

Rainy and cold

It will be rainy and cold today with the high in the upper 30s and the low in the upper 20s. Friday will be sunny and cold with the high again in the upper 30s.

The Daily Tar Heel

Basketball action

Duke beat State 76-64, Clemson beat Virginia 63-55 and Wake Forest ran away from Davidson 115-87 in action Wednesday night.

Serving the students and the University community since 1893

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Bilionis wins; Phillips, Cureton in runoff

Holleman takes single precinct in 'Tar Heel' race

By JACI HUGHES
Staff Writer

Lou Bilionis trampled Jim Holleman in the *Daily Tar Heel* editorial race Wednesday, carrying 78 percent of the votes cast.

Bilionis received 3,385 votes to Holleman's 958. He carried all districts except the medical school, which Holleman took by five votes, 25-20.

Holleman was not present in 209 Manning, where Elections Board chairperson Bob Saunders and volunteers counted the votes. Holleman could not be reached for comment.

Bilionis has promised to broaden news coverage to include all facets of campus life and to improve distribution.

Bilionis said he was disappointed in the low voter turnout (4,343 in the editorial race). "It's too bad it was so low. I don't think it hurt or harmed me," he said.

Bilionis said he will conduct interviews for *DTH* staff positions beginning Friday. "I encourage anyone who is interested in working at the *DTH* in an editorial position or as a writer to come by the office starting Friday. The positions are wide open at this point."

Bilionis also pledged to appoint a full-time ombudsman to solicit student opinion about the paper. "It's going to be a tough job for the simple fact that the *DTH* hasn't had the position before," he said.

Bilionis was unchallenged in his bid for the editorship until Holleman announced his candidacy Feb. 8.

Bilionis is a junior English-economics major from Fitchburg, Mass. A Morehead scholar, he worked as associate editor for the *DTH* from March to December 1977.

Bilionis also served as assistant press secretary in Massachusetts state government and wrote news and features for the summer *Tar Heel*.



Lou Bilionis will be the new *Daily Tar Heel* editor after winning 78 percent of the vote in the election Wednesday. Bilionis ran an "experience vs. inexperience" campaign against Jim Holleman, who ran an "insider vs. outsider campaign." Staff photo by Sam Fulwood III.

Holleman characterized the race as insider vs. outsider while Bilionis called it experience vs. inexperience.

Holleman, a junior majoring in radio television and motion pictures, is from Durham. His only journalistic experience was as editor of his high school yearbook. He tried to capitalize on being an outsider, claiming that this would give him a fresh

approach to the paper's editorship. Bilionis said one way to broaden news coverage is to bring in additional staff writers. "I would bring in at least 15 more staff writers," he said. "The biggest problem is that the *DTH* isn't finding out what's going on. If it doesn't know what's going on, it can't report it."

See DTH on page 5.

Lewis edged out, declines recount in president race

By HOWARD TROXLER
Staff Writer

Jim Phillips and Gordon Cureton placed first and second in the student body presidential election Wednesday. The two will face each other in a runoff election Feb. 22.

Phillips captured 1,349 of 4,614 votes cast in the presidential election (29 percent). Cureton received 879 votes (19 percent), 39 votes ahead of third-place Sonya Lewis with 840 (18 percent).

"I'm very pleased, and I really want to thank those who voted for me and helped me in my campaign," Phillips said after the final tally. "My victory reflects the hard work we did."

"It was a good campaign, with quite a lot of issues discussed. I believe that shows the students are interested in the issues and are concerned about them."

Cureton trailed Lewis at one point by as many as 81 votes, until results from the final three polling places — Morrison, Wilson Library and Ehringhaus — were counted.

Cureton asked Lewis if she wished to have a recount of the ballots after the votes were totaled, but Lewis declined.

"I think 39 is a good-enough margin," she said. "If it had been 10 or 20..."

"It was very nice of Gordon to do that. It was a good race — and I have no idea of who I'm going to support in the runoff."

Cureton said he asked for the runoff "just for the record — it needed to be clear. I just felt on everyone's behalf we needed to know for certain."

"And now we've got to get our organization and structure rolling. This election is by no means the end."

Craig Brown placed fourth in the election with 611 votes (13 percent). Robert Lyman, with 402 votes (9 percent) was fifth, followed by Bruce Border with 330 votes (7 percent) and Jeff Ellington with 203 votes (4 percent).



Jim Phillips took a plurality in the race for student body president Wednesday. He faces Gordon Cureton in a runoff election Feb. 22. Cureton edged out Sonya Lewis by just 39 votes for the second-place spot. Staff photo by Sam Fulwood III.

The total vote of 4,614 was relatively low, according to Elections Board Chairperson Bob Saunders, who predicted Tuesday that the turnout would be about 4,600.

Phillips credited his campaign staff for his plurality.

"I think that the campaign staff did a super job," Phillips said. "We stuck to the issues and talked about issues concerning the

future of this campus, and people responded to that."

"I don't believe this reflects by any means that the runoff election will be easy. Exactly the opposite. We're going to have to go out and work hard and run the same type of campaign we ran this time."

See SBP on page 5.

Home pregnancy tests available in over-the-counter purchases

By KATHY HART
Staff Writer

A woman can now determine whether she is pregnant in the comfort of her own home. The Early Pregnancy Test (EPT), manufactured by Warner-Chilcott, can be bought over the counter at drug stores and used at home to determine pregnancy.

"The price of the non-reusable test kit is between \$10 and \$11," Roxboro pharmacist Ben Tillet said. "The test is very similar to one used by many gynecologist-obstetricians."

The test is based on a urine sample which contains a special hormone present only during pregnancy — human chorionic gonadotropin. "Certain chemicals are sensitive to this hormone and react by coloring the sample," said Nick Holland, Glen Lennox pharmacist.

"The procedure for the test is fairly simple. The woman collects a sample of her first morning urination. Three drops of urine and a tablet containing the special chemicals are added to a vial of premeasured distilled water.

"You shake the vial for 10 seconds and then put it back in the case where it should sit undisturbed for two hours.

"The kit contains a chart for reading

the test. A brown ring indicates pregnancy while a clear yellow indicates no pregnancy."

For pregnant women, the test has been found to be 97 percent accurate, according to the literature enclosed in the kit. For non-pregnant women the test has an accuracy rate of 80 percent and 91 percent if the test is repeated one week later.

"The test is effective only nine days after the woman's last expected menstrual period. "I think the test is reliable, but I feel the instructions should say it is effective 14 days after the woman's last expected menstrual period," said Peggy Norton, physician extender at the Student Health Services. "The test is basically the same as the one we do here, and at only nine days the test can be unreliable."

"I think it is great for the general public. But for the student I think cost should be a drawback. At the Student Health Service the test costs nothing."

"I also hope girls aren't using the test in place of adequate contraception. The type of girls looking for such a test are usually the ones that are sexually active and using inadequate contraception. What these girls need is good contraception, not a pregnancy test."

Challenged for first time in the state N.C. cohabitation law incompatible with resident

By BEVERLY MILLS
Staff Writer

The constitutionality of the North Carolina cohabitation law is being challenged in court for the first time.

Neve F. Ensminger maintains that the cohabitation law violates his constitutional right of privacy.

The North Carolina cohabitation statute states: "If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of a misdemeanor."

Ensminger is being represented by Barry Nakell and William J. Turner, associate professors at the UNC School of Law. The North Carolina Civil Liberties Union is sponsoring the case.

The N.C. Justice Department will defend the statute. The N.C. attorney general declined an invitation to participate in the case. The case is scheduled to be argued in the Fourth Circuit Court of Appeals in May, and the court should make its decision by fall.

Nakell said he thinks his chances of winning the case are good. If he loses, his client will appeal to the U.S. Supreme Court for a writ of *certiorari*, which means his

client will ask the court to hear the case.

"If we win (in the court of appeals), the U.S. government will appeal, and there's a better chance the court will hear the case if the government appeals," Nakell said.

"The Supreme Court has said it is open on this issue of the constitutionality of cohabitation statutes. That suggests to me that the time is ripe for review."

This law was codified in 1854 and has remained unchanged since then.

The Ensminger case was filed in the U.S. Tax Court June 1, 1976. Ensminger claimed his female dependent as a tax deduction on his 1974 income tax return. The federal Commissioner of Internal Revenue would not allow the deduction because he concluded that Ensminger's relationship violated the North Carolina cohabitation law. The tax court ruled in favor of the commissioner.

Ensminger then appealed the decision, and this is where the case stands now.

Nakell said the tax deduction is a convenient and unusual vehicle to get the courts to hear the cohabitation case. A person must be directly affected by a law

before the court will consider his case. The chances of being prosecuted for cohabitation are slim, so the courts probably would not hear the case on these grounds alone.

Dorothy Bernholz, student legal-services attorney, said the last cohabitation prosecution in Chapel Hill was five years ago.

The main issues presented in the Ensminger case are:

- Whether the commissioner of Internal Revenue met his burden of proof that the relationship between Ensminger and his dependent was in violation of the North Carolina cohabitation law.

- Whether the constitutional right of privacy protects Ensminger against application of the cohabitation law.

- Whether the law is unconstitutionally vague.

The law does not prohibit an unrelated couple from sharing the same home or bed without engaging in sexual intercourse. The statute does not forbid a single or occasional act of sexual intercourse. It applies only to

habitual sexual intercourse. Even if the occasional intercourse results in the birth of an illegitimate child, it is no crime.

The courts have upheld that engaging in intercourse over two weeks is habitual. Having intercourse six times in three months also has been ruled habitual.

Nakell said persons engaging in habitual sexual intercourse do not necessarily have to be sharing the same house to be in violation of present law.

Because the cohabitation law is basically an ignored statute, Nakell said winning the case will not produce immediate practical results.

"The importance of this case lies in constituting doctrine," Nakell said. "The decision could eventually affect the rights of gays."

Nakell said that to obtain rights for gays, a groundwork of similar cases needs to be established. If the cohabitation law is changed for heterosexual relationships, there is a better chance that the same rights will be extended to homosexuals.

Past racial incidents on UNC campus may influence black high schoolers

By DAVID STACKS
Staff Writer

Adverse publicity about the Ku Klux Klan speaker protest in 1974, the trial of black student leader Algenon Marbley in 1975 and the Upendo Lounge decision in 1976 have made many black high school students think twice about enrolling at UNC, a black administrator said last week.

"Potential students begin to ask, 'Hey, what kind of university is it where black students have to protect themselves from whites brought in from the outside,'" said Harold Wallace, director of special programs in the University's Division of Student Affairs.

Wallace said several specific incidents of racial unrest on campus correspond closely with fluctuating black freshman enrollment figures — close enough for him to believe publicity about blacks on campus has persuaded at least some potential minority students not to apply to the University or not to enroll if they already have been accepted.

"Black high school students see the

situation as a white administration persecuting black students, even though that is not really what happened," Wallace said.

In 1975, Algenon Marbley, chairperson of the Black Student Movement, was tried before Undergraduate Court on charges of disrupting the speech of national Klan leader David Duke in 1974. Amid news reporters and photographers from across the state, Marbley was acquitted by a jury of four blacks and three whites.

Later in 1975, Student Government Treasurer Mike O'Neal froze BSM's funds for allegedly making questionable use of monies from a checking account operated independently of the SG treasurer.

With memories of O'Neal and Marbley fresh in their minds, black leaders picketed University Day observances in 1976 after administration officials announced plans to relocate BSM's Upendo Lounge from the first floor of Chase Hall on South Campus.

Wallace said a group of black high school students on a campus tour were noticeably disturbed when they saw a protest march against Duke in progress the same day.

"All these students go back to their high schools thinking these things are representative of what goes on here at Carolina all the time," Wallace said. "They ask questions about what they see and what they read in the newspapers."

"We tell them the average black student does not join the protest march every day, but they are more affected by what they see themselves and what other students tell them than by what we (Student Affairs officials) tell them when they visit the campus," the administrator said.

Black freshman enrollment dipped to its lowest since the decade began when in 1976 only 194 blacks enrolled for the fall semester. The figure for 1975 — 266 — was a decline from the 270 black freshmen who entered the University in 1974.

Enrollment began to climb when 223 black freshmen came to Carolina last semester. The 1978-79 academic year is expected to be the peak of what has become a three-year cycle in enrollment figures. Admissions officials say they are expecting 250 black freshmen to enroll next semester.



This parking monitor looks cold as she enforces the University's parking regulations across from Phillips Hall. The chilly days probably don't make her unpopular task any easier, as shivering students try to make their walks in the cold as short as possible by parking where they shouldn't. Staff photo by Billy Newman.

Spinks punches title away from champ Ali in split-decision win

LAS VEGAS (UPI) — Leon Spinks scored one of boxing's greatest upsets Wednesday night when he captured the world heavyweight championship with a 15-round split decision over Muhammad Ali and possibly ended the fabled career of the ring's greatest showman.

Ali was bleeding from the mouth most of the fight as he grew old in the ring at the age of 36 and succumbed to the relentless pursuit of the 24-year-old Olympic light heavyweight gold medalist.

Spinks pressed the attack from the start and never let up. He bloodied Ali's mouth in the second round and ignored all Ali's attempts to rattle him. Ali had chance to pull out the fight in the final round but was unable to keep Spinks off him and blew a chance for a \$12-million rematch with Ken Norton in May.

Immediately after the fight, the exhausted Ali refused to confirm the bout would be his last.

"I did my best," Ali said. "I don't know if I'll fight again. I'd like to maybe have a rematch."