

The Tar Heel

Vol. 82, No. 7

Chapel Hill, North Carolina

Thursday, July 10, 1975

Kupec loses first round against ACC, but plans Circuit appeal

by Greg Porter
Features Editor

U.S. District Court Judge Hiram Ward denied UNC quarterback Chris Kupec a preliminary injunction against the Atlantic Coast Conference Tuesday that would have allowed Kupec to play the 1975 football season.

"We'll take this case to the Supreme Court if we have to," Kupec's counsel Travis Porter said after the hearing as he explained that Kupec would appeal to the U.S. 4th circuit court of appeals in Richmond, Va. as soon as possible.

Judge Ward ruled against Kupec, saying, "The court fails to see irreparable damage to Mr. Kupec if the preliminary injunction is not granted but could perceive great injury to the defendant, the ACC."

Ward agreed with ACC counsel Bynum Hunter that a ruling in favor of Kupec would "make a shambles of college athletics" because of Kupec's allegations that the conference violated his constitutional rights and federal antitrust laws.

During the hearing Ward asked Kupec's counsel if they were trying to destroy collegiate athletics. The counsel denied any such attempts, but the judge asked if they expected him to "open the floodgates on the ACC."

Ward said the upholding of Kupec's charges could culminate in an athletic world where players would be hired and the richest teams would win.

Ward accepted Hunter's argument that ACC and NCAA rules served to "keep athletics in some reasonable perspective and to provide equal competition."

Porter was unconvinced by the judge's interpretation. "The judge cited the interests of collegiate athletics, but college football is



Kupec: sacked

already what it is," he said. "We don't make it that way. It's up to the court to determine just what college football is."

Kupec filed suit against the ACC March 20 seeking eligibility for the 1975 college football season, \$200,000 in punitive damages and a court order that would prevent ACC or NCAA regulation of scholarship monies.

Kupec, All-ACC quarterback last year, claims the failure of the ACC to pass a new NCAA hardship rule at a meeting February 13 was in fact a move to deny him eligibility. The ACC had rubber-stamped the 119 preceding NCAA rules changes.

Much of the argument at the hearing concerned the ACC's hardship rule which states that a football player may receive an additional year of eligibility if an "injury or

illness prevents him from participating in more than one game."

Kupec played a total of 11 plays in the first and third games of the 1973 season. Kupec broke his collarbone in the third game of the season against the University of Missouri.

The ACC interprets the rule to mean that an athlete can play in no more than one game in a season and remain eligible for the hardship exception.

Kupec's lawyers say that "by any reasonable interpretation of the English language" the rule means Kupec is eligible because he was in fact prevented from playing in eight games.

Although both Ward and Hunter agreed

the rule was ambiguous, Ward ruled that the ACC's intent was clear and that Kupec was indeed ineligible.

Ward will consider a motion for summary judgment in approximately 10 days. The judge will either dismiss the case, which is probable since Ward said he could see "very little likelihood that one judgment would pass," or put the case on the regular trial docket.

Even if the case is not dismissed, it will be several months before the actual trial is held so Kupec's only chance of playing for UNC is a preliminary injunction against the ACC by the 4th Circuit Court of Appeals or ultimately the U.S. Supreme Court.

But still back-door fare

X-rateds popular in Chapel Hill

by Jim Brozo
Staff Writer

Despite the ticket price increase from \$2.25 to \$3.00, porno films are still popular in Chapel Hill. But some people still sneak in the back door to see them.

Scott Baldwin, manager of Franklin Street's Varsity Theater, said X-rated films are a "guaranteed box office hit," but admitted some businessmen leave through the back exit after seeing films like *Deep Throat*.

The majority of X-rated films shown in Chapel Hill are viewed by Varsity Theater patrons. But the Varsity's brethren, the Plaza Triple Theaters on Elliot Road, try to steer clear of skin flicks.

Both are owned by Eastern Federal Corporation of Charlotte.

"We're more a family-type theater," Plaza manager Cliff Bryson said. In most instances, he explained, each of the Plaza's three theaters features a G, PG and R-rated movie.

Bryson recalled that in the year he has been manager only one X-rated movie has been shown at the Plasas.

A district manager for Eastern Federal Corporation, Gene Skinner, explained why the Plasas avoids the adults-only fare: "Most of your X-rated pictures are just junk. Those that have been available to us haven't been of good quality."

Scott Reid, manager of the Carolina Theater on Franklin Street, also expressed concern for quality. "The X-rateds we show have always had some social value," he said, using *Midnight Cowboy* as an example.

But Reid said he is not able to guarantee that future X-rated films would be as socially redeeming. "It's a business," he said. "We have to make a profit."

Owned by the nationwide ABC Theaters chain, the Carolina has shown less than a half-dozen X-rated movies since its ABC affiliation began about five years ago.

"If it's a good film and it happens to be an X, we'll show it," Reid said. "The people in this community would rather see a good PG than a lousy X."

Bryson, of the Plasas, supported this assessment, noting some of the theater's successful runs. "*Lenny* did fantastic," he remarked about the "good" R-rated

film. *The Four Musketeers*, a PG-rated film, set an attendance record during its four-week run at the Varsity, Baldwin said.

Each of the managers tended to view X-rated films in two different categories. The first category includes films in which a particular nude scene or heavy usage of profanity accounts for the rating, such as *The Last Tango in Paris*. The second variety is comprised of films laden with graphic scenes of sex for its own sake, such as *Deep Throat*.

The Varsity, where the majority of Chapel Hill's X-rated films have been run, has received no complaints from church or civic groups about the films, Baldwin said. He said somebody will occasionally call the police, but no legal action has resulted.

Identification is carefully checked at each X-rated feature, to make sure no one under 18 is admitted, he said.

Adult movie-goers in Chapel Hill can count on at least six or seven "hard-core" and a handful of milder X-rated movies a year, the three theater managers predicted.

Grievance committee tentatively established

by Carolin Bakewell
Staff Writer

Anyone with complaints about a professor's grading or classroom procedures will be able to appeal to a Student Government committee this fall.

A three-person Student Academic Grievance Committee has been tentatively set up for next semester, Student Body President Bill Bates said Tuesday. The board members have not yet been appointed.

"A lot of students don't know how to process grievances or get action," Bates said. Although the committee will deal primarily with grade complaints, it will also investigate problems in the classroom.

The new student committee, approved by Provost Charles Morrow, head of academic affairs, is not meant to disrupt the present

system, Bates said. "One of the whole reasons for the board is to avoid delay," Bates said. "It's a service to the students, to insure more student input to student problems."

Under the present system, students can go to the professors with their complaints or to department chairpersons and deans, if a solution is not reached. The administration's academic appeals board is the final authority in complaint affairs, but few grievances ever reach that stage, Bates said.

Complaints, which are made frequently, will be handled in the usual way at first, Bates said. If the student is not satisfied then, the committee would investigate the case and make its own recommendations.

The student board will also handle grievances for students who wish to remain anonymous to avoid retribution.

Gas supply adequate

University operations will not be hindered to a significant extent by the predicted 50 to 65 per cent cutback in winter natural gas supplies to North Carolina.

"We don't think it's going to be anything too drastic because we've been on an interruptible supply for years," Allen Waters, director of the University's operations and engineering department, said yesterday.

Waters supervises the University's purchasing of its natural gas supply.

North Carolina's only natural gas pipeline supplier, Transco, will slash the state's gas supply by approximately 60 per cent. The actual amount will depend on winter temperatures. Industrial users will have their

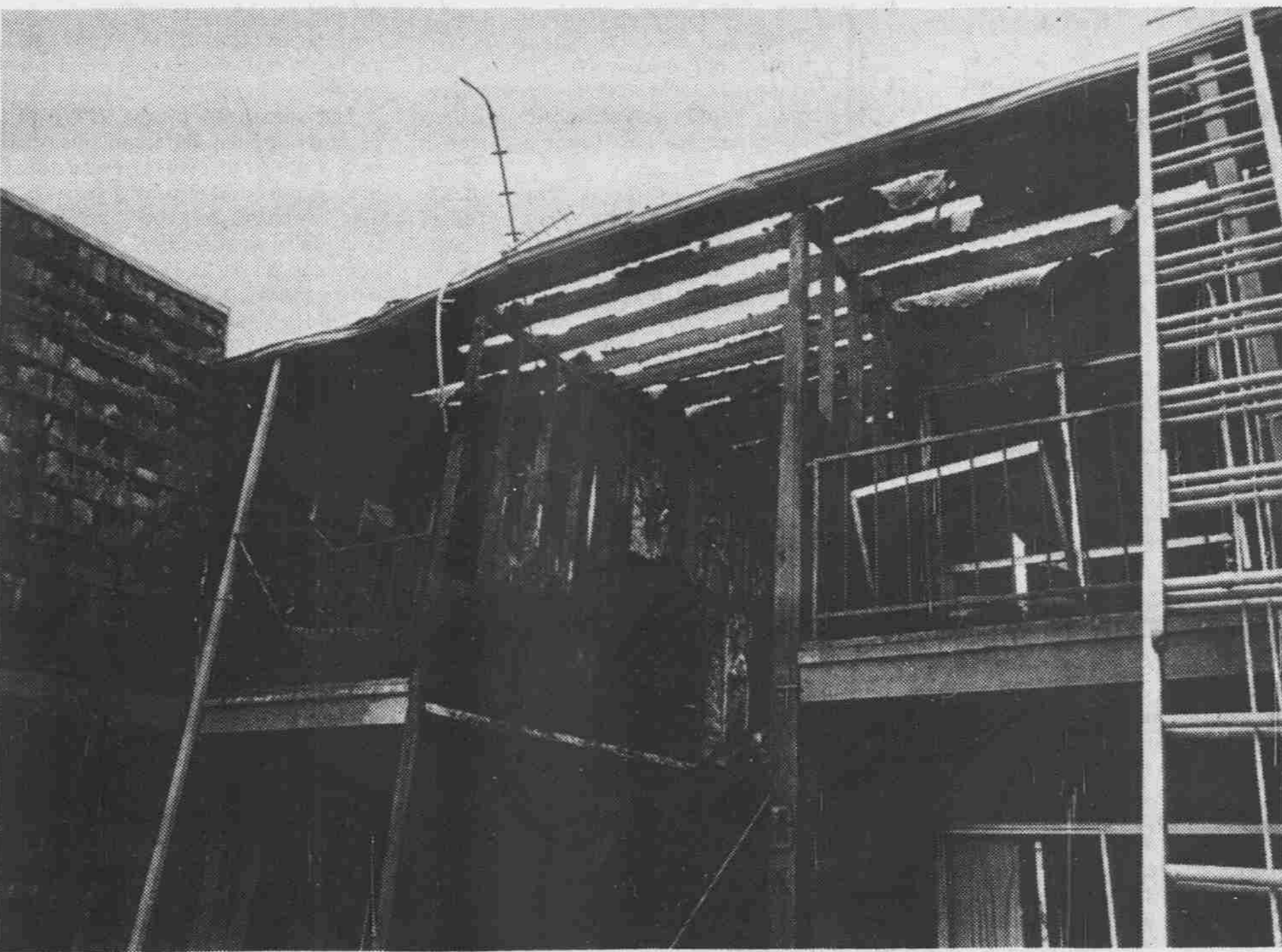
supplies cut first because of national policy.

Although both the University and N.C. Memorial Hospital use limited amounts of natural gas, they have ready reserves of oil and coal. Natural gas is used primarily for laboratory work, water heating and cooking.

Waters said the University has a policy of switching over to using oil and coal in the middle of each winter, regardless of the national natural gas situation.

Local gas officials predict that the area's lack of industry will mean that Chapel Hill will be affected less than other parts of the state by the gas curtailment.

The approximately 5,000 Chapel Hill homes that use gas for heating should be sufficiently supplied, officials say.



Charred remains of Castillian Villa apartments

Fire strikes Castillian apartments

Fire gutted one building of the Castillian Villa Apartments early Tuesday morning, but residents escaped uninjured.

The fire began at 4:30 a.m. in a ground floor apartment in B building. Lightning may have caused the fire by striking an antenna and running the wires to a television set, Fire Chief Everett Loyd said.

The apartments are located on Ephesus Church Road, behind the Holiday Inn.

The fire had spread from the ground apartment where it started to the apartment above it by the time it was discovered.

Police Officer Joe Jackson, who saw an orange haze coming from behind the Holiday Inn while he made a security check at the Kroger Plaza, first spotted the blaze.

Jackson aroused the residents in the building by pounding the doors and turning on his siren. He helped several residents climb out the second floor windows, Loyd said.

Firemen had the blaze under control within 30 to 45 minutes.

Six of eight apartments in the gutted building were occupied at the time of the fire.

Mullen speaks at Rape Crisis Center

Orange residents have liberal view of rape

by Lynn Medford
News Editor

Orange County residents view rape more liberally than Pitt County residents, according to a survey on attitudes toward rape conducted by a UNC grad student. The survey had earlier helped Joan Little win a change of venue.

Courtney Mullen, a social psychology graduate student at North Carolina State University, described the findings of the survey, taken in North Carolina counties, to a group of approximately 20 persons at the Chapel Hill-Carrboro Rape Crisis Center Monday night.

The survey helped convince Superior Court Judge Henry McKinnon to grant Joan Little,

charged with the murder of a jailer she says attempted to rape her, a change of venue. Little's trial was moved from Pitt County in eastern North Carolina to Wake County on grounds a Pitt County jury would be biased.

Mullen's survey of 150 persons randomly selected from jury summons lists of the past two years in Orange and Pitt counties showed that Pitt County residents are more critical of rape victims than Orange County residents.

For example, while 41 per cent of Pitt County respondents agreed with the survey statement, "Most women who are raped have brought it on themselves," only 19 per cent of Orange County respondents said they agree.

The survey also showed that in Orange County

attitudes toward rape differ between blacks and whites. A fifth of the black interviewees said that if a black woman was raped by a white man, he was probably tempted into it; a tenth of the white interviewees agreed with the statement.

Thirty-two per cent more blacks than whites said it is believable that jailers often do rape women prisoners.

When asked if sexual relations forced on a prostitute can be considered rape, 17 per cent of the whites agreed and no blacks did.

Ninety-two per cent of black interviewees said they advocate using any amount of force to stop an attacker, as compared to 83 per cent of the white interviewees.

Rape attitudes vary according to sex also, the

survey indicated. Twelve per cent more men than women said most women who are raped bring it on themselves.

Mullen told the group that although rapes are increasing, few rapes are reported and fewer men accused of rape are convicted.

No white man was ever convicted for raping a black woman in Washington, D.C., she said, in support of her statements on the low conviction rates and racial bias in rape trials.

People tend to blame rape victims as much as the rapist, Mullen said. "Half the world is so upset when this (rape) happens out of the blue that they blame not only the rapist but also the victim," she said.

"People say, 'She was a bad woman and she

deserved it.' Or for the "good" woman, 'She acted stupidly—was at the wrong place at the wrong time.'"

Mullen said she undertook the survey to challenge the composition of a Pitt County jury for the Little trial. "The survey was to make a gross measure of how open-minded they (Pitt County jurors) would be," she said.

"Here is a woman with a great many sources of prejudice against her: she's black, poor; she's already been in jail; she's accused of first degree murder; she's a woman."

Mullen added that despite these potential prejudices, she believes Little will get a fair trial in Wake County. "She has to be tried, and it's as good a place as any in North Carolina."

Food co-op working

by Jim Brozo
Staff Writer

Dry goods can now be purchased at near-wholesale prices in Chapel Hill. The Community Food Co-op, 409 W. Rosemary St., offers its membership a variety of dry goods, such as grains, beans, oils, herbs and teas.

"The orientation of this co-op is toward natural foods," director Richard Davis said Monday.

Davis estimated present membership at approximately 115 units. He defined a unit as an individual or group. Individuals pay \$1 dues, while groups pay \$1 plus 50 cents for each group member.

Items are sold at 10 per cent above their wholesale price. The mark-up covers rent and utilities costs plus general upkeep.

Each member is expected to donate two hours of work a month to the co-op, which is open Tuesday, Thursday, and Friday from 4:30 to 7:30, and Saturday from 10:00 to

6:00. A member has the option of paying an additional dollar in lieu of the work stint.

Twelve individuals comprise a core group which handles management and business affairs. But decision-making, for the most part, is the business of the entire membership.

Davis characterized the co-op originators as "people who are concerned about involving themselves in their own life-sustaining process."

"We offer a small, informal farmers' market on Saturdays," Davis said.

The Community Food Co-op seeks to be a model "community business," Davis said.

Davis said the co-op defines such a business as one which "puts quality products, low prices, consumer and community education, and collective, non-hierarchical working relationships above concern for profits."

The co-op is located in the same house as the Community Bookstore, Rainbow Soccer office and Chapel Hill Sun.