

Permanent Ban Invoked By Admin. Council CP Speakers Are Barred From City U.

By TIM BROWN

"Known" members of the Communist Party were outlawed as speakers at the city colleges Wednesday by the Administrative Council of Municipal College Presidents. The decision, contained in a seven-page policy statement, followed by ten pages of legal opinion, ruled that the City University is "prohibited by law" from allowing known Communists to speak at its campuses. The ruling was based "upon the best and most competent legal advice the council could obtain," the statement said.

Four considerations relevant to permitting speakers on the campuses were listed by the policy statement.

These were: The University's "commitment to the independent search for truth," its "preservation of an atmosphere of free inquiry," the "preservation of the University's intellectual integrity," and "the necessity of all parts of the University to obey the laws of the state and nation."

[New York State Assemblyman Mark Lane (Dem. 10 AD) asked yesterday about the four conditions set down, declared that "if one considers the ban to be valid, all who voted for it should be barred from speaking on the campuses, on the basis of the first three criteria stated in the report."]

While the appearance of a known Communist under con-

trolled conditions would not violate any of the first three precepts, the statement continued, the university is not "legally entitled to extend the courtesies of a City University campus to known members of the Communist Party of the United States."



Chancellor John R. Everett
Chairs Council

Although only known Communists were specifically barred by the declaration, "educational authorities" on the individual campuses were told that "no invitation will be approved if any of the four principles," stated above, are violated.

The Colleges of the University, the statement said, are "charged with making certain that the time of students is prop-

erly spent in the examination of the various facets of human experience which can give the greatest intellectual value.

"Just as a university is not an unstructured forum for any and all ideas and people," it continued, "neither is it a place where no thought is given to the most fitting means and techniques for learning."

"The professional staff of a University is presumably en-

gaged because it represents expertise in both subject discrimination and teaching technique."

It concluded in stating that "as long as existing laws are in force or until different judicial decisions change their interpretation, no unit of the City University can approve an invitation to a known member of the Communist Party of the United States."

In the legal appendix to the Council's opinion, text's of law-

yer's answers to six questions that had been posed by the Board were given.

Support for the decision began with the assertion that the Communist Party had been listed, both by the New York Board of Regents and the federal Subversive Activities Control Board as a "subversive organization."

Under Federal law, and according to recent Supreme Court decisions, the report continues, such an organization must regis-

OP EDITORIAL

Clear and Present Danger

The College lost its right to be considered an institution of free higher education yesterday. No tuition was imposed, but a more fundamental freedom was violated. The Administrative Council of Municipal College Presidents issued its decision banning "known" Communists from speaking at any of the seven colleges within the City University.

In a seven-page policy statement, the Council attempts to legally, morally, and rationally justify its position. Instead, the report is a conglomeration of ill-considered facts and conclusions, twisted to fit the Council's obvious desire to continue, and make permanent, the temporary speaker ban imposed two weeks ago. Contradiction follows contradiction. High-sounding, insincere lip-service is given to the concept of academic freedom, and the necessary "free" atmosphere of a college.

Four standards are set forth upon which speakers must be judged before their invitations to the College can be officially approved: "university commitment to the indepen-

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Samuel Hendel
Penalties Still Pending

ter details of its membership and structure with the federal Board.

The opinion of the Supreme Court, in a decision handed down last June, is quoted as saying "the Communist Party is not an illegal political organization."

Justice Black, however, is reported in a dissenting opinion, as being of the view that "the practical effect of the decision is to outlaw the party."

The report stated that under recent decisions of the Supreme Court, "the members of the Communist Party may . . . be considered to agents of a foreign power."

It also cited various penalties under the law provided for members of the Communist Party, among them the prohibition of a Communist's holding office in a labor union, application for a passport, naturalization as a citizen, or receiving benefits of the Social Security Act.

A letter from Professor Samuel
(Continued on Page 8)

H-Bomb Testing Is City Problem, Garza Contends

The major issue in this year's mayoralty campaign is one of war or peace in the world, Socialist Workers'



Richard Garza
"H Bombs an Issue"

Party (SWP) candidate Richard Garza declared yesterday.

"Most people do not think this is a municipal issue, but we (the SWP) believe it is," Garza told a gathering of about seventy-five students here. He explained that in the event of a nuclear attack, New York would be the

most likely target, and therefore its citizens should have a say in the matter.

He proposed that a referendum be held in which the city's voters would go to the polls to decide whether to go to war over Berlin or to resume nuclear testing.

Other issues cited by Garza as ignored by both major parties are the continued existence of widespread discrimination, lack of even minimal medical care for the aged, and the city's high unemployment rate.

He approved of the formation leaders of the Brotherhood Party, but denounced its endorsement of Mayor Robert F. Wagner, the incumbent and Democratic Party nominee, for reelection. "They should have chosen some independent," he said.

As for the Democratic reform movement, Garza predicted it would disband right after the election. "As far as I am concerned," he said, "it is absolutely dead already. The only need for its formation was to win this one election, after the Democrats lost in 1958 because the people identified their party with the bosses."

New Hillel Constitution Keeps Present Controversial Aspects

A tentative constitution has been written by Hillel requiring each candidate for office to have affirmed "his identification with the Jewish people."

However, the method by which a student may join the organization has not yet been decided.

The following alternatives for membership came under consideration, at an open meeting yesterday:

- A student is given opportunity to affirm his identification with the Jewish people, but this affirmation is not requisite for membership.

- A student may affiliate by affirming his identification with the Jewish people.

- A student who does not affirm his identification with the Jewish people may "associate" himself with Hillel.

The proposed Constitution states that "no person is denied membership or office in Hillel because of race, color, religious belief or non-belief, national origin, sex, or political beliefs." Hil-

(Continued on Page 5)



Rabbi Arthur Zuckerman
Hillel Advisor

Bulletin . . .

Because of the emergency nature of the Administrative Council's action, the President of SG urges the executive members of all interested college organizations to come to a special meeting on academic freedom today at 4 PM in Room 148 Finley.

Dr. Ayer Is Affirmative On China—UN Question

Dr. A. J. Ayer (Philosophy) will advocate a change in US policy toward China in a radio debate next Wednesday.

Dr. Ayer who visited China in 1954 will take the affirmative in a debate on WBAI's Town Meeting of the Air at 8:30 PM. His partner in proposing a UN seat for Communist China will be veteran Socialist leader Norman Thomas.

A noted British philosopher on leave from Oxford as well as a Labor Party mainstay, Dr. Ayer believes that tension between the U.S. and the Mainland will continue as long as we recognize and support the Formosan regime.

Laws . . .

(Continued from Page 3)

by the foreign government or foreign organization controlling the world Communist movement . . . and (which) operates primarily to advance the objectives of such a world Communist movement." A "Communist-front" organization was defined as "a group subservient to a Communist-action organization or subscribing to the same objectives."

Passed over President Truman's veto, the McCarran Act requires registration of all Communist-action and Communist-front organizations with the Justice Department. These groups had to submit membership lists and names of contributors to the Justice Dept., and identify all radio broadcasts and publications as sponsored by the Communist Party.

The penalty for failing to comply with this law is a fine of \$10,000 and a five year prison sentence for each day that an individual fails to register. Registering as a member of the Communist Party under the McCarran Act, by self-incrimination, leaves an individual liable to prosecution under the membership clause of the Smith Act.

The Supreme Court, in its recent 5-4 decision, has ordered the Communist Party to register as a Communist-action organization, as defined by the McCarran Act. This, coupled with the provision to submit membership lists may, as the Supreme Court has implied, force a Communist to "bear witness against himself" in violation of the Fifth Amendment.

The Communist Control Act of 1954 established a list of Communist infiltrated organizations. Labor unions falling into this category are denied representation before the National Labor Relations Board and by a 20% vote of the membership may call for a new election for a new collective bargaining agency.

"The Communist Party should be outlawed," stated one of its provisions. It denied to the Party "any of the rights, privileges, and immunities attendant upon legal bodies created under the jurisdiction of the laws of the U.S."

Funds . . .

The Projects Committee of the Caduceus Society is sponsoring a fund drive to benefit the New York Heart Association. Collection booths will be set up in front of Knittle and Buttonweiser Lounges this Wednesday and Thursday.

Spanish Magazine Started at College

A new Spanish language publication has been initiated at the College "in order to give students interested in Spanish a vehicle for creative expression in that language."

According to Joel Leftoff, a junior and editor of "El Diamante y el Brute," the magazine aspires to "give added meaning to the study of Spanish."

In its first issue the seven page mimeographed publication criticized the Romance Language department for "not fulfilling its obligation to students in the field."

In a letter to Professor Gaston Gille (Chmn., Romance Languages), the editor asks for a "deeper interest on the part of the Romance Language faculty as a whole" and for "the provision of an atmosphere conducive to the proper study of those languages." No reply was received from Professor Gille.

The magazine, which is being financed personally by its editor, plans to come out three times during each term. It welcomes all contributions.

— Manfred

The Chinese consider the U.S. backing of Chiang as "an act of aggression and I don't feel that this is at all unreasonable on their part," he added.

The professor stated that Mainland China will definitely be seated in the UN by next year. "The United States will have to accept this fact so it might as well do it gracefully."

After all, he added, China has been in the UN since 1945; the only difference will be that now the Government of the country will fill its seat and not the Kuomintang.

Dr. Ayer recalled that at the time of his visit to China he had noticed no attempt to pressure intellectuals to support the prevailing Marxist viewpoint.

"The situation has worsened somewhat since then," he added.

Dr. Ayer's opponents in the debate will be former head of the U.S. Information Agency Arthur Larson, and a British Lord of the Realm Michael Lindsay, both of whom will take the negative.

Charter Reformist Advocates Streamlined City Government

A streamlined city government headed by a more powerful mayor was urged by Mr. Raymond Rubinow, member of the Charter Reform Commission of the New York Committee for Democratic Voters, at the College yesterday.

Mr. Rubinow, in his speech on "Charter Reform for New York City," told an audience of thirty students that the chances for revision of the city government is greater than ever with the release of the Kahill report. The Mayor's Committee, author of this report, was set up with the express purpose of studying the structure of the N. Y. C. government with an eye to improving it, he said. "There haven't been any revisions since 1938."

The report is strongly in favor of a more centralized government. "It states that the City Council, the basic legislative body of the state, is not as effective as it should be. To remedy the situation, an increase of membership from twenty-five to thirty-five was suggested. Distribution of political patronage by the borough presidents was one of the functions felt to be better handled on a city wide basis under the jurisdiction of one com-

mission. This would limit the power of the borough president but would not eliminate the post,



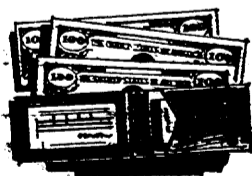
Raymond Rubinow
No reform since '38

as other charter reform reports have suggested.

—Planner

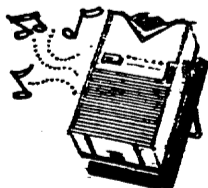
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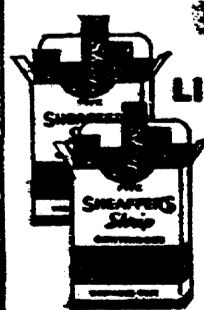
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Speaker Regulation—An Historical View

Policy Statement

THE USE OF THE CAMPUSES OF THE CITY UNIVERSITY OF NEW YORK BY MEMBERS OF THE COMMUNIST PARTY OF THE UNITED STATES

A Statement by the Administrative Council

It is axiomatic that a university is truly a university only when it is deeply convinced that the free examination of all ideas, convictions, positions, facts and theories are its proper function. The administrative function as performed by faculties and the other agents of the general board of control is charged with maintaining the proper atmosphere for free inquiry.

The faculties and administrative officers are also charged with making certain that the time of students is properly spent in the examination of the various facets of human experience which can give the greatest educational value. There can be no assumption that a commitment to free examination and discussion relieves the professional staff of its duty to discriminate and choose among the welter of ideas, positions, convictions, facts and theories which present themselves for consideration.

The developers and administrators of educational programs must not only discriminate among subjects, they must also decide upon the proper technique for examining and understanding the subject. Just as a university is not an unstructured forum for any and all ideas and people, neither is it a place where no thought is given to the most fitting means and techniques for learning. The professional staff of a university is presumably engaged because it represents expertise in both subject discrimination and teaching technique.

The issue before the Administrative Council is whether invitations to speak that are extended to known members of the Communist Party of the United States by authorized campus groups or individuals should be approved.

The Administrative Council believes that policies regarding the approval of speakers should be decided at each campus in terms of the best educational judgment available in each institution's faculty and administration. We do not assume that the educational authorities in the respective colleges will arrive at identical conclusions regarding the educational value of particular speakers. The only general considerations which must apply to all units of the university concern the following:

- 1 The university commitment to the independent search for truth.
- 2 The preservation of an atmosphere of free inquiry.
- 3 The preservation of the university's intellectual integrity.
- 4 The necessity of all parts of the university to obey the laws of the state and nation.

Each of these considerations has a bearing upon the request for a review of the policy regarding invitations to speakers who are members of the Communist Party of the United States.

- 1 The university commitment to the independent search for truth.

Although it is recognized that members of the Communist Party of the United States are under a form of intellectual discipline which precludes their engaging in the independent search for truth, it is not necessarily a fact that their appearance on a campus would compromise an institution's commitment.

It may often be a sound educational technique, if legal considerations permit, to give students an opportunity to listen to and question a person who does not subscribe to the basic convictions of a true university and would consequently not be acceptable as permanent members of the academic community. Such direct questions as the following can only be addressed to an individual:

- a) Why are you a Communist?
- b) Why do you think conspiracy is a proper political technique?
- c) How do you explain the butchery in Hungary?

No matter how acute an independent observer might be, he cannot

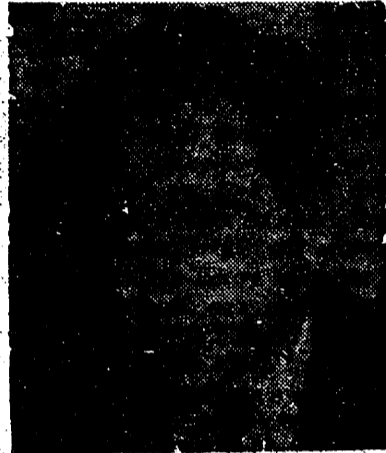
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Since Queens '57 Barring of Gates Speaker Rules Have Faced College

By BARBARA SCHWARTZBAUM

On March 12, 1957, Queens College Head Thomas B. Garvey rescinded an SG Public Affairs Forum invitation to John Gates asking him to participate in an Academic Freedom Week program.

Dr. Garvey's executive action of banning the then Daily Worker Editor from the QC Campus set off a five year chain of BHE reversals of speaker policies. They finally ground to a halt yesterday with the Administrative Council of College Presi-



John Gates
The first to be banned

dents decision to bar all "known" Communists from the City University.

The Administrative Council maneuver was effected by the same tripleplay—Queens College to Council to BHE—that led to the imposition of the 1957 Smith Act Speaker restrictions.

The drive for the latest modification in policy began when Queens College President Harold R. Stoke cancelled a speaking invitation to Benjamin Davis from a QC Marxist Discussion Club. Pres. Stoke followed exactly the procedure used by Dr. Garvey.

Dr. Stoke then issued a statement calling upon the Administrative Council of College Presidents to review its speaker policy. Ditto for President Garvey.

Declaring that State law requires the College to employ only teachers who support the constitution of the National and State government, Garvey main-

tained that this provision of the Feinberg law applied also to "those who teach at the College in a speaker capacity."

A scheduled meeting of the Administrative Council of College Presidents took place the next day.

Presidents Shuster, Gideanse, Garvey, Willig and Gallagher participated in the council's unanimous decision which stated that "the practice of refusing the courtesy of the campuses to persons under indictment for any reason or awaiting appeal from conviction will be extended to exclude persons convicted under the Smith Act."

That ruling unlike the present one did not prohibit communists not convicted under the Smith Act from speaking at the College.

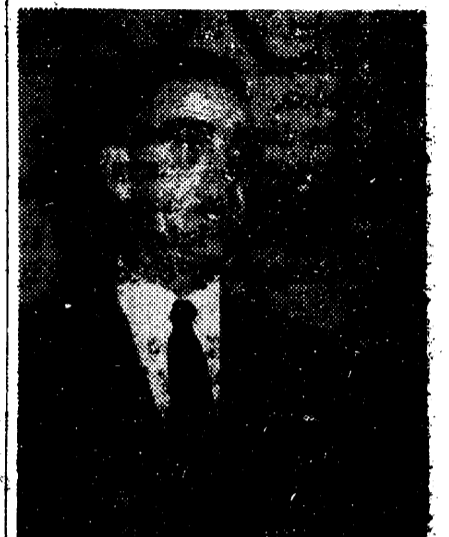
This modus vivendi was the suggestion of President Buel G. Gallagher who along with the other four members of the body were daubed "the fearful five by Gates."

Dr. Gallagher stated that he



Benjamin Davis
The last to be banned

had presented it as a compromise resolution to keep the BHE from declaring a blanket ban on all



Dr. Buell G. Gallagher
"We had no choice"

communists. "We had no choice," he said.

The first test of the board's decision occurred the following term when the college's Marxist Discussion Club invited Elizabeth Gurly Flynn, then a candidate of the Peoples Rights Party for a State Assembly seat. President Gallagher barred Miss Flynn on October 25 saying that the Council ruling leaves no room for discretionary power in the hands of the individual President with regard to speakers. Miss Flynn who was indicted under the Smith Act had fulfilled all qualifications for candidacy in the municipal election.

In the next two years Robert Thompson and Benjamin Davis both members of the CPUSA national council were barred from the College.

Last April 11, the Smith Act ban was quietly, very quietly, removed by the Council of College Presidents. No announcement was made of its action until two weeks later when the council issued a statement which said that "the 1957 restrictive action which served a purpose at that time is no longer necessary."

According to the statement the barring of Smith Act violators "did not . . . and was not intended to . . . bar known communists who had not been convicted under the Smith Act."

That was six months ago.

Some Major Communist Control Acts: Their History And Their Consequences

By DAVE ROTHCHILD

The present permanent ban of Communist speakers from the municipal colleges is the result of an evolution of constitutional law.

The Alien Registration Act of 1940, or the Smith Act, provides for penalties for promoting or advocating over-

throw of the government by force and violence. That is, once an organization subscribing to a particular ideology has its purported beliefs equated to such violent overthrow of the government, it then becomes a crime to belong to that group.

Although on the books as law since 1940, the first important precedent was set in 1948 when twelve leading members of the

Communist Party were indicted by a federal grand jury under the provision of the Smith Act against those who advocated violent overthrow of the government.

This trial lasted nine months, finally culminating in convictions of the defendants. An appeal to the Supreme Court in 1951 resulted in a 6-2 decision upholding the constitutionality of the law. Chief Justice Vinson said, in concurring, that they "intended to overthrow the government as

speedily as circumstances could permit." Justices Black and Douglas dissented, claiming that the Smith Act violated the freedom of speech as guaranteed by the First Amendment.

The next federal law passed that was directed against the Communist Party was the Internal Security (McCarran) Act of 1950. A "Communist-action" organization was defined as an organization "substantially directed, dominated, or controlled

(Continued on Page 2)

Sixty-Six Per Cent Say No

Sixty-six per cent of the students at the College oppose the institution of a permanent speaker ban at the city colleges, according to an Observation Post survey. Of more than 300 undergraduates polled by OP this week, 209 replied in the negative to the question "Do you favor a permanent ban on Communist speakers at CGNY?" 129 answered in the affirmative.

The printed questionnaire was distributed randomly to Liberal Arts, Science, Technology, and Education majors on the lawns, in the lounges, cafeterias, and classrooms of North and South campuses. Sixty-five per cent of those surveyed were against the temporary prohibition on Communist speakers imposed at the City University by the Administrative Council of Municipal College Presidents October 10.

Only slightly more than one third of those polled endorse Assemblyman Mark Lane's (Dem. 10AD) proposal of giving students sole control over speakers at the College. Several of those who advocated student control over persons appearing before college audiences also favored a speaker ban. This might lend support to speculation that a student speaker policy would be no less stringent than that of the administration.

OBSERVATION POST

MANAGING BOARD

RENEE COHEN
Editor-in-Chief

Clear and Present Danger

(Continued from Page 1)

dent search for truth; preservation of an atmosphere of free inquiry; preservation of the university's intellectual integrity; and [upholding] the necessity of all parts of the university to obey the laws of the state and nation." Mere statement of these principles could initiate no opposition. The surface indications, however, do not legally lead to the conclusion.

The first three criteria given by the Council are the most important tenets to be followed; they should never be subordinated to any other notion or idea. However, the Council merely interpreted them shallowly, permitting them to be completely obscured by questionable legal considerations.

In defining the first principle, the Council equivocates on the applicability to students of the search for truth. They indicate that "it may often be a sound educational technique," to invite speakers who do not agree with the fundamental principles of a "true university," but only "if legal considerations permit."

The values involved here must be taken as absolutes if they are to be applied at all. If the Council believes that the university should be the place in which to search for truth, then it must not negate this belief by reading things into the law. If the body cannot stand up for its own judgments against outside pressure, then it must lose the respect of those it leads.

The body asserts that the appearance of a "properly identified" member of the Communist Party would not present a challenge to the intellectual integrity of the university. The question of where this proper identification will come from is not answered. Perhaps at the next meeting, the Council will feel it incumbent upon itself to form an investigating committee which will provide such information.

Up to this point in their policy declaration, the Administrative group has half-heartedly conceded three grounds upon which it would be totally dishonest to prohibit students at the City University from hearing unpopular views. Their fourth criteria (that the university must uphold the law of the state and the nation) is based upon the body's interpretation of a ten-page legal brief submitted at their request by a team of six attorneys.

Sedition laws are enumerated as legal background, among them the Smith Act, the Subversive Activities Control Act, the New York City Criminal Anarchy Act, and portions of the New York Penal Code.

The New York City Criminal Anarchy Act does rule on the illegality of permitting two or more persons to "assemble for the purpose of advocating or teaching the doctrine of criminal anarchy." However, it is clearly pointed out by the Council's squad of attorneys that no ruling has ever been made to declare illegal one Communist's speaking before an entire group of uncommitted individuals.

The conclusion of the report is that no known Communists will be permitted to speak at the City University. But, the regulations extend beyond that. Only those persons who adequately meet all four requirements set down in the Council's policy will be permitted to speak at the seven institutions of what previously was higher learning. And ironically the Council leaves the interpretation of the regulatory quarter up to the individual presidents, just as it did last spring in lifting to four year old Smith Act Speaker Ban.

We, the students at this College are being denied the privilege of complete, uninhibited exposure to all ideas. We are going to be denied the right to think, for without a free airing of all facts, thinking is a fruitless exercise.

There are times when petitions are effective, but that is long past now. The only alternative left for the students at the College is direct action, a mass rally, for example. The campaign has to be a continuing one, for that is the only way that our opinions will be heard.

Student and faculty opposition to the temporary ban has been disregarded; there is no reason to believe that petition drives against the new permanent ban will be any more effective. There is a clear and present danger that minority opinions will never again be heard at the College.

The time for ACTION IS NOW.

Letters

Dear Editor:

In the October 17 issue of OP you printed a letter by your faculty advisor Leo Hamalian in which he denied that the paper distorts the news, and stated flatly that it, "... usually if not always gives a very fair hearing to their most vehement critics..." If this is so then please allow this humble council member to speak up for those of us who voted against co-sponsorship of a free speech forum with the Marxist Discussion Club. I will address myself first to your editorial and then to the letter by Monroe Wasch.

The editorial opens up by saying that free speech is held in a "relatively" low esteem" at the college. The reason this is so, continues the editorial, is because Student Council refused to co-sponsor a free speech forum initiated by MDC. Just how one follows the other is neither made logically clear or even politically clear. It is true that Council refused to co-sponsor the forum with MDC but we did NOT refuse because we're against free speech. On the contrary! Those of us who voted against the co-sponsorship are for free speech (as well as all the other freedoms associated with democracy), and because we are for free speech we are therefore naturally opposed to cooperating with those who oppose free speech. We will literally fight to the death for the right of Communists, Fascists and other totalitarians to speak, but we absolutely refuse to politically cooperate with them, for that will give them the respectability they crave. In the debate that preceded the vote I stated quite frankly that it was ludicrous for Council even to consider cooperating with MDC, because the leadership of MDC has repeatedly demonstrated that it doesn't believe in freedom of speech (or any other freedom for that matter).

I asked the hypothetical question of what would have happened had Queens bared (sic) a Fascist from speaking. Would MDC have raised its voice in protest? I stated further that the leadership (and even the membership) of this organization have apologized for mass murder. I refer specifically to farm collectivization in the 1920's in Russia in which more than five million kulaks were "liquidated". The great purge trails of the thirties in the U.S.S.R. where thousands lost their lives; the enslavement of Eastern Europe which also brought death to thousands by the hands of the Soviets; the elimination of millions of lives by the Chinese Communists in both China and Tibet; and last but not least, the Hungarian revolution in which Soviet tanks gave a gory demonstration of their ability to pave the streets with human blood. All of this human misery, degradation, and death was committed in the name of Marxism, and in not one of the countries I have mentioned does there exist free speech or academic freedom. Yet, has there ever been a word of condemnation from MDC?

The answer is no, and as I have stated on Council: there is no fundamental difference between Communism and Fascism. If the membership of MDC is sincere in their expressions of be-

(Continued on Page 6)

Lefkowitz Declines Comment On Present Speaker Banning

The right to discuss communism in the Municipal colleges was defended by Louis J. Lefkowitz, Republican candidate for Mayor, at a student press conference yesterday.

However, he declined to either attack or support the City University's speaker ban, claiming that it is a matter for the Administrative Council to decide.

In the course of the press conference, Mr. Lefkowitz advocated the reduction in size of the Board of Education in order to make it more efficient. He also favored continuance of free tuition at the City College.

The Attorney General com-

mented that the situation in Baskerville hall is "quite a mess. I feel the science buildings are very important and that something should be done to improve them."

Mr. Lefkowitz noted that money had been reallocated for Baskerville Hall after his tour of the chemistry building last week. "I have been of some help already," the candidate said.

Ban . . .

(Continued from Page 1)

Hendel (Chmn., Pol. Sci.) printed in this newspaper Wednesday, however, stated that these last provisions of the law had not yet been ruled upon by the Court.

The report further cites the case of Barenblatt vs. the United States as upholding legislative and administrative action declaring the Communist Party to be an "organization of persons advocating the overthrow of established Government by force."

It then cites the Smith Act as providing "that whoever . . . helps . . . to organize any society, group, or assembly of persons to teach, advocate, or encourage subversion by force and violence . . . is guilty of a felony."

It construes this provision of the act to apply to the Municipal Colleges in that a member of the BHE who allows a Communist to speak on a campus would be subject to classification as one who "helps" the interests of the Party.

Also cited are the Feinberg law, prohibiting the employment of teachers who are Party members, and the "Criminal Anarchy" laws of New York State.

The latter, according to the statement, "define criminal anarchy as 'the doctrine that organized government should be overthrown by force and violence.'"

In the opinion of the person submitting the legal opinion, it is concluded, the Communist Party would fall under the provisions of this act, and allowing a Communist to speak would be illegal under laws prohibiting the "aiding and abetting" of such anarchy.

It is stated, however, that the latter laws have never been tried in this context, and that one member of the Party speaking on the campus might not fulfill the conditions set down under the act.

The new speaker prohibition was greeted with outspoken condemnation by student leaders at the College yesterday.

Student Government President Irwin Pronin termed the Administrative Council's ruling "an atrocious and flagrant violation of academic freedom and free inquiry."

"It is an example of administrative know-nothingness, as well as the abuse of the idea of a free university in a free society," he declared.

While Pronin urged direct action by students at the College against the ban, he contended that the calling of a student strike could serve no purpose un-

less "we know it will be effective."

The SG head said that "after consultation with legal authorities," he intends to institute a law suit or present "some sort of legal test" of the speaker ban. "I think the College campus is wholeheartedly opposed to such a ban," Pronin added.

Criticism of the ruling of the municipal college presidents was voiced also by Victor Grossfeld, editor of *The Campus*. "The reasoning displayed in the report appears to be the product of a deranged mind which has a sin-



Irwin Pronin

Calls for Direct Action

gularly monolithic view of the speaker ban issue," he stated.

Student Council representative Anne Ginsberg said that, if necessary, she would introduce for SC action Wednesday a measure advocating a boycott of classes and a mass student protest of the ban.

"If student protest isn't listened to within a reasonable time—two or three weeks—I think that some student organization should test the legality of the Administrative Council's decision by inviting a banned speaker to the College," she added.

Fred Bren, a member of the Student Faculty Committee on Student Activities, asserted that "every organization should have the inherent right to invite anyone to speak on what he wants to."

Les Fraidstern, SC representative, objected to "any infringement on our rights to listen to whomever we wish. Isn't it unfortunate and ironic," he declared, "that the Administrative Council always seems to act right before election day and budget hearings when they institute their bans."

Fellow SC member Sal Favia announced yesterday that he will call for a one-day strike in protest of the ban at the next Council meeting.

Hillel . . .

(Continued from Page 1)
 Hillel does not identify itself as a religious organization. Hillel's inclusion of an identity clause, while at the same time refusing to classify itself as a religious organization, was the subject of recent controversy at the College. The tentative document was written by a six member Constitutional Committee elected by Hillel Council. It was presented to that group on October 16. After consideration, that body, abiding by a clause in the constitution, submitted it to the National B'nai B'rith Office in Washington, D. C. for approval. Hillel has not yet received word from the national organization.

Policy Statement . . .

(Continued from Page 3)
 give personal answers to questions that can be directed only to committed individuals. The Administrative Council, wholly apart from other considerations, is confident that the university commitment to the independent search for truth would not be placed in jeopardy by the appearance of a Communist Party member on one of its campuses. 2 The preservation of an atmosphere of free inquiry. It is clear that the Communist Party of the United States is not interested in preserving an atmosphere of free inquiry. However, it is not necessarily true that the university's commitment would be endangered if a Communist Party member is invited to a campus for valid educational purposes. If there are educational values to be gained from a complete understanding of Communism, and if one of the proper techniques for gaining that understanding is judged to be listening to and questioning of committed Communists, students will have a better learning situation on a university campus than they will in parks, on street corners, or in Communist assembly halls. On a campus of this university a student should always know that his right of dissent will be protected and that his right to be uncoerced and to question adventurously will be rigorously guaranteed. Any visitors invited to a campus should be aware that the

atmosphere of free inquiry will be jealously guarded at all times. The Administrative Council believes that the maintenance of an atmosphere of free inquiry on a university campus would not be compromised by the appearance of a Communist Party member on one of its campuses. The important matter is the affirmation of the university, not the particular convictions of occasional guests. 3 The preservation of the university's intellectual integrity. Competent independent observers of Communism and the highest organs of legislative, executive and judicial opinion have judged Communist Party members to be members of a foreign-dominated conspiracy. A conspirator is one who is a member of a secret group and who uses any means, honest or otherwise, to gain an "evil or unlawful" goal. If a known member of the Communist Party of the United States appears on a campus, he does so with the full knowledge of all that he has been judged to be a conspirator. Student and faculty alike should understand that the normal canons of academic integrity cannot be imputed to such a speaker. The challenge to the institution's intellectual integrity would come if a Communist Party speaker appeared with the institution's approval as one who accepts an obligation to speak the truth as he sees it and refuses willfully to mislead his listeners with falsehoods. If a Communist Party member appears on a campus, it is hardly possible that students and faculty could be presumed to be unaware of the judgment placed upon the Party by the Congress, the courts, the Board of Regents, State Legislature and the most respected independent observers. A further challenge to the university's intellectual integrity would come if a speaker were invited to a campus for the purpose of disseminating propaganda to students and faculty. The appropriate educational authorities cannot approve an invitation unless they are convinced that the purpose to be served is educational and in no way reflects a desire to turn the institution into a platform for propagandizers. The Administrative Council sees no reason to assume that the appearance of a properly identified member of the Communist Party of the United States at a college will necessarily challenge the university's intellectual integrity. We recognize, however, that the conditions of such an appearance must be carefully controlled and that the purpose of the invitation must be clearly understood to be educational. 4 The necessity of all parts of the university to obey the laws of the state and nation. Since there has been no specific law passed by either the Congress or the State Legislature, and there has been no specific court case concerning Communist speakers on college campuses, we submitted some related questions to competent attorneys. The questions and a summary of the answers are appended to this memorandum. Neither the Congress nor the Supreme Court has in so many words denied the right of Communist Party members to speak freely in this country. Both, however, have declared that United States citizens who are members of the Communist Party of the United States are, in fact, agents of a foreign power and that they are subject to arrest if they do not so register. In addition, the Congress has passed, and the Supreme Court has affirmed its constitutionality, the Smith Act, which declares that any person who teaches or advocates the overthrow of established government by force, violence, or any other unlawful means is guilty of a felony, and that anyone who aids such a person is also guilty of a felony. The Subversive Activities Control Board, the Attorney General of the United States, and the Board of Regents of the State of New York have all determined that the Communist Party is, in fact, an organization which teaches, advocates and works for the overthrow of established government by conspiratorial and unlawful means. These determinations have been affirmed by the courts. It has also been judicially recognized that the Communist Party of the United States and its members are identical. In the judgment of the Administrative Council, any faculty or administration that supplies a place of assembly for known members of the Communist Party of the United States is acting contrary to law. Further, any faculty or administration that permits known United States Communist Party members to use university facilities to commit criminal acts is acting contrary to law. It is nowhere stated that simply because a person is a member of the Communist Party of the United States, he will always use every opportunity to commit criminal acts. In view of the finding of competent judicial and government authority—as cited above—and in view of the penalties and disabilities which have been attached to membership in the Communist Party, we do not believe that a person would continue his membership unless he is firmly dedicated to the fundamental principles and aims of the Party. Such dedication indicates that a Communist Party member should be presumed to be constantly working for his party's goals, even though he might declare that the subject of his address is innocent of all criminal intent. If this presumption is sound, and we believe it is, we conclude that none of our faculties or administrations are legally entitled to extend the courtesies of a City University campus to known members of the Communist Party of the United States.

Check your opinions against L&M's Campus Opinion Poll 3

What's better—fame or fortune?

Would rather have \$50,000-\$100,000 yearly salary—and obscurity

Would rather have world recognition—and small financial rewards

Are students conservative or liberal?

Conservative

Middle of the road

Liberal

Do students prefer filter or non-filter cigarettes?

Filters

Non-filters

Here's how 1029 students at 100 colleges voted!

Start fresh Stay fresh with L&M

Any way you look at them — L&M's taste better. Moisturized tobaccos make the difference! Yes, your taste stays fresh with L&M — they always treat you right!

They always treat you right!

1	Rather have fortune	66%
2	Rather have fame	34%
3	Conservative	28%
	Middle of the road	29%
	Liberal	43%
	Filters	72%
	Non-filters	28%

PREFER FILTERS? START FRESH WITH L&M. PREFER TASTE? STAY FRESH WITH L&M.

Summary

1 The Administrative Council reaffirms its policy of leaving the approval or disapproval of invitations to speak to the responsible educational authorities on each campus of The City University with the understanding that no invitation will be approved if any of the four principles stated in this memorandum are violated. In cases where the local campus educational authorities have doubt, the Administrative Council will, upon presentation of the case by the president, give its ruling.

2 It is the judgment of the Administrative Council, in the case presented to it by Queens College, that the college educational authorities are prohibited by law from approving the invitation to speak which was issued to Mr. Benjamin Davis, Secretary of the Communist Party of the United States. As long as the existing laws are in force or until different judicial decisions change their interpretation, no unit of The City University can approve an invitation to a known member of the Communist Party of the United States. This ruling is based upon the best and most competent legal advice the council could obtain.

Ivo Duchacek 'Drafted'; Lectures at War College

By LENA HAHN

Professor Ivo Duchacek (Political Science) is lecturing to high ranking Army officers instead of civilian students this week. The charming and highly regarded professor has been, for the past three

years, on intellectual draft to the United States Armed Forces. Each fall, for approximately one week, he becomes "guest lecturer and seminar consultant" at institutions of higher learning for military men.

There are three of these institutions or War Colleges in existence, each one representing the Army, Navy or Air Force. They derive their name from the fact the Army was once titled "Department of War."

Their purpose is to educate especially selected officers, usually colonels and lieutenant-colonels, Prof. Duchacek explained. These men will be filling the highest command positions; their training of necessity involves political as well as purely military material.

Guest lecturers, like Prof. Duchacek, are recognized leaders in their respective fields, and are requested to come to the colleges to speak and preside over seminars in which the officers take part.

This week, Prof. Duchacek will speak before approximately 200 men at the Army War College in Pennsylvania and deliver a fifty minute lecture. After the discussion period, the men divide into small seminar groups where they debate and write papers.

Prof. Duchacek will be lecturing on "the Soviet Colonial Empire in Europe and United States Foreign Policy." Confidential material will be discussed. Prof. Duchacek offered an example: Should or should not the United States support nationalism among non-Russian groups in the Soviet Union?

"This is not the simple question it appears to be," he pointed out. "By supporting nationalism



Mars
War College Guardian

you can antagonize Russians in the Soviet bloc who are not Communists and yet who feel strongly toward Russia as their homeland," he explained, and underscored the importance of knowing people's feelings, no matter how irrational they may appear to the outsider.

The discussions and seminars are all conducted on a very high level. "I offer conclusions but they may not be acceptable to the men." This is good, Prof. Duchacek feels, since "these people should be trained to think. They should argue and get all angry about a subject. If they did not, I would be failing in my purpose."

"Military life tends to discipline their thinking," he added further. "Some intellectual turmoil is good for them."

Lecturing at these War Colleges has not been a one way experience for Prof. Duchacek. The men are traveled, experienced officers especially selected to attend the Colleges.

Letters . . .

(Continued from Page 4)

let us freedom of speech, let them talk about the Soviet Union, Eastern Europe, and Red China. As your editorial rightfully concludes, the majority of student organizations at OCYN have a great contempt for MDC and all other groups like it who are apologists for Mass Murder.

Now for Mr. Wasch's letter. After getting (SIC) through all of the useless verbiage we can discover that he makes the same fatal error that the editorial makes. He accuses us of failing "to heed the call to defend our right to hear whomever we please" because we refused to join MDC in co-sponsorship of the forum. But he even goes further by saying that Council has no right to "define democracy" or even consider defining it. If that is the case, then what right has Council to define free speech and academic freedom or even to discuss them? Without democracy free speech and academic freedom can't exist.

Furthermore, he asks (referring

(SIC) to our fear that all sides of the question would not be heard) would Council "want to sponsor a speaker who did not believe in free speech to discuss that principle"? Thus in the same letter he accuses Council of failing "to heed the call to defend free speech, and then attacks Council for trying to make sure that everyone who has something to say on the question will be given a chance to say it. In effect we are condemned for both "opposing" free speech and for trying to insure it. But in answer to his question the answer is YES. For when we say freedom of speech we mean it for everyone. For the Fascist as well as the Communist; for the Republican as well as the Democrat (SIC); for the fanatic as well as the sane.

To sum up, let me state that those of us who voted against co-sponsorship did not do it, because we're against free speech or academic freedom. We did it, because we stand for freedom and will not cooperate with anti-democratic groups. We will always defend their right to speak,

but as the representatives of the people we will never disgrace them by working apologists for Mass Murder.

Sincerely yours
Sal Favia
Rep. Class of '62

Harriers . . .

(Continued from Page 8)

tomorrow than just another win or loss. Hailed as the best cross-country team ever at the College, this team may be the first to go undefeated.

Only a 30-30 tie with Fairleigh Dickinson has kept the team from an all-winning record.

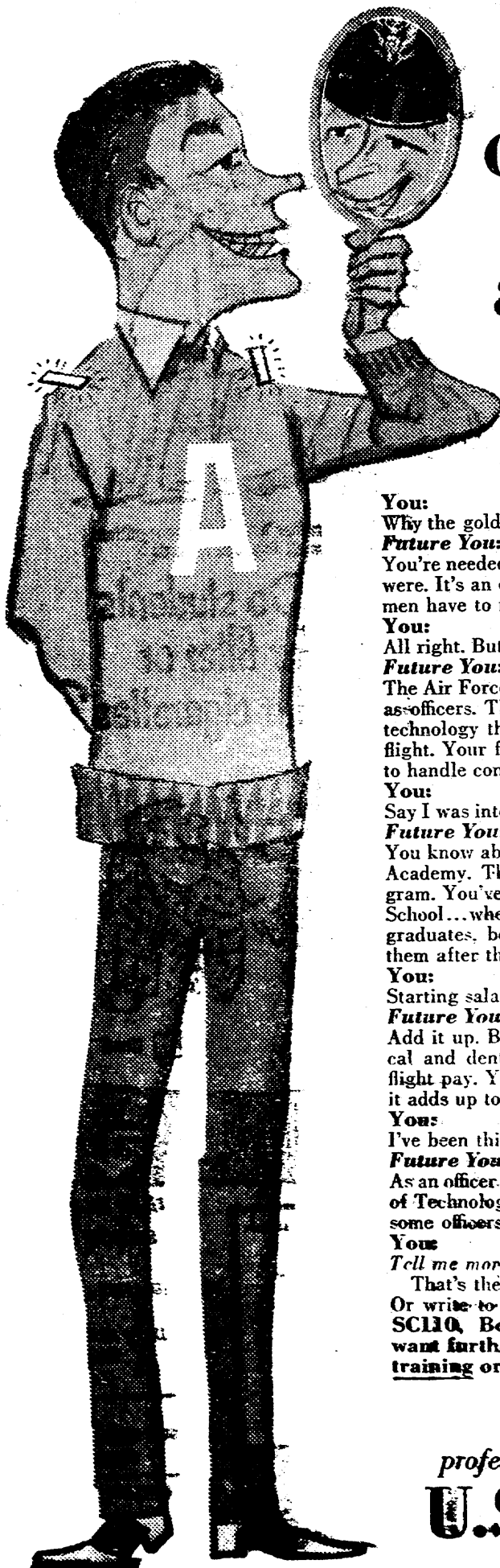
The harriers are blessed with lower-termers, which insures success for future years.

In fact, Lamprinos, Hill, and Mike Lester, the veterans of the team, are only juniors.

Zane, DeAngelis, Didyk and Offsay are sophs.

Marcel Sierra is a very promising freshman who will join the varsity ranks next fall.

So a dynasty of sorts may be in the offing.



had a one-man conference about your future lately?

You: Why the gold bars?
Future You: You're needed... just as your father and grandfather were. It's an obligation that a lot of qualified college men have to meet. If we don't...

You: All right. But what can I do for the Air Force?
Future You: The Air Force needs college trained men and women as-officers. This is caused by the rapidly advancing technology that goes with hypersonic air and space flight. Your four years of college have equipped you to handle complex jobs.

You: Say I was interested... how can I get to be an officer?
Future You: You know about Air Force ROTC and the Air Force Academy. Then there's the navigator training program. You've probably heard about Officer Training School... where the Air Force takes certain college graduates, both men and women, and commissions them after three months of training.

You: Starting salary is important. What about that?
Future You: Add it up. Base pay, tax-free allowances, free medical and dental care, retirement provision, perhaps flight pay. You don't have to be an eco major to see it adds up to an attractive package.

You: I've been thinking about getting my Master's.
Future You: As an officer you can apply for the Air Force Institute of Technology. At no cost, and while on active duty some officers may even win their Ph.D. degrees.

You: Tell me more.
That's the job of your local Air Force Recruiter. Or write to Officer Career Information, Dept. SC10, Box 7608, Washington 4, D.C., if you want further information about the navigator training or Officer Training School programs.

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Gentlemen: Please send me a complimentary full 2-ounce pouch of AMPHORA. I enclose 10¢ coin to cover cost of handling and mailing.
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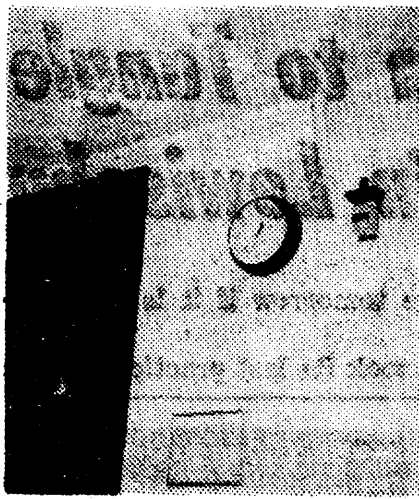
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UNIVERSITY _____

This Offer Expires December 31, 1961

'Dilapidated' Baskerville Hall Being Repainted

Peeling plaster is becoming a rarer sight in the College's chemistry building. Baskerville Hall, which has recently come under sharp criticism for its dilapidated condition, is gradually being repainted.

The infamous qualities of the North Campus structure brought Mayoralty candidate Louis J. Lefkowitz (Rep.) to the College Monday to take a first-hand look at the overcrowded, outmoded laboratories, and falling paint. Last week, Mayor Robert F.



A hallway in Baskerville

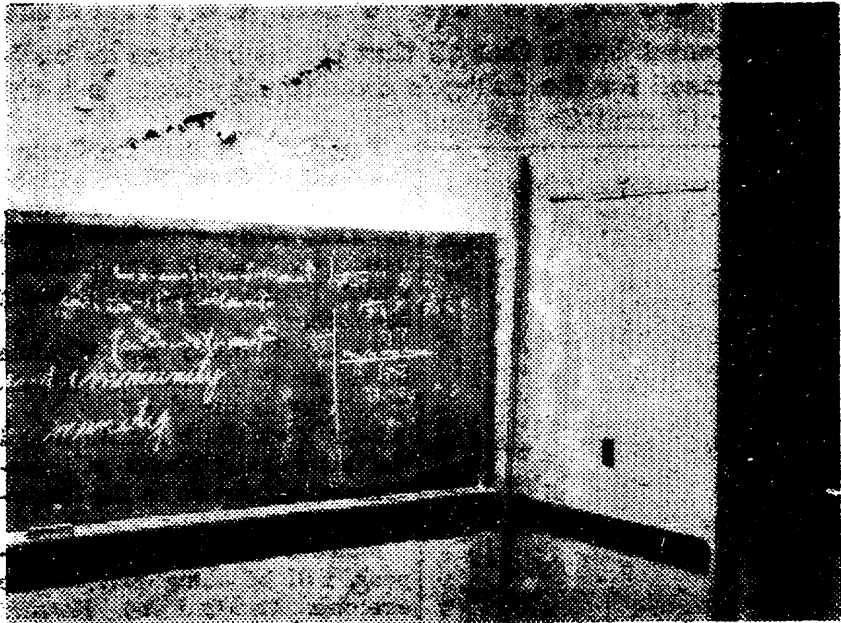
Wagner asked the City Planning Commission to appropriate sufficient funds to the Board of Higher Education for a new science building at the College. Meanwhile, the painting job continues.

The yet un-repainted walls and ceilings of Baskerville show unsightly patches of flaking plaster. Exposed pipes are also visible throughout the stone building and in the laboratories.

Chemistry students working in

the edifice complain of foreign particles falling into delicate experiments. Another common objection is the lack of hoods to remove poisonous fumes. To compensate for this, windows must be left open causing the labs to

be uncomfortably cold during the winter months. "This not only affects the experiments," said one student, "it also affects your chances for getting pneumonia. But that is secondary," he added.

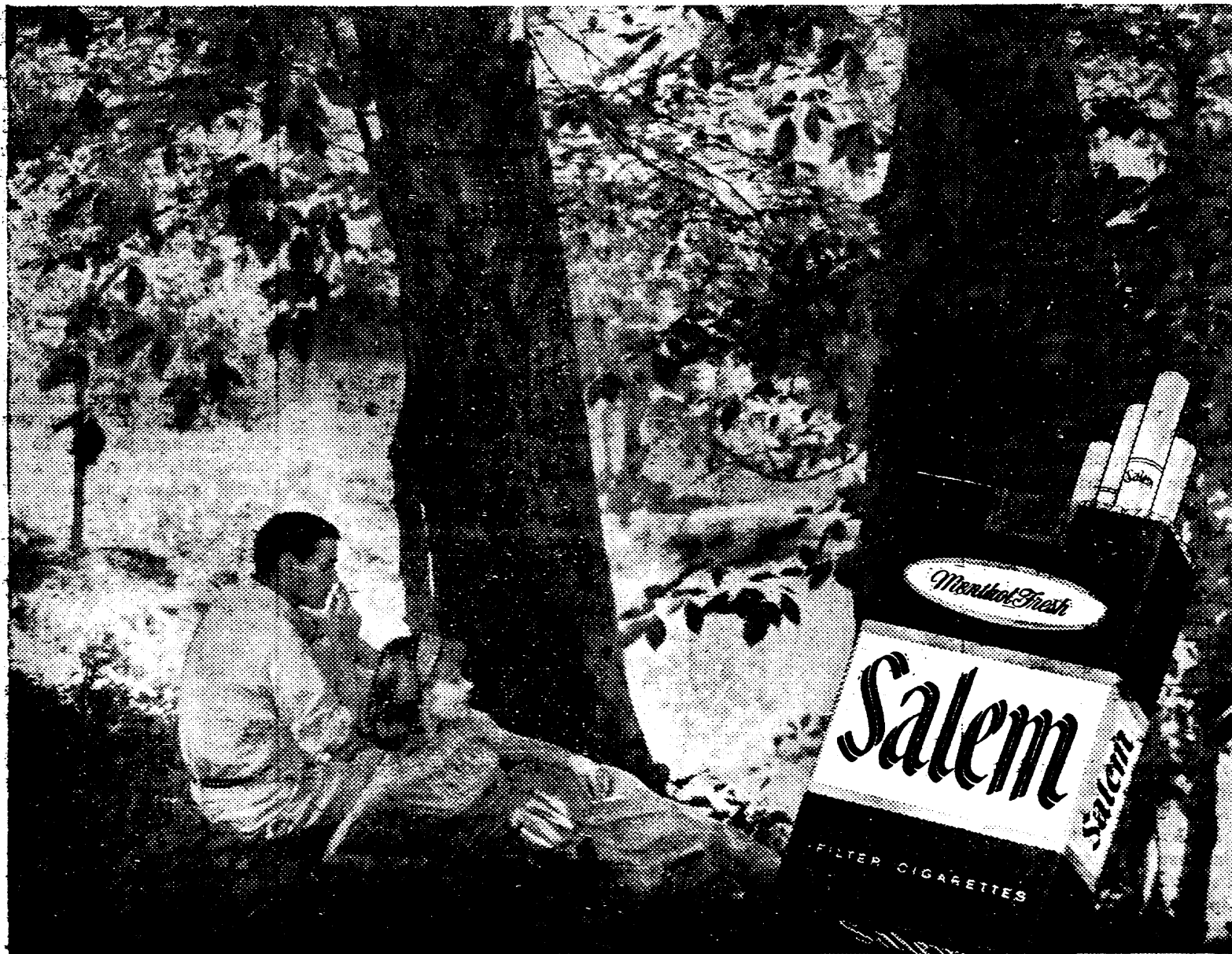


The above view of a room in Townsend Harris Hall illustrates that the malady of peeling paint is not unique to Baskerville.



Doremus lecture hall on the second floor of Baskerville proudly exhibits a new coat of white paint on its ceiling and walls.

Salem refreshes your taste —"air-softens" every puff



Created by R. J. Reynolds Tobacco Company

Take a puff... it's Springtime! Beneath ancient trees, which have known so many springtimes, you feel renewed and refreshed by the soft, cool air. And so your taste is refreshed by a Salem, the cigarette with springtime freshness in the smoke. Special High Porosity paper "air-softens" every puff. Enjoy the rich taste of fine tobaccos while you refresh your taste, with Salem!

- menthol fresh
- rich tobacco taste
- modern filter, too

Dead Sea Scrolls Praised By Yadin

Professor Yigael Yadin, of the University of Jerusalem, said Wednesday that the Dead Sea Scrolls are providing us with sections of the Bible that earlier civilizations had censored.

Addressing an audience of 250 people in Aronow Auditorium, Prof. Yadin described the work that he and his father did in finding and translating the Dead Sea scrolls.

The noted archaeologist and former Chief of Staff of the Israeli Army said that the story of the scrolls began in the spring of 1947 when several herdsmen discovered the great archaeological find in a cave on the northern shore of the Dead Sea.

Not realizing the great historical value of the scrolls, they sold them to antique dealers.

In the fall of that year, a piece of one of the scrolls was shown to Prof. Yadin's father who "knew immediately that the scrolls were genuine" and managed to get three of them.

The remaining four scrolls found their way through the hands of Middle Eastern antique dealers and finally turned up half way across the world in New York.

Later, after his father's death, someone directed Prof. Yadin's attention to an advertisement in the Wall Street Journal announcing that the four scrolls were for sale.

At first, Prof. Yadin was unable to raise the money to buy the scrolls, but the Israeli government finally purchased the documents for \$250,000.

Prof. Yadin noted that "people will pay \$300,000 for a first edition of Walt Whitman but they won't pay it for a first edition of the Bible."

He said that the scrolls "have brought us the history of one of the three sects of the Hebrews of which very little is known."

Tomorrow—A Full Day of Reckoning

Karlinmen and Kingsmen to Tangle In Soccer Action at 2 in Lewisohn

By LARRY BORTSTEIN

The College's soccer team must beat Brooklyn College tomorrow if it is to maintain its take-charge position in the Metropolitan Conference.

This fact remained evident yesterday when the team took its last practice session before tomorrow's clash with the Kingsmen at 2 PM in Lewisohn Stadium.

In Brooklyn's last game, she dropped Pratt Institute from the ranks of the unbeaten with a 2-1 verdict. That was last Saturday, and now Brooklyn coach Carl Reilly is out for Beaver blood.

"The Pratt game is in the past now," he said Wednesday. "I'm glad we won, sure, that was do or die for us, but we've been concentrating on this (tomorrow's) game for a while now, and I think we can do it again."

Last year, Reilly's team was the greatest in Brooklyn annals. It swept to an undefeated league season, beating Pratt's Engineers Pratt's only loss), and the Beavers, 3-2, en route.

Brooklyn's cast will be in many ways similar to last fall's when the Kingsmen take the field tomorrow afternoon.

But the differences are big ones.

Ralph Tapino, whose last-period score became the difference in last year's frost-marred encounter, has left Brooklyn to study engineering at—of all places—the College. But Tapino is an evening-session man who plays outside ball, and both of those mean he can't play for Coach Harry Karlin's team.

Gus Miliotis, who was supposed to step into Tapino's center forward shoes this fall after two years at outside right, will also be notable for his absence.

Miliotis, who incurred a damaged knee in Brooklyn's NCAA quarter-final round with West Chester State (Pa.) last November, has never fully recovered. It is now feared he will require surgery to alleviate his "water on the knee."

Because of the absence of these two potentially high scorers, the Kingsmen attack has been no better than fair so far.

Frank Guarnieri, a sophomore and the new center forward, scored the winning goal in the contest with Pratt, but has not yet learned the rudiments of his position.

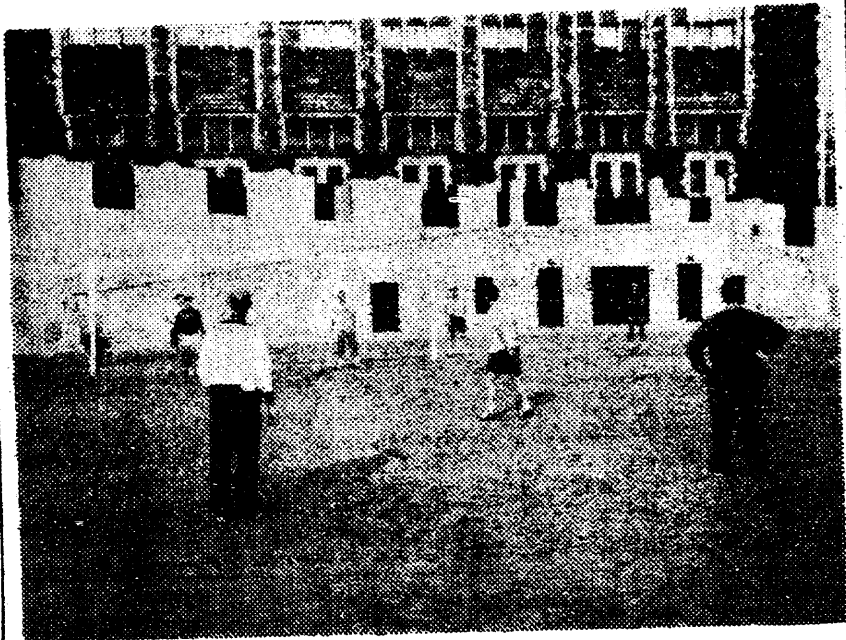
It will be up to Ben Gibbs, out of the inside left position, to move Brooklyn's offense. Gibbs, who scored a hotly-disputed goal in last year's game, is an aggressive competitor who darts around the field and thinks nothing of committing sheer mayhem when he wants to get the ball.

"Ben's a tireless player," Coach Reilly explained.

Other stalwarts in Brooklyn's alignment will be linemen Fred Wallace, Aleka Brunavs, and Lou Vaughan. All are graduates of last year's title team.

Vaughan summed up the team reaction to tomorrow's encounter like this: "This is a new team. Our win over Pratt gave us new life. We're ready for City."

Sophomores are not playing a great part in Brooklyn's destiny



The Colleges Soccer Team warming up for tomorrow's do or die game.

this year. Besides Guarnieri, there is Helmut Poje at right fullback.

Poje and left fullback Ken Lenchintz have been largely responsible for keeping the opposition throttled.

Goalie Tilbor Wilhelm comes into the Stadium with a reputation for folding under pressure and fumble-itis under a barrage of enemy shots. So the Kingsman defense is usually called upon to fight for its life.

Working out of the halfback slots for Brooklyn will be Ingo Campa, the team captain; John Pukke and Frank Marciandaro.

On the whole, Coach Reilly's opinions to the contrary, Brooklyn's soccer team is not a really potent one. It can score, it can defend, but neither to any great extent.

Even the victory over Pratt was tainted by the fact that rain all over the field probably served to bog the rugged Engineer attack down more than the Kingsmen defense could have.

As matters now stand, only a victory tomorrow would keep Brooklyn's hopes for a second straight championship alive.

The Kingsmen are 3-2 over-all, one of their losses having been

to non-league C. W. Post and the other to Hunter. The Beavers are still undefeated in league combat.

The loss to C. W. Post, a perennially weak outfit, may indicate

that the Kingsmen have recurring lapses of tottering play.

Coach Karlin will lose his Beavers on the Kingsmen for what may be a giant step toward the NCAA play-offs in St. Louis.

Beaver Harriers to Oppose Central Connecticut State and Iona College at Van Cortlandt

Consensus has it that all that stands between an undefeated season for the College's cross-country team is a victory over Central Connecticut State.

Record has it that the Central Connecticut State team will be at Van Cortlandt Park tomorrow morning, along with Iona, to do battle with the Beaver harriers. Coach Francisco Castro is being cautious.

"After Saturday the schedule looks easy," he said yesterday. "Saturday is the day."

New York State Maritime and the municipal colleges will provide the opposition in the following meets.

Iona's runners, it would appear, will be along just for the exercise. Coached by Howard Bulger, the Gaels have lost to Manhattan, Fairleigh Dickinson, St. John's and Fordham, without tasting victory.

Only James Paolino, with a 29:38 showing, has bettered the 30-minute mark for five miles. Herman Yahn, Iona's second man, has done no better than 31 minutes flat.

What can be expected from State's Teachers is radically different.

Jim Keefe, to all intents and purposes, has been conceded first place in individual honors. His time of 27 minutes can not be approached to any extent by any Beaver.

Ted Owens, State's bespectacled coach, will also have possibly the best sophomore in the Collegiate Track Conference going for him. He's Greg Bigelow, who already turned in a timing of 28:03.

Jack Marincic, Archie Mason and "Duke" Robinson are three more of State's vast stock of speedsters.

State is 5-1, having lost only to Seton Hall of New Jersey.

It will be the Beavers' task to group their runners in the top ten. Of the approximately ten Beavers who will start, five must finish among the top 10 or 11 to offset Keefe's victory and Bigelow's probable second-place.

These plans may be harder to come by because Billy DeAngelis, one of Castro's fine group of sophomores, has been nursing a twisted ankle since last Thursday.

The ankle injury kept him out of last Saturday's triangular meet with Kings Point and Brooklyn, which the Beavers won easily.

But DeAngelis' absence tomorrow may be killing. He won't know until just before race-time whether he'll be able to run.

Coach Castro still figures on fine individual efforts from Bill Hill, Paul Lamprinos, his captain, the ever-improving sophomore Mike Didyk, Julian Offsay and, of course, Lenny Zane.

Zane, the sophomore who was defeated for the first time last week, will lose again tomorrow, but it is hoped he will lead the grouping of five Beaver runners. His best time has been 28:44, a school record.

More is at stake for the team (Continued on Page 6)



Coach Francisco Castro Cautious for Now

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Music . . .

Eric Salzman will speak on "Music Criticism and New Music" next Thursday at 12:30 P.M. in Aronow Auditorium. Mr. Salzman is a music critic for the New York Times and a composer.

Opology . . .

One out of five students at the College would rather be "Red than dead," according to a recent Poll. The one out of four ratio as mentioned in Wednesday's Observation Post was incorrect.