

# The Daily Tar Heel

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Weather: chance of rain

## Admissions pamphlet may support part of lawsuit against UNC

A News Analysis  
by Dan Fesperman  
Staff Writer

One major contention of the law suit filed against UNC charging discrimination in admissions policies appears to be supported by information contained in a UNC Admissions Office pamphlet.

But another of the suit's complaints "won't hold water," N.C. Deputy Atty. Gen. Andrew Vanore said Wednesday.

The suit, filed last Friday in U.S. Middle District Court in Greensboro by Jene Cheryl Rosenstock, a University of Maryland freshman from Ellenville, N.Y., charges UNC with discriminating against out-of-

state applicants, especially those who are not foreigners or children of alumni.

In question in the suit is the UNC policy of limiting out-of-state admissions to 15 per cent of total admissions.

The quote, established so UNC would serve primarily North Carolina residents, has the effect of making it more difficult for out-of-state applicants to be accepted.

Since relatively few out-of-state students are admitted, they must meet higher entrance qualifications than North Carolina residents.

Rosenstock's suit contends that this quota is unconstitutional, and that foreigners and out-of-state children of alumni are given unconstitutional advantage by being

considered separately from the 15-per cent quota.

Richard Cashwell, UNC Director of Undergraduate Admissions, denied Sunday that foreigners and children of alumni are considered separate from the quota.

"Anybody who is not a citizen of this state is included in that quota," he said.

Within the 15-per cent quota, children of alumni are given special consideration, Cashwell said.

But a pamphlet published this year by Cashwell's Office of Undergraduate Admissions seems to contradict his statement and verify the lawsuit's contention.

Entitled, "Profile of the Freshman Class

Entering in the fall of 1975," the pamphlet lists three categories of freshmen under the heading "Residence Background": North Carolina residents, non-residents and non-in-quota. The non-in-quota category is explained later in the pamphlet as being composed of "Children of out-of-state alumni and foreigners."

Another table in the pamphlet shows that applicants in the non-in-quota category are at a definite advantage.

Of the non-in-quota applicants, 46 per cent were accepted last year, while only 19 per cent of the non-resident applicants were accepted. Of the North Carolina applicants, 65 per cent were accepted.

Rosenstock's suit also charges UNC with

infringing upon her "fundamental right of interstate travel."

Her attorney, Lawrence Young of Chapel Hill, said the plaintiff's right of interstate travel had been restricted because "she was considered differently from others and was not allowed to enter the University, so now she will not go to North Carolina."

Deputy Atty. Gen. Vanore disputed this contention Wednesday. "There are cases that specifically hold that this (the infringement on interstate travel) won't hold water," he said. "I don't think there is any violation she can get out of that."

Young said Wednesday that a ruling in

Rosenstock's favor could force UNC to reconsider her application against those of all other accepted applicants, both residents and non-residents.

The suit could also force UNC to do away with the 15 per cent quota, or instead to do away with the preference for children of alumni, Young said. "Or, the percentage itself could be ruled unconstitutional."

"The possibilities of this case are unlimited."

The case will probably not be heard until this summer, he said, adding that the decision would be appealed no matter who wins.



Staff photo by Charles Henry

The last sale:

A line of shoppers waits to take part in the last great Springfield record sale. Springfield Records declared bankruptcy several weeks ago, and Thursday's stock liquidation sale had records going for \$2.

## Presidential race:

### Survey shows 51 per cent undecided on vote

by Sam Fulwood  
Staff Writer

Fifty-one per cent of the eligible voters in North Carolina are undecided as to whom they prefer for president in the 1976 election, according to a recent survey conducted by students in a UNC research journalism class.

The survey revealed that 13 per cent preferred President Gerald Ford, and 10 per cent preferred Alabama Gov. George Wallace to be elected.

Assistant Professor of Journalism Robert L. Stevenson, who supervised the survey, said the poll was not a typical public opinion poll because those surveyed were not given a choice of candidates to avoid influencing their response.

"Straw vote polls which are asking people to decide among a slate of candidates are distorting," he said. "I would criticize pollsters for forcing people to talk now. Most people aren't thinking about the election. It's too early."

The survey also showed that 2 per cent of those interviewed supported Senators Hubert H. Humphrey, D-Minn., and Edward T. Kennedy, D-Mass. Former California Gov. Ronald Reagan was chosen by 6 per cent. Duke University President Terry Sanford, Sen. Birch Bayh, D-Ind., Georgia Gov. Jimmy Carter, Sen. George McGovern, D-S.D., former President Richard Nixon and former Florida Gov. Ruben Askew each received one per cent.

Three per cent of those questioned refused to make any comment.

Also surveyed were people's expectations of the election outcome. Fifty-two per cent were undecided as to whom they expected to be the next president.

Thirty-three per cent said they expect Ford to be reelected while four per cent expected Reagan, 2 per cent expected Kennedy and 1 per cent expected Wallace, Humphrey, Sen. Henry Jackson, D-Wash. One per cent expected any Republican other than Ford to be elected, and 3 per cent expected any Democrat.

Reasons given for the preferred candidate varied with the interviewees' education, ages and race. But interviewees remained largely undecided regardless of their status.

Fifty-one per cent of those interviewed having only a grade school education and those who have attended college were undecided. Fifty-six per cent of those having

a high school education were undecided.

More elderly persons had not decided who they want for president than young and middle aged persons. While approximately half of those interviewed under 59 were undecided, 63 per cent of those 60 and above were undecided.

Ten per cent more blacks than whites were undecided.

During October, 622 adults 18 years and older were interviewed by students in the journalism class.

Those interviewed, which Stevenson said are representative of the North Carolina adult population, were selected scientifically by coupling telephone exchange numbers from across the state with four random digits.

Stevenson explained that this method, called random digit dialing, allows persons

who have unlisted numbers and newly published numbers to be included in the survey.

But the survey did not include persons without telephones, he pointed out. Approximately 15 to 20 per cent of the households in North Carolina do not have telephones, and, in some counties, as many as 40 per cent do not, according to the 1975 census report.

Most comments from those interviewed reflected the general lack of commitment to any one candidate. A black Mecklenburg County minister said he is simply going to vote for the Democratic candidate, adding, "It's a toss up on who that'll be."

A Sampson County man said he will vote for Ford unless Kennedy decides to run. "No one else can beat him (Kennedy), but a woman's dying hurt him," he said.

## Moped:

### The motorbike that's sweeping all of Europe

by Vernon Mays  
Staff Writer

Seven million persons use motorized bicycles daily in France, and due to an easing of legal restrictions on them, these mopeds are now being seen with increasing frequency in the United States.

A moped is simply a bicycle equipped with a motor and pedals, capable of speeds up to 30 miles per hour. Its major selling points are simple: it is lightweight, easy to park, quiet and simple to operate.

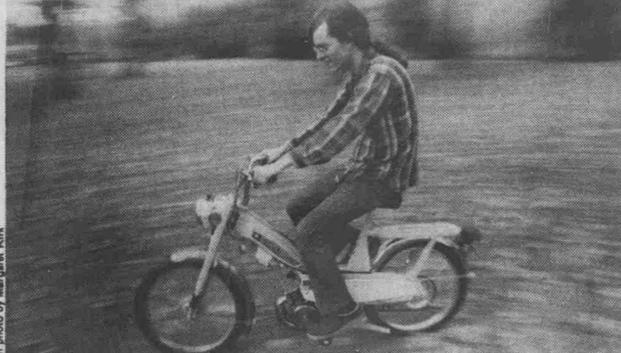
Costs range from \$300 to \$500, and gas mileage averages between 150 to 200 miles per gallon.

Although the moped is much like a motorcycle, it is regarded under the law as a motorized bicycle. Until recently, it was required to meet national motorcycle safety standards.

Mopeds were placed under motorcycle regulations in 1973 after U.S. distributors complained about inconsistent state laws for the motorized bicycles. Until then, laws concerning mopeds had been left to the individual states resulting in 50 sets of regulations for the moped manufacturers, located mostly in foreign countries.

Because the moped was forced to comply with motorcycle standards and therefore had to be equipped with a headlight, taillight, battery and license plate, it lost its function as a lightweight, low-cost vehicle. The added accessories overloaded the moped and raised its price so that it became a little-desired commodity.

But when the energy crisis reached its peak, the moped's high gas mileage gave it more mass appeal. Legal restrictions on the



A student rides his Moped. Millions of mopeds have been sold in Europe, and they are beginning to catch on in the United States.

moped were lessened recently in many states, including North Carolina, also increasing its popularity.

David Kiesau, president of Open Road, Inc., in Durham which sells the moped, attributed the changes in laws concerning the moped to the state and federal governments' desire to encourage the use of vehicles with high gas mileage.

Now, any bicycle with a motor rated less than 0.75 horsepower and having a maximum speed of 20 miles per hour is legally classified as a bicycle, Chapel Hill Police Lt. Arnold Gold said.

The major restriction on moped operation is that it is "required to adhere to the same motor vehicle statutes that a bicycle must," Gold said.

No drivers license, registration, insurance, helmet or inspection is required for operating the moped, he said. The minimum operator's age is 16 years old.

UNC Security Services Director Ted Marvin said the campus police treats mopeds as bicycles, as far as specific regulations are concerned. For example, they may be parked at bicycle racks.

"I am not aware of them becoming a significant problem on campus," he added.

When the moped was reintroduced to the

United States last February, Peter Simpson, owner of Tumbleweed Cyclery in Carrboro, jumped at the chance to sell them, he said recently.

Simpson, who has lived in Italy, said mopeds are "very popular in Europe; about one out of every two students has one."

The Wall Street Journal has reported that 15 million mopeds are in use in the world today.

Simpson said he sells mopeds mostly to nonstudents. In fact, the average selling age for the mopeds that he sells is approximately 50 years old, he said.

Moped purchases from Open Road are split evenly between students and young married couples, Kiesau said. "People are buying mopeds not so much for convenience, but also for fun."

James Jernigan, a UNC junior, said he bought a moped because he "needed something to get around in, and it's easy on gas — easy to park."

Lynn Lawler, another junior, said she was in Europe over the summer, saw the people there riding mopeds and liked them immediately.

"I bought one because I couldn't afford a car and I live off-campus," Lawler said.

## Ban goes to council

### Two different smoking ban proposals to go before Faculty Council today

by Dan Fesperman  
Staff Writer

Two different proposals for a classroom smoking ban, one of them approved by a 4-1 margin in a student referendum last month, will go before the Faculty Council at 4 p.m. today in Hamilton Hall.

Faculty Chairperson George Taylor will introduce a resolution containing two alternative plans for the proposed smoking ban. The first alternative, in the form of the resolution passed by the students, would unconditionally ban classroom smoking.

The second is less severe, and would allow each class to decide whether to prohibit smoking.

Taylor said he is introducing the resolution as a favor to Student Body President Bill Bates and also to "get the matter before the faculty and to provide the initial impetus for the discussion of the matter."

Bates said Thursday he was disappointed that Taylor had added the second alternative. "I think that's defeating the purpose of the ban because that's the way things are now," he said. "To be effective it has to be a total ban."

He said Student Government would possibly take action if the Faculty Council passed the less severe alternative.

Randall Thomas, chairperson of the Campus Committee to Ban Classroom Smoking, said Thursday, "I'm neither disappointed nor enthusiastic about the other alternative." Adding it to the resolution "was an absolutely normal thing to do."

"I'll be happy as long as the Faculty Council acts in a just, reasonable and progressive manner, and if they don't, then we'll do something later on," Thomas said.

"I don't really see how the faculty cannot endorse the student ban."

Chancellor N. Ferebee Taylor must approve any Faculty Council legislation before it can be enforced, but he has said in a

letter to the faculty that he would accept their decision on the proposed ban.

Faculty Chairperson Taylor said two weeks ago that enforcing a classroom smoking ban would be difficult because of the ban's uniqueness. "Honor code violations are referred to Student Government and handled by them," he said. "But if it's a matter of a student steadfastly defending his right to smoke, that's a new situation that we've never contemplated before."

Some deans and department heads have said they will enforce a smoking ban in their departments even if the Faculty Council does not approve one.

Norton Beach, dean of the School of Education, said in October, "If they (the

Faculty Council) don't take any action, then we will take action on our own. And if they take action that we don't like, then I have the understanding that we are still free to take action on our own."

In other scheduled action, the Faculty Council's ad hoc committee on course evaluation and teaching will present its report to the council.

Committee Chairperson John K. Nelson said he will recommend to the Faculty Council ways to ensure fairness and objectivity in course evaluation methods.

The committee's report will not comment on effectiveness of student course evaluation efforts, Nelson said, but will "affirm the need for student evaluation."

## Discrepancies found in confession letter

by Nancy Mattox  
Staff Writer

The stated author of a letter claiming responsibility for an unsigned document which accused Student Body President Bill Bates of campaign spending violations remained unavailable for explanation Thursday after several discrepancies were discovered in his letter.

The letter, delivered to the Daily Tar Heel Wednesday night by an unidentified male and supposedly written by James Ashburn, a member of the student attorney general's staff, stated that Ashburn wrote the Nov. 13 unsigned statement and delivered copies of it to the DTH and Carolina magazine.

Copies of Bates' runoff election spending report and a receipt for an \$18 payment Bates made to the Chase Printing Co. were included with the statement.

The letter stated that former Student Body Treasurer Mike O'Neal had approached him saying he was concerned about information he had gathered which suggested possible illegal campaign expenditures by Bates. The letter said that Ashburn was specifically consulted by O'Neal because O'Neal was attempting to discover "what, if any, course of action should be taken in light of the information."

The letter quoted O'Neal as saying Jessie Robinson, a Chase employee, told him that Bates had spent the \$18 (which O'Neal said put Bates over the campaign spending limit) but had asked Robinson to withhold a copy

of the receipt.

According to the letter, Ashburn began his own investigation by going to Chase printers and personally receiving "a statement from Ms. Robinson which included in writing the notation that an additional \$18 had been paid by Bates."

But Robinson told the DTH Thursday she had given the \$18 receipt only to O'Neal.

Robinson said O'Neal obtained the records by telling her he was gathering information to prove that the campaign spending limit for student elections should be raised.

A source close to O'Neal told the DTH Thursday night that O'Neal had informed him the \$18 receipt was not among the information obtained from Chase, although Robinson identified O'Neal as the person to whom she gave the receipt.

O'Neal was not available for comment Thursday.

The source said O'Neal had told him that he is now gathering information concerning the alleged illegal expenditures to present it privately to Bates. "If he (O'Neal) can prove any charges against Bill," the source said, "he (O'Neal) would rather go to Bill and have him decide what to do."

The source said this would give Bates the opportunity to "bow out gracefully (as president) rather than have Honor Court charges against him."

Bates has maintained that he believes he in no way violated campaign spending laws.

## Open communications, issues head conference

by Chris Fuller  
Staff Writer

Students, faculty and administrators will meet this weekend to open up lines of communication and discuss issues of concern to the University community, Student Body President Bill Bates said recently.

The Student-Faculty-Administration Conference, conceived by Bates and Dean of Student Affairs Donald Boulton, will convene Friday afternoon at Camp New Hope, outside of Chapel Hill.

Nineteen students, 12 faculty members and eight administrators will meet in both large and small groups to discuss different aspects of the University.

Topics scheduled to be discussed include "Problems of Communication on Campus," "The Viability of Student Governance," "The Impact of External Forces upon the University's Life and Work," "Academic Quality in a Time of Change" and "What Have We Done and Where Do We Go From Here?"

Bates, who said he had no direct input into planning for the conference said it appears to be an effective agenda.

Roslyn Hartmann, Assistant Dean for Student Life, who also served on the conference planning committee, said she hopes the conference will open communication among the three University

groups. Although she is optimistic about the weekend, Hartmann said it would be "unrealistic to say we're going to solve problems."

Bates proposed the conference early in September, shortly after declaring war against the administration, which he called "a stultifying bureaucracy."

He called the conference, saying, "I voice a strong sentiment that it is time that the faculty, students and administrators get together on an ongoing basis, to confront problems affecting the University community before they occur and not after."

Administrators selected to attend the weekend conference include Boulton, Hartmann, Associate Dean of Student Affairs James Cansler, Housing Director James Condie and Dean of Special Programs Harold Wallace.

Among faculty representatives are George Lensing Jr., English professor; Lewis Lipsitz, political science; James Leutze, history; Joel Schwartz, political science; and George Taylor, history.

Students attending will include Bates, Carolina Symposium Co-chairperson Don Baer, Daily Tar Heel editor Cole Campbell, former Association for Women Students Chairperson Jamie Ellis, former Black Student Movement Chairperson Algenon Marbley and Bates' former executive assistant, Billy Richardson.

## Dook parade today

Hordes of oddly-clad beer drinkers on trailers will take over the streets of Chapel Hill this afternoon in that traditional late autumn fest, the Beat Dook Parade.

This year's parade Grand Marshal will be the voice of the Tar Heels, Woody Durham, who will presumably be saving his vocal chords for the Saturday broadcast of the UNC-Dook football game.

Sponsored by Pi Kappa Alpha fraternity, the 16th annual cavalcade will again feature a float contest. Nine floats entered last year, seeking the all-time collegiate grail, the keg of beer which was won by Sigma Phi Epsilon fraternity.