual notes to produce an exotic solo with a touch of latin flavor. The rhythm section of bass player Clive Chaman and drummer Cozy Powell, probably the most essential part of soul music supplies a lot of punch. An auspicious start.

"Situation" has an intro buildup that gives Beck plenty of opportunity to explode but he surprises with a soft, legato line that leads right into the opening verse. Later on, his fuzzy guitar solo is contrasted with the velvet touch of Middleton on electric piano.

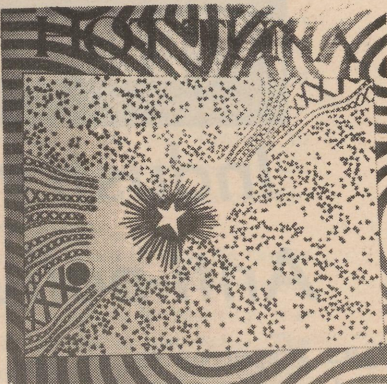
Don't expect another "Rice Pudding" or "Beck's Bolero" from the 8:25 instrumental "Raynes Park Blues," which in spite of its misleading title is a jazz piece. The theme takes too long in unfolding and there is too much wasted space, though by no means can the song be called filler material for there are plenty of ideas, the problem is that they're too sketchy.

Tightness is the main quality of "Short Business" and "I've Been Used." The latter opens with an eerie syncopated beat but then quickly straightens out into the main theme. Tench, drowning in pain, is at his best here.

The last two songs on the album point out some weaknesses in the group's format. "New Ways Train Train" utilizes ideas from Traffic, James Gang, and Buddy Miles without having a personality of its own. The constant switches in style are a little hard to take and for all the music layed down, there is very little accomplished. "Jody" underlines the lack of good material at hand. Still, the music is strong enough to leap any hurdles. Middleton's magic carpet ride electric piano solo that ends the album is sheer genius. He steals the spotlight from Beck.

"Rough and Ready" may not be what you expect but it doesn't intend to be. If you give it a little time, you could be pleasantly surprised. So Jeff Beck has soul. What do you know?

Eric Graeber



by Bill Brina

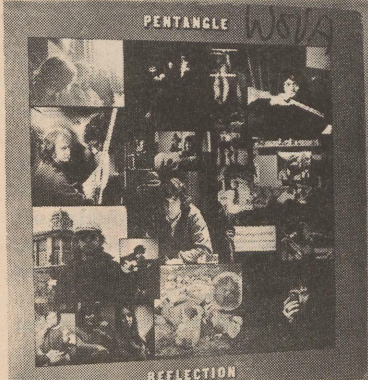
**Electric Hot Tuna:** "FIRST PULL UP, THEN PULL DOWN" (Recorded live)

RCA LSP4550

Jorma Kaukonen, electric guitar and vocals; Jack Casady, electric bass; Papa John Creach, electric violin; Will Scarlett, harmonica; Sammy Piazza, drums.

Jack and Jorma are at it again. First time 'round they fooled us with an album of stunningly executed acoustic blues when we'd expected a rock jam set. This time 'round they give us what we first looked for, plus some extra goodies. Papa John Creach, the veteran (53 years old) black electric violinist we saw here when the Airplane flew in last fall, is aboard, and Sammy Piazza, a get-it-on rock and roll drummer if there ever was one, replaced the succession of lackluster drummers (Spence, Dryden, and Covington) that Jack and Jorma have had with them. Oh...and for laughs they didn't put the album title on the cover (it's in small print on the side), so this LP is the one with the yellow and aqua swirly design on the cover, OK?

It's a fine piece of work. The predominant flavors are jazzy and bluesy, with traces of oldtime swing fading in and out as the musicians jam on. Jorma's vocal's are, well, there. His voice won't make you forget anybody's but his style and inflection are excellent for this type of music and he delivers the drivingly urgent yet somehow distant sense of longing that makes "Been So Long" and "Come Back, Baby" smolder and burn. Scarlett is an intriguingly inventive harp player and Papa John plays a jazzy, bluesy electric violin that often sounds like a reed. Jack backs Jorma steadily and Sammy keeps 'em rockin'. Basically, though, the show belongs to Jorma. His influence has continued to be himself, and he is not averse to copying figures from his own earlier work. Little echoes of Jorma-ish embellishment of old Airplane standards abound, but the musical context is different. If you're looking for melody and harmony and old-fashioned songs you won't care too much for this disc, but if you can get your head into some really crisp playing it's there to love.



by Eric Graeber

The PENTANGLE's new album "Reflection" (Reprise 6463), is by far the best album by this English folk-jazz group since their initial disc about two and a half years ago. "Try to relax and let your mind run free" says Bert Jansch in "Helping Hand" and this is the overall philosophy of the album, one of the most relaxing of the year.

With two of England's finest acoustic guitarists in Bert Jansch and John Renbourn and two very competent vocalists (Jansch and Jacqui McShee), the only surprise is that it took this long for PENTANGLE to record their definitive album. Where in previous outings, Jansch and Renbourn fought each other in the guitar solos, here they meld their styles into a tasty sound. Instruments that up until the last album were not synonymous with the group, namely sitars, banjos, harp, and electric guitars are utilized to achieve a more complete sound. The material deals more with the American folk idiom than previously, so that even an overworked song like "Will The Circle Be Unbroken?" gets new life pumped into it. Throughout, Jansch is at the top of his form, and McShee's sweet voice is as helpful as butter on hot toast.

Showing remarkable consistency, each cut is about as good as the next, with the 11 minute finale "Reflection" the standout if only for the fluidity it displays during its long life. McShee's voice, backed up lightly by Jansch is likely to send shivers down your spine.



by Jeff Burger

**SOMETIMES I JUST FEEL LIKE SMILIN'**, Butterfield Blues Band, Elektra EKS 75013.

Butterfield fans, get ready: this is probably the best of their seven albums. If you've followed this band, you know that they've constantly experimented: two albums were into Chicago blues, then there was the addition of brass, the experimentation with jazz, Eastern sounds, and at times a merger with rock. This new album defies any such categorization; it

seems, rather, like the logical conclusion of all the previous material. Everything that has been learned has been merged here—jazz, folk, blues, pop, and rock are incorporated into a smooth and natural synthesis. And a back-up chorus that includes Merry "Gimme Shelter" Clayton is the perfect compliment to the band. Butterfield shares the spotlight, even more than usual, with the other members of his group. As he said in a recent interview: "I don't want to play all the solos on all the songs; I want some other folks to play. I've got some cats that can really play!" You'll feel like smiling.



**T. Rex, "Electric Warrior" Reprise 6466**

When T. REX played here last year they were pathetically inept. Of course, any group would have been a letdown after the speeding fury of JOHNNY WINTER AND but Marc Bolan's gooeey pretentiousness and phony havingsuchagoodtime attitude fell just a bit short of being a good stage act. I was quite prepared to dislike the new T. REX album "Electric Warrior" (Reprise 6466) but believe it or not, it's not bad. No world shocker by any means, but a decent album. If you can accept Bolan's magical lyrics of cosmic oneness as a goof then you will probably enjoy the music that accompanies it. A typical Bolan lyric: "Beneath the bebop moon/I want to croon with you/Beneath the Mambo Sun/I got to be the one with you" or: "Shallow are the actions of the children of men/Fogged was their vision since the ages began/and lost like a lion in the canyons of smoke/Girl it's no joke." When the lyrics degenerate into triteness, the music is just that much better to compensate. In addition, the string arrangements and the saxophone work of Ian McDonald of KING CRIMSON fame fills in any loose cracks in the foundation.

"Get It On (Band A Gong)" which was a hit on the charts in England but fizzled in the States is the best of the lot but the electric "Rip Off" isn't far behind. Bolan, who was a famous folk singer for many years in England, is generally better off when he plays acoustic, but he seems to know his limits as an electric guitarist and hardly ever overdoes anything.

The key to whether you will like T.REX or not is whether you like Bolan's voice. I despised it in concert but it doesn't bother me at all on record.

Chuck Mangione has been around for quite a while. The fact that he has now made an album that has actually, in part, received some airtime can not be interpreted as an indication that Mangione has just now become a good musician.

I remember picking up an old album by the Jazz Brothers, with Sal Nistico on tenor, Chuck's brother on piano, Roy McCurdy—who later joined Cannonball Adderley—on drums, and a less prominent cat, Vinney Rugiero, or something, on bass. Chuck was already playing real nice trumpet, creating an original style which fit comfortably between Miles Davis and Dizzy Gillespie. Sal Nistico was not as flashy then but played a nice Sonny Rollins influenced tenor. The group was called the Jazz Brothers, and they originated out of Rochester, and were "discovered" by Cannonball Adderley, who had a large part in signing them up with Riverside, a now defunct jazz label.

Chuck was doing some nice writing then, so when The Jazz Brothers broke up Chuck was given the opportunity to write some Charts for Maynard Ferguson. He also played and wrote for Art Blakey.

After starving in New York he returned to Rochester, taught at Eastman, and just kept growing musically. He was into composition so he naturally gravitated towards classical music. Being young he learned to appreciate rock and folk. Meanwhile he was playing jazz at the clubs in the area, and sitting in when he could.

Sitting in has always been part of his life. As a kid his father had him sit in with some of the greats who came around to play. Father Mangione would also get the musicians to visit the house, have something to eat (and drink) and blow till all hours of the night. Dizzy Gillespie was so impressed by Chuck's playing that he gave him one of his updo horns. Chuck used it on his first record date.

So Chuck Mangione's past led to do the rather remarkable concert that is recorded on *Friends and Love* (Mercury SRM 2-800).

This double album is an ambitious project, and presents some rare moments in American compositional music. He somehow brought together classical, folk, rock, C&W, and jazz elements and welded them entertaining whole. The performing group comes complete with the Rochester Philharmonic Orchestra, and folk singers Bat McGrath and Dan Potter, and various jazz musicians. Chuck plays two beautiful solos that are a study in economy, and as fresh as the falling snow.

Gerry Neiwood plays some nice, insinuating lines on the soprano, but I would have liked to see him given more space. Marvin Stamm doesn't quite live up to his reputation concerning himself more with the hystrionics of shrill high note non-playing than with anything musical. A more complete musical annotation takes more room than I have, but suffice it to say this is one exceedingly compelling piece of work that is screaming to be heard, and there is something in it to satisfy any musical taste bud.

by Bob Rosenblum