

# The Daily Tar Heel

Serving the students and the University community since 1893  
Chapel Hill, North Carolina, Wednesday, September 24, 1975

Vol. 83, No. 19

Weather: cool

## Money appropriated; plans drawn for NCCU law improvement

A News Analysis  
By Greg Nye  
Staff Writer

Second of a two-part series

In response to American Bar Association (ABA) threats to withdraw accreditation of the N.C. Central University law school, the state General Assembly appropriated early this year \$2.5 million for a new law building and \$150,000 for other improvements.

Even so, the General Assembly can see no need in the state for more lawyers, because the North Carolina law schools produce more law graduates each year than the state demands.

The General Assembly had almost no choice but to appropriate funds for improving the predominantly black NCCU law school, John Sanders, University of North Carolina system vice-president for planning, said last week.

"Any attempt by the General Assembly to withhold improvement funds from the law school at Central would be regarded by the ABA and the Department of Health Education and Welfare as a racially discriminating act," he said.

The ABA threatened to withhold accreditation from NCCU's law school after an inspection last July 28 revealed overcrowding and poor facilities. The ABA demanded that improvements be made, saying the state needs a law school which can provide good training for educationally deprived blacks.

After the ABA issued an ultimatum in February threatening to withdraw accreditation, NCCU Chancellor Albert N. Whiting and consolidated university President William C. Friday met and asked UNC law professor Frank R. Strong to draw up a comprehensive improvement plan for the NCCU law school.

Strong's plan, which was accepted by both

the ABA and NCCU's Board of Trustees, calls for the hiring of eight new faculty members, raising faculty salaries to the national average, spending approximately \$100,000 a year for three years on the law library, raising the dean's salary and hiring more administrative assistants.

Strong also wants to see the law school remain predominantly black. The school is now 60 per cent black. In his report, Strong says, "Blacks and other underprivileged applicants do not score well on the Law School Aptitude Test and often are able to present undergraduate cumulative averages only slightly above minimum levels for graduation."

To enable the school to remain open to blacks and underprivileged groups and yet ensure the capability of students admitted to the law school, Strong recommends that the school maintain a flexible admissions policy.

In his report, Strong also suggests admitting only 90 students into each

freshmen law class and reducing the numbers of out-of-state students admitted.

Some improvements have already been made. During the past two years President Friday has asked NCCU Chancellor Whiting to limit law school enrollment. Total enrollment has been reduced from 291 in 1973 to 216. Although the General Assembly has appropriated \$2.5 million for a new law building at NCCU, the ABA, stressed in its report, filed after the July inspection, that administration and enrollment problems should be solved before a new building is constructed. The ABA also doubted that \$2.5 million would be enough to build a law school for 300 students.

Although Strong did not attach a budget request to his improvement plan, Sanders estimated the operating budget for the law school should expand from \$352,000 last year to \$900,000. But the budget for this year will be only \$425,000.

The General Assembly appropriated an extra \$75,000 for the law school's improvement this year, and Friday is attempting to transfer \$25,000 in funds from the university system's budget to the improvement program. Next year the General Assembly will appropriate an additional \$75,000.

Sanders, however, said he thinks the gains made by the school have been substantial. "The law school budget at NCCU increased 25 per cent," Sanders said. "Such an expansion is a considerable amount during a year in which the General Assembly is operating on a tight budget."

"The ABA knows the financial situation in the state and will take this into account when they review the law school's progress next year," Sanders said. "When the consolidated university makes its next budget request to the General Assembly in 1977, the ABA will be looking for substantial increases in the law school budget."

The threat of withholding accreditation has made the issue of funding the improvement plan politically visible, and the General Assembly was forced to commit funds. In the future, however, the continuing law school improvement will depend on the budget requests of both Whiting and the consolidated university.

Friday, Whiting and the Board of Governors have shown a willingness to improve the law school at Central.

But, in the future, Whiting will have to determine the law school's priority in respect to other schools at NCCU. Friday and the Board of Governors also must decide what priority the law school should have in relation to the 16-campus system. Finally, the General Assembly must assign a priority to the improvement plan. These steps will not be nearly as politically visible as saving the law school's ABA accreditation.

See related story on page three.

## BSM case dismissed, but warned about bias

by Merton Vance  
Staff Writer

Although a federal judge dismissed last week a case attempting to end student fee funding of the Black Student Movement, the judge's opinion cautioned University administrators from ever again recognizing a racially exclusive campus group.

The suit, filed by two UNC law students in mid-1974, alleged that the BSM was racially discriminatory because the group admitted only black members. However, last September, the BSM began admitting non-black members.

U.S. Middle District Court Judge Eugene A. Gordon cited the decision to admit non-blacks as grounds for dismissing the case last Wednesday.

In his opinion, Gordon warned that if the BSM does not allow students of all races to join, the court would entertain a new lawsuit.

Associate Dean of Student Affairs James Cansler said the UNC administration now

requires student groups to be open to all races in order to be recognized by the University.

But he said this policy is not a direct result of last week's court ruling, as plaintiffs in the case contended. These changes would probably have come about without the lawsuit, he said.

"There are many factors at work," Cansler said. "The administration has worked over the past decade to ensure that campus organizations are open to all races."

Cansler said he views the lawsuit not as a blame-finding process but rather as a process to achieve equality under the law.

In the opinion filed last Wednesday, Gordon ruled, "The Court strongly condemns the approving University officials who, with apparent knowledge, for several years disbursed funds collected from mandatory student fees to an organization whose membership policy clearly excluded everyone except blacks."

The ruling also said the University's policy of "unequivocal refusal to fund any racially exclusive organization" is probably a result of the lawsuit.

Cansler noted that determining the actual openness of groups such as the BSM or the Association of Women Students is difficult, because it is uncertain how many whites or men would respectively join each of these groups.

Neither BSM Chairperson Lester Diggs nor former BSM Chairperson Algenon Marley could say how many non-black members are now in the group.

The lawsuit was filed by UNC students Lawrence Uzzell and Robert Arrington, who charged that the BSM was discriminatory by only allowing black members. After the BSM began admitting non-blacks, Gordon ruled the case moot and dismissed it.

The lawsuit also charged that Student Government provisions for minority representation on the Campus Governing Council (CGC) and Honor Court are discriminatory, but these charges were also dismissed.

Student Government bylaws stipulate that there be at least two minority members, two women and two men on the CGC. If this number is not elected, the student body president must appoint members of the appropriate race or sex.

The plaintiffs contended that this practice constitutes racial discrimination. The court dismissed this charge on grounds it did not have an injurious effect on the plaintiffs.

Gordon said that because the provision has never been used, no rights of the plaintiffs have been violated.

A third part of the lawsuit challenged Student Government provisions for racial representation in the Honor Court.

Under student bylaws, an Honor Court defendant can request that four of the seven court members hearing the case be of the defendant's race and/or sex.

The court ruled that since this choice can be made by any student, regardless of race or sex, it is not discriminatory.

Attorney Hugh J. Beard, who represented the plaintiffs in the case, said Uzzell and Arrington have not decided whether they will appeal the case.

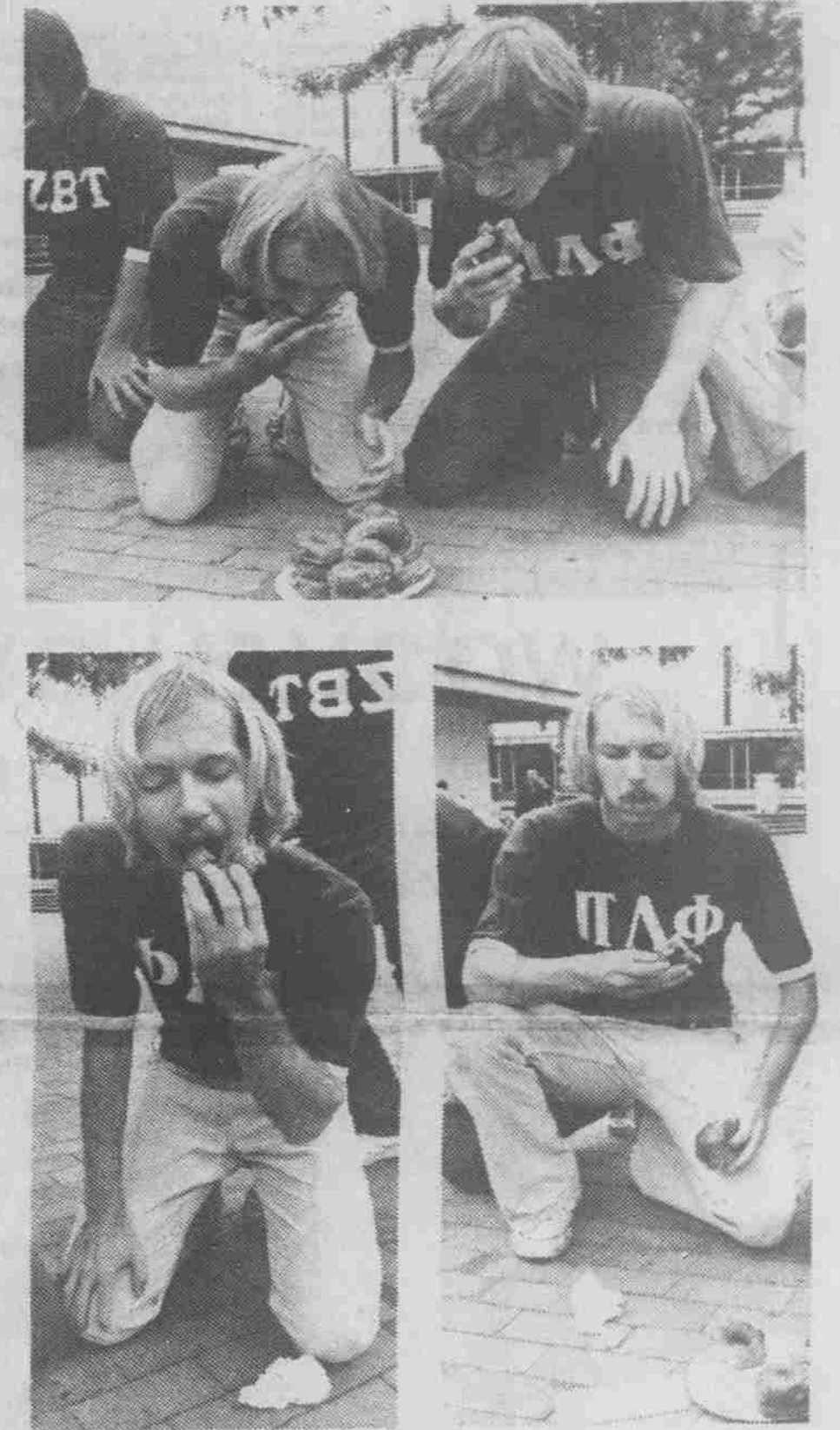
Uzzell, a UNC law student, declined to comment on the case. Arrington, a UNC law school graduate practicing law in Tennessee, could not be reached for comment.



Staff photos by Charles Hardy

### Stuffing it

Above, contestants await the starting gun in the recent doughnut eating contest sponsored by the Intra-Fraternity Council as part of Greek Week. The contest was part of the Fraternity Decathlon, a series of events which included an Olive Relay and an Egg Toss. At right, one contestant seems to be eating his fill of sweets.



## Jimmy Wallace for mayor?

by Richard Whittle  
Staff Writer

After weeks of speculation it appears certain that James C. "Jimmy" Wallace will announce as a candidate for mayor here this Thursday.

Wallace, a North Carolina State University professor and former Chapel Hill alderman, remains officially undecided. But, he has tentatively scheduled a press conference for 11 a.m. Thursday, and sources say he will probably announce that he will run against Alderman Gerry Cohen in the Nov. 4 election.

Wallace refused to say whether or not he has actually made up his mind. However, a source close to Wallace said, "I have a strong inclination to believe that a man who is

scheduling a press conference isn't doing it to say he's not running.

"Why don't you just say that Jimmy's got a press conference scheduled, and it's a good bet he'll run."

If Wallace does enter the mayor's race tomorrow, he and Cohen will probably be the only two contenders for the post, which Mayor Howard N. Lee will vacate this year.

The 52-year-old Wallace has been rumored as a candidate for some time. An outspoken environmentalist, he is a member of the North Carolina Environmental Management Commission and has served on the Chapel Hill Planning Board from 1960 to 1964 and from 1970 to 1971.

Despite evident support for Wallace as a potential candidate, town political observers

thought two weeks ago that he had decided against running. But, when contacted by the *Daily Tar Heel* early this week, Wallace said he still had not made up his mind.

A native of Martin County, Wallace came to Chapel Hill in 1940 as a UNC student. With the exception of a three-year period in the 1940s, he has resided here ever since.

He holds degrees in mathematics, physics, history, public health and law and has been a visiting professor at both the Duke University and UNC law schools.

In addition to his teaching and state government work, Wallace owns the Continental Travel Agency in Chapel Hill and the Meridian Travel Service, which has offices in Raleigh and the Research Triangle Park.

## Bill to release funds passes CGC 14-2-2

The Campus Governing Council late Tuesday night approved 14-2 the release of all Black Student Movement student funds with the exception of the Gospel Choir's allocation.

Finance Committee Chairperson Bill Strickland and Rep. Dick Pope voted against the bill.

Following passage of the bill releasing the funds, the CGC approved a resolution urging all students interested in BSM affairs to join the group.

The fund release follows months of debate over the BSM allocation. The controversy began when Student Body Treasurer Mike O'Neal discovered over the summer several alleged treasury violations by the BSM.

Debate on the BSM bill began at 8:45 p.m. when graduate student Lloyd Seher spoke in support of the BSM position.

He said CGC and the *Daily Tar Heel* distorted facts concerning the BSM. Seher said the Football Club's funds were frozen and not the whole Sports Council, therefore only the choir's funds should be frozen, not the whole BSM's.

After the bill passed, Strickland motioned that the bill be carried over to the next CGC meeting for further consideration. The motion was automatically accepted because of parliamentary procedure.

In another action, the CGC passed an amendment to student treasury laws providing that any funds frozen by the student body treasurer or Finance Committee chairperson for treasury law violations are automatically unfrozen, if the CGC takes no action at the next CGC meeting after a Finance Committee formal hearing on the violations.

See Thursday's DTH for details

## Rezoning sent to board Measure would affect three town Greeks

by Johnny Oliver  
Staff Writer

A proposed rezoning ordinance affecting three sororities and fraternities was referred to the Planning Board Monday night by the Chapel Hill Board of Aldermen.

The move followed a public hearing where eleven persons spoke against the zoning change and seven spoke in favor of it.

The proposed ordinance would rezone two areas in town to include only single family residences. If passed, the ordinance would prevent construction of additional fraternity and sorority houses in the areas and prohibit expansion of the existing houses.

One area runs north and south of East Rosemary Street and east of Hillsborough Street. The Delta Upsilon fraternity is located in this area.

The other area lies north of East Rosemary between Spring Lane and Hillsborough Street. The Kappa Alpha Theta and Alpha Delta Pi sororities are located in this area.

Planning Board Director Mike Jennings said at the public hearing the proposed zoning ordinance may not stand up in court without including a comprehensive zoning plan for sororities and fraternities.

A Delta Upsilon representative, Alan Pugh, spoke in opposition of the zoning change. Pugh said he was "concerned about the effect of the zoning on the fraternity."

Werner Hausler, speaking for 20 of the concerned area residents who petitioned for the zoning change, said the group accepts "the fraternities and sororities that are in the area." But Hausler added, "We would like to discourage, however, any additional incursion into this residential area by a use that we feel is basically incompatible."

The problem of noise coming from fraternity and sorority houses concerned most of the residents who spoke in favor of the zoning change.

Alderman R.D. Smith said that although he favored fraternities and sororities, he would like to outlaw bands after 10 p.m. and possibly outlaw amplified sound in the town.

Board member Alice Welsh agreed with Smith saying the present noise ordinance is not satisfactory.

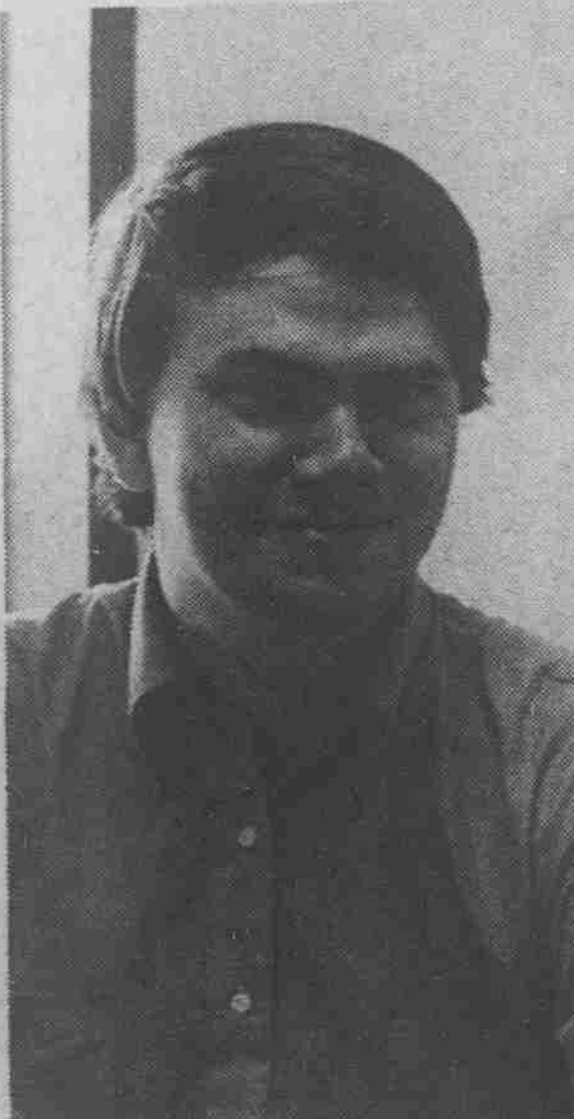
Alderman Sid Rancer said he would not favor rezoning in the area at any time.

The board voted to have Town Manager Kurt Jenne study the possibility of strengthening the noise ordinance.

Mayor Howard N. Lee reprimanded the Planning Board for failing to attend the joint Board of Aldermen-Planning Board Public Hearing.

"There appears to be an insufficient number of members of the Planning Board taking their job and position seriously enough, to sacrifice and come to public hearings," Lee said. Only three of the nine Planning Board members, including Jennings, were present at the public hearing. One Planning Board seat was vacant at the time of the public hearing.

The aldermen authorized Lee to draft a resolution telling the Planning Board members that if they cannot attend public hearings, they must relinquish their seats.



Mike O'Neal, current student body treasurer

## Bill Bates to justify resignation request

by Art Eisenstadt  
Staff Writer

Student Body President Bill Bates will issue a statement at 9 a.m. today explaining his reasons for asking treasurer Mike O'Neal to resign.

Bates has not yet fully explained why he wants to remove O'Neal from office. Although he had suggested O'Neal resign last Thursday, Bates did not formally ask for the treasurer's resignation until Friday.

O'Neal has so far refused to leave office, saying the president has no right to remove an officer whose position is established in the student constitution. Bates said he will fire O'Neal if he does not leave voluntarily.

"I didn't ask him to resign for no reason," Bates said Tuesday. "The decision has been pending for the past two weeks."

Bates said the current Black Student Movement (BSM) funding controversy is not the reason behind his decision to replace O'Neal.

O'Neal, who has strictly enforced the treasury laws since taking office last April,

froze the BSM budget in June. O'Neal alleged that the BSM Gospel Choir maintained an illegal checking account.

Last week Bates and the Finance Committee ordered all BSM funds released except for the Gospel Choir budget. O'Neal refused to unfreeze the money, saying only the full CGC could direct him to do so.

O'Neal has indicated he thinks the only way he could be forced from office is if CGC impeached him.

Meanwhile, Bates' wife Debbie said in a letter to the *Daily Tar Heel*, Bates is being unfairly accused of firing O'Neal because of a personality conflict.

She said O'Neal "was a bit underhanded in his efforts and therefore," Bates disagreed with O'Neal.

Explaining the letter, Debbie Bates said O'Neal had been interfering with the president's staff and that the treasurer often did not warn Bates when he was about to take a potentially controversial action.

"Bill had enough confidence in Mike to let him make his own decisions," she said. "But we're all getting tired of having to clean up the messes he makes."