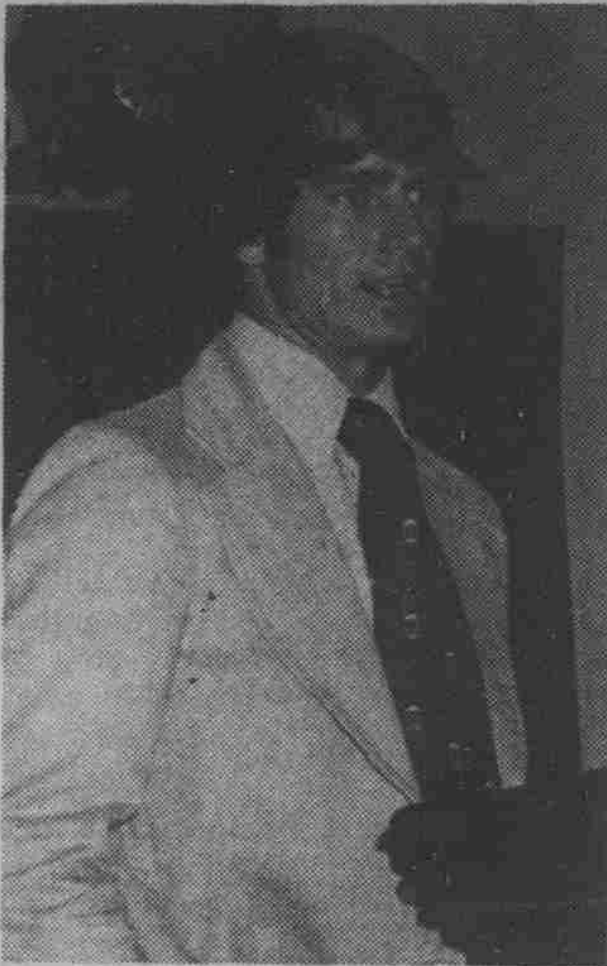


# The Daily Tar Heel

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Weather: Rainy



Staff photo by Steve Causey  
Student Body President Bill Bates is the defendant in a lawsuit to be heard tonight.

## O'Neal court case to be heard tonight

by Art Eisenstadt  
Staff Writer

After three weeks of charges, counter-charges and conflicting opinions, the case of O'Neal vs. Bates will be heard tonight by the Student Supreme Court.

The court will decide whether Student Body President Bill Bates had the power to legally fire former Student Body Treasurer Mike O'Neal Sept. 30.

The hearing is scheduled to be held at 9 p.m. in 100 Hamilton Hall and is open to the public.

With Campus Governing Council (CGC) committee chairpersons Bill Strickland, Ben Steelman and Dave Rittenhouse as co-

plaintiffs, O'Neal is seeking reinstatement in his former job as treasurer. He is also asking for a permanent restraining order to prevent Bates from removing him as treasurer.

Bates' answer, filed by counsel Ralph Yount, asks that O'Neal be ordered to obey the Sept. 30 dismissal order and that assistant treasurer Graham Bullard and Student Activities Fund Office Director Frances Sparrow be named acting co-treasurers.

After charging that O'Neal overstepped his authority as treasurer by personally lobbying against Bates Administration policies to executive staff members and CGC representatives, Bates asked for O'Neal's resignation.

When O'Neal refused to resign, Bates fired him.

O'Neal refused to leave office, saying the only constitutional provision for dismissing a treasurer is impeachment by CGC. Bates, in an opinion backed by Student Attorney General Andromeda Monroe, said the power to appoint the treasurer implies the power to fire. The president may appoint the treasurer with the two-thirds approval of CGC.

O'Neal offered Bates a compromise after he was fired whereby he would resign on Jan. 1 and subsequently be named Bates' executive assistant. Bates rejected this compromise, saying he would have been willing to give O'Neal a lower staff position if he had resigned by November.

Billy Richardson, former executive assistant to Bates, filed suit against O'Neal Oct. 2 to force him to obey Bates' order to leave.

(The student body president himself is prohibited from personally bringing suit against an executive officer by a 1968 Student Supreme Court Act.)

Chief Justice Darrell Hancock issued a restraining order Oct. 2 against O'Neal's acting as treasurer pending a hearing, but the court dismissed the case Sunday, saying any presidential act was to be considered valid until challenged and annulled.

The court's order declared the office of treasurer vacant and said O'Neal must file suit if he wanted to contest Bates' order.

O'Neal said Sunday Bates had not formally fired him because he had not enforced his dismissal statement. Bates then changed the lock on the treasurer's office the next day.

As expected, O'Neal filed his suit later that afternoon. He and the three CGC committee chairpersons charged that Bates violated a Student Government Constitution clause giving CGC the power to impeach officials. But Bates said the impeachment clause was not relevant to the situation because the president's power to appoint implies the power to fire.

When O'Neal filed his suit, the court issued a temporary restraining order preventing Bates or CGC from taking any action toward appointing a new treasurer.

Bates had appointed Bullard to the position shortly before he fired O'Neal, but the CGC Administration Committee tabled the nomination pending further clarification of Bates' firing power.



Staff photo by Alice Boyle  
Is nothing sacred? It is not known whether the cause of this unfortunate occurrence is the work of a contemptible vandal, an overzealous workman or an act of God, but the result is a cracked gravestone and a broken dream.

## Condone treasury action

# CGC supports Bates

by Vernon Loeb  
Staff Writer

Student Body President Bill Bates' action last week to keep the treasurer's office functioning until the conflict with student treasurer Mike O'Neal is settled tonight by the Student Supreme Court, was supported Tuesday by the Campus Governing Council (CGC).

CGC, by a 6-5-4 vote, did not allow a bill which would have censured Bates for assuming O'Neal's responsibilities to reach the floor for debate.

Bates fired O'Neal on Sept. 30 for allegedly overstepping his authority as treasurer. O'Neal then refused to leave office, claiming he could only be removed by a two-thirds CGC vote. Bates contended that his power to appoint the treasurer also implies the power of dismissal.

The bill, introduced by CGC Rep. Dick Pope, stated that Bates should be censured because the student constitution and treasury laws allow only the treasurer to disburse CGC funds. The bill also stated that Bates violated a Supreme Court order prohibiting him from removing, altering or impairing treasury records until the court decides whether O'Neal was legally removed from office.

Although Bates signed two CGC fund requisitions Friday, he said Sunday, "I know I have the power to do that."

Bates also said he favored keeping the treasurer's office operating for the sake of student groups on financial probation. The finances of all groups on probation must be handled through the treasurer's office.

CGC also approved Bates' appointment of David Smith as his executive assistant. Dave Dick as student information director and Debbie Bates as interim executive secretary.

Although Smith and Dick were approved without debate, CGC Rep. Dave Rittenhouse objected to Debbie Bates' appointment as

executive secretary. "After speaking with my constituency, I find it very unusual that the president had his wife as executive secretary," he said.

On Sunday CGC Rep. Zapp Jennings, with support from Rittenhouse, filed a petition in supreme court to stop Debbie Bates' activities as executive secretary.

Jennings charged Bill Bates with violating the constitution by hiring his wife without CGC consent.

Bates contended that he did not know his wife was acting illegally, and that as soon as he found out, he brought her appointment before CGC. He also said he intended his wife only to act as interim secretary until a permanent secretary could be hired.

In other action, CGC approved a grant of up to \$500 for a proposed interdisciplinary science publication, *Alchemist Magazine*. CGC will give the magazine \$1 for every \$3 it raises from any organized source.

CGC also placed the Political Science Association on probation for the 1975-76 Student Government budget for maintaining an illegal outside checking account. The Graduate History Association was fined 50 per cent of its allocation for treasury law violations.

The council also approved hiring Dorothy Bernholz, a local lawyer, as the student legal aid counsel. However, Student Government is awaiting a decision by the state Attorney General's Office concerning the legality of hiring the student counsel.

At the meeting's conclusion, CGC Rep. Jay Tannen told the council that, after the meeting, any member could sign a statement supporting CGC Speaker Dan Besse, who was recalled last week by some of his constituents for alleged misrepresentation.

Signing the statement were CGC members Tannen, Greg Reid, Laura Dickerson, Sheri Parks, Brad Lamb, John Sawyer and Mike Grissom.

# Price reached on utilities bid

by Johnny Oliver  
Staff Writer

Agreement on the price of a proposed bid for the UNC water and sewer utilities has been reached by the Orange Water and Sewer Authority, according to several authority members.

The authority, a public board set up by the county to purchase the University's water and sewer utilities, was scheduled to meet in closed session Wednesday night, to discuss

the final points of the bid.

Authority member Jan Pinney said Wednesday the price to be submitted to the University had been agreed upon by the authority. However, he added that complete sale arrangements had not been reached.

Flo Garrett, another water and sewer authority member, also said the price had been agreed upon by the authority. "While the price is complete," Garrett said, "there are other matters in the bid to be discussed such as the rate of the sale of the bonds."

The rate of sale is the rate at which the authority would pay back the bonds it buys to pay for the water and sewer utilities.

Another problem to be worked out, Garrett said, involves the authority's inability to assess for water and sewer connections. She said the authority could not legally assess an individual for water and sewer service and that Chapel Hill and Carrboro would have to agree to a solution to the problem.

John Temple, UNC assistant vice-

chancellor for business, said Wednesday he had received a letter from the water and sewer authority's legal bond counsel, indicating that there may be complications in the authority's sale of bonds.

"The only possible problems I see," Temple said, "is that there may be stipulations in our agreement with the authority which complicate complex matters surrounding the marketing of bonds."

"These matters could involve proposed future rates charged by the authority, service to the University and water and sewer main extensions," Temple said.

Temple said he could not comment on the exact contents of the letter he received from the authority's bond council until he confers with other University officials. The University's official response to the letter would be sent to the authority this week, he said.

However, Temple said he thinks the sale of the water and sewer utilities will be completed by the March 31 closing date.

If the University finds the authority's complete bid to be acceptable, the bid must be forwarded to the Utilities Study Commission for its approval. Approval by that body sends the bid to the UNC Board of Trustees. Ultimate approval for the sale of the sewer and water utilities must come from the Governor's Council of State.

# Zoning amendments defeated

by Johnny Oliver  
Staff Writer

Proposed zoning amendments to exclude fraternity or sorority houses from two areas near Rosemary Street were unanimously defeated Tuesday night by the Chapel Hill Planning Board.

The zoning amendments will now be returned to the Board of Aldermen with the recommendation that the aldermen deny the amendments.

But the Planning Board added in its recommendation, drafted by Planning Director Mike Jennings, that the aldermen reconsider the issues raised by the proposal when the town establishes a comprehensive zoning plan.

The zoning changes would prevent construction of additional fraternity and sorority houses in the two areas. Expansion of existing fraternity and sorority houses in the areas would also be prohibited.

The proposed zoning changes were defeated primarily because the board believes they may not be upheld in the courts without a comprehensive zoning plan. Jennings cited a precedent where zoning changes in Milwaukie, Ore., were overruled by the state courts because the city did not follow its comprehensive plan.

There was little discussion by the Planning Board in approving Jennings' draft. Prior to the meeting Jennings said it would require at least five years for the town to draft a comprehensive zoning

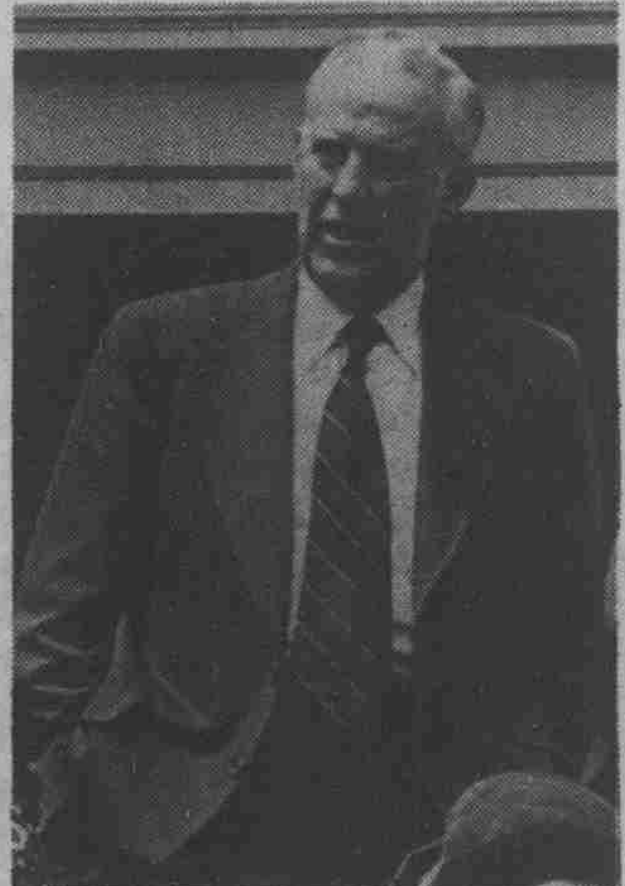
plan. The proposed rezoning amendments were originally submitted to the Planning Board by two former board members.

The proposal followed a recent dispute between the Delta Upsilon fraternity, located in the area suggested for rezoning, and its neighbors.

The neighbors had opposed the fraternity's request for a special use permit modification to allow an addition to the fraternity house. The

neighbors contended that the addition would increase noise coming from the house, but the Board of Aldermen granted the modification.

A joint Planning Board-Board of Aldermen public hearing was held on the amendments on Sept. 22, where 11 persons spoke in opposition to the zoning change, and seven favored the change. Following the public hearing, the proposed changes were referred back to the Planning Board, where action was taken Tuesday night.



Chancellor Taylor will preside at Sunday's University Day ceremonies.

# University Day to focus on past

"The Song of America," a musical and poetic account of the 200-year history of the United States, and a talk on "University Days of the Past" will highlight the University's 182nd birthday, University Day, Sunday afternoon.

"The Song of America," recognizing the nation's bicentennial, is an adaptation in narration and music by composer-arranger Roy Ringwald. The Carolina Choir and Orchestra will provide the music while Professor Martha Nell Hardy narrates sequences of history.

Lyrics sung by the choir will be excerpts from some of America's best-known 18th and 19th century poets. Lara Hoggard, Kenan Professor of Music, will conduct the choir and orchestra. The concertmaster is Professor Edgar Allen.

UNC history professor, William S. Powell, will be the program's featured

speaker, talking on the history of the University's birthday celebration. Powell is the author of "The First State University: A Pictorial History of the University of North Carolina."

University Day is the annual observance of the laying of the cornerstone of Old East, the first state university building in America, which transpired on Oct. 12, 1793.

Chancellor N. Ferebee Taylor will preside at a public convocation which will begin at 2:30 p.m. in Memorial Hall.

The convocation will be preceded by a faculty procession led by Faculty Marshall Carl Blyth. Faculty members will be accompanied by the University Band, directed by Major John Yesulaitis.

In addition, five UNC graduates will receive Distinguished Alumnus awards during the celebration.

The award is the highest honor UNC

bestows on its graduates.

Receiving the awards will be Gordon Gray, former UNC president; novelist and historian Shelby Foote of Memphis; husband and wife sociology team Guy B. and Guion G. Johnson of Chapel Hill; and author and businessman Frank Borden Hanes of Winston-Salem.

Gray, a 1930 UNC graduate, distinguished himself in a New York and Winston-Salem law career, as publisher of the Winston-Salem *Journal and Sentinel*, as an Army officer in World War II, as Secretary of the Army under former President Harry S. Truman and as UNC president from 1950 until 1955.

Foote, a Greenville, Miss. native, attended the University during 1935-37. He has authored five novels and a three-volume history of the Civil War.

Guy Johnson received his Ph.D. here in

1927 and eventually became a Kenan Professor of Sociology. He has received a number of national awards for his research in race relations and was president of the Southern Sociological Society and a member of the Howard University Board of Trustees for 35 years.

Guion Johnson also received her sociology Ph.D. here in 1927, later becoming a lecturer at Rhodes University in South Africa. She is the author of "Ante-bellum North Carolina: A Social History" and other published works.

Hanes graduated cum laude from UNC in 1942. A businessman and former staff member of the Winston-Salem *Journal and Sentinel*, he is the author of five books. He has served as chairperson of Old Salem, Inc.; the North Carolina Writers Conference; the Winston-Salem arts council; and the Friends of the Library of UNC.

## Intramural managers oppose SG proposal

by Laura Scism  
Staff Writer

A proposed student-faculty board to oversee the intramural program is being considered by Student Government, although intramural team managers unanimously voted against the proposal, Michael Blalock, Residence Halls Intramurals director, said Wednesday.

Men's and women's managers rejected the board, proposed by Student Body President Bill Bates, at managers' meetings Monday and Tuesday nights, Blalock said.

Student Government and the Intramural Office will sponsor a forum soon to allow proponents of each side to voice their opinions, Bates said.

But Paul Myers, Student Government intramurals liaison, said a campus referendum may be necessary to determine student reaction to the proposal.

Director of Intramurals Ron Violette said he was neither for nor against the proposal. "If it's something the students want, then I'll support it," he said. "If I'm on the board, I'll do everything in my power to make it work. But it must be a student decision."

The five-member board will decide how intramural managers are selected and how intramural funds are spent, Bates said.

Myers said Monday at the managers' meeting the only policy the board might change is how the money is spent. But Bates said the board will increase student input in the intramural program.

The board will make policy decisions in key areas but will not handle specifics, Bates said. For example, he said, the board might decide to hire managers, but it would have no voice in determining who was hired by the Intramural Office, which now directs the program.

Proposed membership of the overseeing board is a men's and a women's faculty

advisor, a men's and a women's intramural representative and an appointee of the student body president, Bates said.

The intramural representatives will be elected during campus elections, and the faculty advisers will be selected by the Intramural Office.

The board will also regulate student funds going to intramural programs. Fifty cents of the \$5 dorm social fee goes to intramurals and is matched by the University.

Bates said the money could be used to pay intramural managers or to improve programs. This includes purchasing more equipment or building facilities such as dorm basketball courts, he said.

Blalock said if the money is used for anything other than managers' salaries, the intramural program will suffer. "We think the managers will work a little harder if they are paid," he said.

"The only way to tell if something will work well is to try it," Blalock added. "But if you already have something that works well, there's no need to change it. We have input from students already. We get complaints and suggestions from students, and we try to act on them immediately."

"The idea for basketball courts at the dorms is a good one, but it has nothing to do with our program. That money is supposed to come from dorm enhancement fees."

Brad Bauler, supervisor of officials for the Intramural Office, said the argument centers on Student Government's right to control intramural money.

"If they (Student Government) could show us one instance where we have misused the money, I would say maybe there needs to be a change, but they haven't done that," he said.

Bates said, "We're not seeking to divert funds at all. Intramurals is a student-run program. We just want to broaden the base of the program."