

N.C. Music Minister Arraigned on Heroin Charges

THE ASSOCIATED PRESS
GREENVILLE — Michael W. Garrett's arrest in New York on heroin charges has stunned friends who know him for his work at a Greenville hospital and as music minister at a Winterville church.

Garrett is "a fine person, as far as I know," said Bishop W.H. Mitchell, pastor of Good Hope Free Will Baptist Church.

Early Monday, New York police answered a call about an armed robbery and found Garrett on the ground with a man standing over him and a second man with a revolver in Garrett's car. The two men were arrested. Later, officers checking Garrett's car found 400 packs of heroin.

Garrett, 43, was arraigned Tuesday on one count of first degree criminal posses-

sion of a controlled substance and on three counts of third degree criminal possession of a controlled substance, all felonies, said Charisse Campbell, spokeswoman for the Bronx County District Attorney.

He was being held in the Bronx House of Detention in lieu of \$250,000 bail. He is due back in court Friday.

In addition to his work as organist at the Winterville church, Garrett is an administrator of human relations in the human resources department at Pitt County Memorial Hospital. He has worked there since 1985, but the hospital declined comment beyond disclosing his job description.

Garrett is the son of D.D. Garrett, a former member of the Pitt County Board of Commissioners and an officer of the Pitt County branch of the National Associa-

tion for the Advancement of Colored People.

Garrett lives in a modest brick house in Greenville. One neighbor said he noticed Garrett had a nice car, but there was nothing unusual about his activities at home.

"I can't hardly believe it because they are good people," Julia Adams, who lived across the street from Garrett, told The News & Observer. "They are good neighbors."

The arrest soured a goodwill gesture by New York City police, who even bought Garrett breakfast so he would have a good impression of the city.

"The cops were really trying to be helpful, trying to get him back on the road, trying not to give him a bad impression of the city," a police spokesman said.

Police said the heroin was worth about \$4,500.

Garrett has no record of drug charges, according to New York and Greenville police.

The packs were marked with a stamp identifying them as "Raising Hell" brand, a type of heroin that police have recovered in North Carolina.

Such brand markings are not unusual, said C.E. Weatherington, an investigator with the Greenville Police Department. Some drug dealers identify their contraband with a stamp for their customers' convenience, he said. "If it's good dope, everybody wants that brand," he said.

He said public attention had focused on cocaine in recent years, but police still find plenty of heroin on the street.

Germany Remembers 'Night of Broken Glass'

THE ASSOCIATED PRESS
BONN, Germany — On a gray Tuesday loaded with memories both harsh and hopeful, German leaders implored a struggling nation not to allow rising nationalism and anti-foreigner violence to weaken democracy.

Marking the fourth anniversary of the fall of the Berlin Wall and the 55th year since Kristallnacht, "night of broken glass," which launched the Nazi pogrom against the Jews, Germans were urged not to blame others for their economic troubles.

"Democracy isn't a fair-weather way of life," said parliament speaker Rita Süssmuth. "Scapegoat logic leads to violence and won't solve any of our problems."

Wiesenthal, like other critics, was alarmed by last month's acquittal of two young rightists in the 1992 arson attack that destroyed the Jewish barracks at the Sachsenhausen concentration camp memorial.

For German officials struggling to restructure the economy and carry European union forward, the multiple anniversaries were an occasion Tuesday to scold Germans for failing to make the most of reunification.

Chancellor Helmut Kohl did not mention Kristallnacht or the Berlin Wall in his speech to the Association of German Retailers. His principal theme was the need for Germans to show initiative to lift themselves from their worst postwar recession.

Half a million Germans have lost jobs in the last 12 months, and another half million are expected to go jobless before next October's national elections, raising the specter of a Weimar-era depression.

"Was Bonn a fair-weather democracy?" the Leipziger Volkszeitung newspaper asked in a commentary Tuesday.

"Will we be able to stand fast despite the storms and economic hardship of the enlarged country?" Süssmuth's speech in parliament highlighted remembrances across Germany for Kristallnacht.

More than 90 Jews were killed and 20,000 arrested on the evening named for the litter of shattered glass from synagogue windows and Jewish-owned shops.

In the eastern city of Leipzig, Jewish survivors laid wreaths at the site of the Great Synagogue, burned by the Nazis and at the Parthen River shore where Nazis threw Jews into the water in a night of shocking brutality.

They also visited the Jewish Cemetery, where Jack Green, 74, of Wappinger Falls, N.Y., visited a gravestone to the memory of his father, beaten to death in Sachsenhausen concentration camp.

"I'm glad I survived to be able to bring my sons back," said the retired IBM toolmaker, who came with two grown sons.

Green had fled Germany a month before Kristallnacht.

DMV Requests \$3.3 Million For Rest Stops

THE ASSOCIATED PRESS
RALEIGH — Safety at North Carolina's interstate highway rest stops won't be free. It's going to take money and more authority for Division of Motor Vehicles officers, DMV officials say.

"This is a critical issue," DMV commissioner Alexander Killens told a legislative panel.

But the legislative Transportation Oversight Committee refused to endorse his requests, saying more study was needed.

DMV wants \$3.3 million for the project. Killens said his 515 officers would need \$556,200 just to cover the additional travel needed for them to patrol the state's 58 rest areas, the Winston-Salem Journal reported.

The state Transportation Board agreed last week to provide \$321,000 to Killens to buy bulletproof vests, walkie-talkies and flashlights for his rest-area patrols.

DMV officers also need expanded arrest powers, said Col. Al Felton, the agency's senior officer. Current law restricts the power of motor-vehicle inspectors to enforce transportation-related laws and regulations and generally only within the right-of-way of public roads, he said.

"Our personnel are more visible and they're in areas off the highway," Felton told the committee. "Citizens don't know that we're limited to the highway. We ask you to approve (full) arrest authority."

Rep. Dan DeVane, D-Hoke, agreed that motor-vehicle inspectors needed more authority if they are to deter violence and crime along the state's highway system.

Killens said the added costs would be more than made up by preserving the safety of motorists and the state's \$7 billion travel industry.

He said that publicity over travel-related violence cost the state of Florida millions of dollars this summer in canceled vacations and prompted the state to spend \$6.8 million in security contracts.

The DMV package called for:

- 121 new law-enforcement cars at a cost of \$801,500.
- \$1.6 million in other new equipment, including \$1.35 million for computerized mobile scales to check for overloaded trucks.
- Three trained dog units, housing and supplies and a canine trainer for drug investigations at a cost of \$41,700.
- More than \$750,000 in overtime, additional training and travel reimbursement.
- \$40,636 for an investigator to conduct background checks on motor-vehicle personnel and others who would patrol rest areas.

Study: Canadian Health Care Not Working

Researcher Says Problems In Canada Foreshadow U.S. Health-Care Obstacles

THE ASSOCIATED PRESS
ATLANTA — Canadians under universal health care get less treatment for heart attacks and suffer more pain and disability than Americans, offering a preview of what reforms could bring to the United States, a researcher said.

Dr. Robert Califf said his study was the largest to compare Canadian and American heart attack treatment. He said it showed that efforts to reduce health-care costs in Canada might have gone too far, resulting in less care than is desirable.

"This is the first study to show in detail that less is not as good," the Duke University researcher said.

Canada's health-care system differs in important respects from President Clinton's proposed reforms, but the two systems are similar in their efforts to control costs. That is why the study offers an important lesson in this country, Califf said.

"If pressure is applied to reduce costs, there will be a reduction in services," he said. Americans might experience poorer outcomes, he said.

The study, to be presented Wednesday at the annual meeting of the American Heart Association, found that the rate of bypass surgery and other treatments in Canada is about half that of the United States.

The study of 2,400 Americans and 400 Canadians didn't find an increase in deaths, but it was too small to prove that there was no increase, Califf said.

He added, however, that he was certain many treatments were overused in the United States, and it should be possible to reduce costs without harming patients by eliminating unnecessary procedures.

The study showed no increase in the death rate under the Canadian system. A separate study evaluating the widespread Canadian practice of delaying heart surgery in some patients to help save money also found that the delays produced no apparent increase in deaths.

Canada's so-called single-payer system — in which coverage is provided for all, and the government picks up the tab — has been suggested as a model for American health-care reform. It has attracted some support in Congress. The Clinton administration favors a managed-care plan, in which costs are paid primarily through private insurance.

The new studies do not suggest that the

Canadian system isn't working, or that it should be discarded as a model for the United States, researchers said. The studies show, instead, that in the area of heart attack treatment the Canadian system may need adjustment.

"On occasion, the capped budgets in Canada can lead to restraint of some worthwhile technology," said one of the Duke study's authors, Dr. David Naylor of the Institute for Clinical Evaluative Sciences in Toronto.

In contrast, the American system, with no cap on expenditures, "relies excessively on technology, is a lawyer's delight and probably causes damage to patients through the zeal for intervention," he said.

"You take your pick," he said. "I think the best solution for America is somewhere in the middle."

The other study, by Dr. David Johnston and Dr. Jafna Cox of Victoria General Hospital in Halifax, Nova Scotia, found that waits of weeks or months for bypass surgery were a safe and effective means of making the best use of surgeons and operating rooms — thereby saving money.

The study of a series of 423 surgical patients ranked to determine who would go first suggested that expanding operating rooms and hospital capacity to avoid delays wouldn't reduce deaths.

Rappers Challenge Copyrights in High Court

THE ASSOCIATED PRESS
WASHINGTON — Copyright holders cannot ban song parodies such as rap group 2 Live Crew's raunchy takeoff of the rock 'n' roll classic "Oh, Pretty Woman," the rappers' lawyer told the Supreme Court today.

"A parody imitates and ridicules; it pokes fun at the original," said attorney Bruce Rogow. "Parody is a fair use, unless it materially impairs the market for the original."

But the song's copyright owner maintains the group is only trying to cash in on the enduring popularity of Roy Orbison's 1964 hit.

"You have to have a right to say no," said Sidney Rosdeitcher, representing Acuff-Rose Music of Nashville, Tenn., the copyright owner. "They have exploited our work for a profit. They are free-riding on our music."

Comedy groups and satirists are lining up against songwriters and copyright owners in the dispute over when a parody of a song is a "fair use" that does not require the owner's permission.

The high court is expected to rule in the case by July.

Luther Campbell, lead rapper for 2 Live Crew, sat on the front row of the court's public section as the lawyers outlined their theories on rock and roll, rap music and

musical parodies.

"In order to evoke the original, one must take a substantial part," Rogow said. "The originator does not hold the absolute right to preclude any other use of that original."

But Rosdeitcher said some parodies took too much.

The 2 Live Crew version repeatedly used the "jolting guitar riff" from the original Orbison song, he said.

"They played it because it was one of the most wonderful, danceable, dynamic musical riffs of rock 'n' roll," Rosdeitcher said. Rap music often relies on well-known rock and roll riffs to appeal to mainstream listeners, he said.

Justice John Paul Stevens said the fact that 2 Live Crew offered to pay copyright royalties to Acuff-Rose and were refused "tends to cut in their favor."

However, Justice Antonin Scalia said that if Rosdeitcher was correct that people bought the 2 Live Crew recording mainly because of the music from the original song, "you're making money from their music."

If copyright owners can prohibit parodies of their work, "the world of both political discourse and musical fun may be impoverished," political satirist Mark Russell and the Capitol Steps comedy group said in a friend-of-the-court brief.

But lawyers for singer-songwriters Michael Jackson and Dolly Parton maintain copyright owners have the right to control fundamental changes in their songs.

Fair use does not allow someone to "take the heart or essence of a copyrighted song, to substitute ... coarse or vulgar lyrics,

and to justify the distortion by calling it parody," added papers filed by the estates of Cole Porter and George and Ira Gershwin.

The 2 Live Crew parody uses much of the Orbison song's music and the first line of lyrics: "Pretty woman, walking down the street." Then it deviates to "big hairy woman," "bald-headed woman" and "two-timin' woman."

The group told Acuff-Rose Music that it planned to use the song and pay a copyright fee. Acuff-Rose said it would not allow use of the song, but 2 Live Crew released the recording on its 1989 album "As Clean As They Wanna Be."

Acuff-Rose sued, claiming copyright infringement. A federal judge in Nashville ruled for 2 Live Crew, saying its version was intended to poke fun at the original song.

The 6th U.S. Circuit Court of Appeals reversed, saying the parody's "blatantly commercial purpose" prevented it from being a fair use of the Orbison song.

The rap group's Supreme Court appeal said its parody did not harm the value of the original song. "The purpose of the parody was to mock the banality of white-centered rock 'n' roll music by attacking one of its time-honored ballads," 2 Live Crew's lawyers said in court papers.

Copyright owners should not be allowed to censor commentary on their songs by approving only parodies they like, the group's lawyers said.

But Acuff-Rose's lawyers said that was not censorship, noting that authors of novels could refuse to license movie adaptations of their work.

Justice Department to Look Into Case Involving Clintons

THE ASSOCIATED PRESS
WASHINGTON — The Justice Department will take over a probe into a failed Arkansas thrift with ties to the first family after a prosecutor appointed by the president asked to be removed from the case, it was announced Tuesday.

In place of Clinton appointee Paula Casey, the Justice Department said, Donald B. Mackay, a veteran of the fraud division, has been dispatched to Little Rock to handle the matter along with two associates.

In a statement, the Justice Department said Casey, the U.S. Attorney for Little Rock, Ark., informed her superiors last week that she and her aides wanted to excuse themselves from the matter "because of their familiarity with some of the parties and the need to ensure that there be no misperceptions about the impartiality of the investigation."

Casey was a volunteer on Clinton's presidential campaign and a student of Clinton's when Clinton taught at the University of Arkansas law school. In addition, Casey's husband once was appointed to a state agency job by then-Gov. Clinton.

Meanwhile, Republicans in the House said the Banking Committee should probe the failed savings and loan.

Federal investigators are looking into the 1989 failure of Madison Guaranty Savings and Loan and its dealings with Whitewater Development Corp., a real estate development company in which President Clinton and his wife, Hillary Rodham Clinton, had invested. Hillary Rodham Clinton also did legal work on behalf of Madison for the Rose Law Firm in the mid-1980s.

Thrift regulators referred a case involving the Clintons' associate James McDougal's Madison Guaranty S&L for possible criminal prosecution to Casey's office after an investigation into a variety of civil matters, according to federal officials familiar with the matter.

Among other things, investigators want to learn whether funds that were overdrawn from Madison's ledgers helped retire President Clinton's 1984 gubernatorial campaign debt.

While some \$12,000 drawn on Madison accounts found their way into the campaign's coffers, Clinton aides have said that they have had no way of knowing where the money came from.

In addition, Hillary Rodham Clinton was paid \$2,000 per month through her

law firm to do work for Madison. Neither thrift officials nor the Clintons ever have explained the scope of Hillary Rodham Clinton's duties, although she did help the ailing thrift win a last-gasp capital reinvestment bid with state banking regulators in 1985.

Another name connected to the case is that of Webb Hubbell, Hillary Rodham Clinton's law partner who is now the number-three official at the Justice Department. The Associated Press reported last week that when Hubbell helped federal regulators sue the accounting firm that handled Madison's affairs, he failed to disclose that the Rose firm had previously advised the thrift.

Thrift regulation rules require that attorneys and accountants who are seeking government thrift cleanup work reveal all prior relationships with thrifts and other financial institutions.

The probe also focuses on how funds from a Small Business Administration-backed grant to McDougal's wife, Susan, ended up in the accounts of a real estate venture in which the McDougals and the Clintons were co-investors.

President Clinton appointed Casey to her post at the U.S. Attorney's office earlier this year; her first day on the job was Aug. 16.

On Capitol Hill, Rep. Jim Leach, R-Iowa, said in a letter to banking committee chairman Henry Gonzalez, D-Texas, that the panel should "not refuse to address issues that may embarrass the current administrations in Washington and Little Rock."

The president has told reporters, "We did nothing improper."

But Leach wants the banking panel to invite federal regulators to testify and subpoena state regulators, Madison's top officers and representatives of Hillary Rodham Clinton's former law firm.

In a reply, Gonzalez said the committee had a legitimate interest in looking at Madison but said it "must tread carefully around ongoing criminal referrals and professional liability cases." He said he would direct his staff to begin collecting information on the S&L.

Gonzalez has a record of going after alleged S&L wrongdoers linked to politicians of both parties. He conducted high-profile hearings on Lincoln Savings and Loan of Irvine, Calif., making its owner, Charles Keating, a household name.

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