

# Tar Heels blow 14-0 lead; lose to Irish 21-14

## Notre Dame rallies in final minutes

by Susan Shackelford  
Sports Editor

"Are you writing this story," said the Chancellor. "It ought to be a good one."

The largest crowd (49,500) ever assembled in Kenan Stadium was watching the game. UNC Chancellor N. Ferebee Taylor made that comment at the half, standing in his press box. At the time, he only knew that Carolina had held the nationally-ranked Fighting Irish scoreless the first 30 minutes. He couldn't foresee the topsy-turvy second half to come.

"That's the way to hit him," shouted the Chancellor, as Notre Dame quarterback Rick Slager was sacked for a yard loss. The Chancellor focused intently on the fourth-and-one situation now faced by the Irish.

ND punter Tony Brantley received the center snap, bobbling it through his legs. UNC linebacker Bobby Gay rushed toward him. Brantley turned around, retrieved the ball and tossed it in desperation to halfback

Jim Weiler.

"It's Carolina's ball," shouted the Chancellor. "Stick it in there." His red face became redder, leaning forward to check where the line of scrimmage would be for the Heels, who took possession. The ball rested 12 yards from the Notre Dame goal line. Tailback Mike Voight on the next play plowed through the middle from the ND 12-yard line for the first touchdown of the steamy fall afternoon. "Go Voight," said the Chancellor enthusiastically, and Tom Biddle kicked the extra point for 7-0.

That was Carolina's first score against the Irish in three meetings.

"They are going to throw me out of here," said the Chancellor, "for making so much noise. I'm usually in the box on the other side of the stadium. I'm over here because I was on the radio at halftime."

On the Tar Heels' next possession, Paschall threw a 39-yard touchdown pass to wingback Mel Collins, a sophomore scamper who has been known as a punt returner and rusher until recent weeks.

"Look out there," said the Chancellor, pointing to a wildly cheering Carolina student section. "They are my people."

Biddle again added the extra point and the Heels were up 14-0 — the most points they had scored against ND since a 34-24 loss in 1958.

But as the Chancellor left for the other box, it was as if the "Devine" right of football powers intervened. The Carolina fans still cheered, jumping up and down with clenched fists waving in the humid air, but Notre Dame rallied furiously.

Notre Dame had been knocked around for almost three quarters. It didn't look like a top-20 team. Offensive backs Jim Heavens and ailing Al Hunter hadn't found the holes in a strong UNC team defense.

In the fourth quarter after a 32-yard kickoff return by Dan Knott, Slager hit on passes of 11, 13 and 13 yards to Ted Burgmeier, Mark McLane and Ken MacFee to highlight a 65-yard touchdown drive.

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Staff photo by Charles Hardy

Praise the Lord! UNC offense score against a Notre Dame team that needed help from Heaven to win Saturday.

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## Board of Trustees: report not ready on UNC utilities sale

by Dan Fesperman  
Staff Writer

The UNC Board of Trustees took no action Friday regarding the controversial sale of two University-owned utilities to Duke Power and Southern Bell after the board's utilities committee announced that its report on the sale was not ready.

Ralph N. Strayhorn, head of the committee, said at the meeting, "We feel that the matter is of such importance that we would like a little time before we make a recommendation. Therefore, we have no report at this time."

The trustees had been expected to decide—after hearing the committee's report and recommendation—whether to approve contracts to sell the University electric utility to Duke Power for \$16 million and the telephone utility to Southern Bell for \$24 million.

Strayhorn said Sunday the report may not even be ready in time for the board's next meeting, which will be held in November at the earliest.

Henry A. Foscue, board chairperson, said the trustees would probably meet in November, even though the next meeting is scheduled for December.

When asked Sunday if he was disappointed that the report was not ready

Foscue said, "Not necessarily. It's quite a voluminous thing; it will just take time."

T. Henry Redding, vice-chairperson of the board, also said Sunday he was not disappointed. "There is so much information for them to go over," he said, "and we would rather have them take more time and do a better job."

If passed by the trustees, the sale must then be approved by the Governor's Council of State and the State Utilities Commission. The sale of the telephone utility must also be approved by the Federal Communications Commission in Washington.

Local customers can expect rate increases from both utilities if the sale is approved.

UNC Utilities Director Grey Culbreth said last week that local electric rates would increase 15 to 20 per cent because of a recent 21 per cent rate increase granted Duke Power by the State Utilities Commission.

The monthly rate for local telephone service would increase from \$6.50 to \$7.38, and John Temple, UNC assistant vice-chancellor for business, said the telephone rates for business would increase by approximately 20 per cent.

The utilities sale has been opposed by the Chapel Hill Board of Aldermen, Mayor Howard Lee, the Orange County for Alternative Power and the Student Consumer Action Union.



Staff photo by Martha Stevens

## University celebrates birthday

by Bob King  
Staff Writer

University professors donned full academic regalia, the Carolina Choir and Orchestra sang and played tribute to the nation, and UNC history buffs gained insight into the past Sunday at University Day festivities, celebrating the University's 182nd anniversary.

Also at the celebration, five UNC graduates received Distinguished Alumnus Awards.

University Day celebrates the laying of the cornerstone of Old East on Oct. 12, 1793, which Chancellor N. Ferebee Taylor called the "tangible beginning of the University."

In a short address on past University Days, UNC history professor William S. Powell said Oct. 12 was chosen over three other eligible days to celebrate the University's birthday because fall is more suited to holding a festival.

Other dates which he said might have been truer birthdays but had inappropriate seasons were: July 4, 1776, date of the national Declaration of Independence which set the theoretical base for universities; Dec. 11, 1789, the date of the University's charter ratification; and Feb. 12, 1795, when the first student was enrolled.

Powell said past University Days have been marked by prayer, music, planned and impromptu oratory, presentation of honorary degrees, faculty processions, alumni gifts and reenactments of the laying of the Old East cornerstone.

Powell recalled that President John F. Kennedy addressed a Kenan Stadium crowd of 32,000 at the 1961 celebration. Kennedy called for increased emphasis on higher education but denied rumors that the government was considering giving three votes to each college graduate, Powell said.

Receiving the Distinguished Alumnus Awards were: former University president Gordon Gray, historian and novelist Shelby Foote, sociologists Guy and Guion Johnson and author Frank Borden Haynes.

Speech professor Martha Nell Hardy gave a narration of American history while the Carolina Choir and Orchestra performed "The Song of America," a musical adaptation of some of the nation's best-known 19th century poets.

## O'Neal case heard; ruling possible today

by Art Eisenstadt  
Staff Writer

The Student Supreme Court is expected to rule today or Tuesday afternoon on Mike O'Neal's challenge of Student Body President Bill Bates' authority to dismiss him from his position as student body treasurer.

About 70 spectators attended the court hearing held Thursday night in Hamilton Hall Campus. Governing Council chairpersons Bill Strickland, Ben Steelman and Dave Rittenhouse joined O'Neal as plaintiffs in the suit.

Bates dismissed O'Neal Sept. 30 for allegedly lobbying against Bates' policies among the executive staff and CGC members.

Much of the argument during the hearing centered on the constitutional definition of the treasurer's job.

Ralph Yount, Bates' counsel, introduced a taped phone conversation with a former Student Government officer as evidence that the treasurer was a member of the executive branch, and thus, responsible to the president.

The witness, Arthur Hayes, served in Student Government from 1961 to 1968 and is now an attorney in Murphy. He allowed a phone call with Billy Richardson, former executive assistant and current informal adviser to Bates, to be taped. Hayes also mailed a transcript of the conversation to the supreme court.

The treasurer's post was changed from an elective to an appointive position in 1967 as part of an executive branch reorganization, Hayes said.

"It was felt the treasurer and executive

secretary should be appointed rather than elected because basically, they were administrative positions rather than policy-making positions," Hayes said.

He mentioned two cases during the 1960's in which the president fired the student attorney general, comparing the cases to the present situation involving Bates and O'Neal.

"We agreed the power to hire was the power to fire, the power to appoint was the power to dismiss," Hayes said.

Jay Strong and George Blackburn, counsels for O'Neal, both objected to the use of the tape. After a 15-minute conference with O'Neal, they agreed to allow the tape to be introduced, but pointed out that they had not had the opportunity to cross-examine Hayes and that a new constitution had been implemented in 1971, three years after Hayes left the University.

Strong called the tape "hearsay on hearsay." Arthur Hayes is very knowledgeable, very sincere. But he must have had in his mind the constitution as it existed prior to 1968."

O'Neal's counsels argued that the only mention of an officer's dismissal in the constitution is there the power (for a president) to declare a law null and void."

"Only non-constitutional officers and the editor of the Daily Tar Heel are exempt from the impeachment act," Blackburn said. "But the treasurer is a constitutional officer. He is charged with the financial enactment of the laws of CGC."

The plaintiffs alleged that Bates had violated the student constitution when he dismissed O'Neal.

Yount countered by arguing, "The power to dismiss is separate from the power to impeach. The power to dismiss is inherent in

the rights of an executive."

He said the treasurer is responsible to Bates because Article III, Section 1 of the Student Government Constitution reads in part, "The executive power shall be vested in a President of the Student Body, who shall have the assistance of a Vice-President, a Secretary and a Treasurer."

The constitution also allows the president to appoint the treasurer with the two-thirds approval of CGC.

"The president's executive power to appoint the treasurer necessarily includes the power to dismiss, at his discretion, the holder of that office," Yount said. "By coming under the executive branch, the treasurer is responsible to the president and must answer to him for his actions."

"Likewise, in the public view, the president is held responsible for the actions of those in the Department of the Treasury. Take away the power of removal, and in what principle is his responsibility to be required?"

Strong noted that it takes a CGC bill to formally approve the treasurer's nomination, and "nowhere in the constitution is there the power (for a president) to declare a law null and void."

"(Actually, the president does have a veto, although his would have no relevance in the current case.)

Supreme court justices must also receive two-thirds CGC approval, Strong said.

Addressing the four court members, he said, "If you find here that the president can dismiss an official under the appointment and two-thirds approval rule, then gentlemen, you can consider your jobs in jeopardy."

## Grad student sues board Asks new bylaws for Media Board

by Chris Fuller  
Staff Writer

Suit was filed Thursday in Student Supreme Court to abolish the Media Board's bylaws on grounds that the bylaws violate the student constitution by underrepresenting graduate students.

Plaintiff Deborah Bloom contended that the Media Board's bylaws are unconstitutional under Article IV, Section 6 of the student constitution.

This section states that the Media Board "shall contain a number of graduate and professional students in proportion to the number of graduate and professional students in the student body . . ."

Bloom, a graduate history student, maintained that the Media Board's bylaws make no provision for the number of graduate students. She said that of the approximately 20,000 students at UNC, 26 per cent, or approximately 5,200, are graduate students.

Of the 16 voting members of the Media Board, only three, or 18.1 per cent, are graduate students, she said.

Because of the alleged unconstitutionality of the bylaws, Bloom said she wants the laws voided, a new set of bylaws written and the present Media Board be prevented from conducting any business until new bylaws are adopted.

She also said the student Supreme Court should order the present Media Board chairperson and treasurer to conduct the financial affairs of the board until the new bylaws are written and another board

having studied it, is her reasons sound valid."

He said he believes she should have approached the board before filing suit.

Price said politics has prevented the Media Board from conducting its business, which he said includes serious issues such as the Daily Tar Heel fund investigation and WCAR's conversion to an FM radio station.

"This is one more thing to hold us up," he said. "I'm very disappointed."

Media Board Chairperson Dick Pope said the point of law involved in Bloom's case is pretty clear. But he added he did not know what to do about it.

The approval of the present board's bylaws without any provision for graduate membership was an oversight, Steelman said.

The article in the student constitution providing for proportionate graduate representation is an amendment passed in February 1974. The bylaws were passed in the fall of 1974 before a complete copy of the constitution was compiled. They were only a slight revision of earlier Media Board bylaws, Steelman said.

As a result, no CGC members noticed that the board's bylaws violated the constitution.

Media Board Treasurer George Bacso said Sunday, "I don't see any reason for the suit except to keep the Supreme Court busy, as if they haven't had enough to do lately. And to ask that the entire set of bylaws be thrown out is stupid, when all that needs to be changed is the one section which applies to composition."