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Supreme Court finds CGC rules valid

The U.S. Supreme Court ruled last week that UNC student government regulations designed to assure minority representation on the Campus Governing Council (CGC) are constitutional. The court set aside a lower court's decision that struck down student laws requiring the presence of at least two blacks on the 21-member council and ordered the court to re-examine the case in light of its ruling last week on the Allan Bakke reverse-discrimination suit against the University of California at Davis.

In that suit, the court ruled that

fixed quotas for minorities should not be used in college admissions programs. However, the court ruled that race may be taken into account as one of the factors affecting admission.

Two white UNC students, Lawrence Uzzell and Robert Arrington, won the suit in the 4th U.S. Circuit Court of Appeals in June 1977. The students charged that the student laws had been made the deciding factor in determining the composition of the CGC and student honor courts.

The original student government

constitution called for the student body president to appoint blacks to the CGC, which is the legislative branch of student government, if two blacks were not elected by the students.

Another student law gave a minority student the right to request in an Honor Court trial that four of the seven judges be of the same race or sex.

Student body presidents of the past two years have not appointed blacks to the council pending the lawsuit's resolution. Under student body president Bill Moss in the 1977-78

academic year, only one black served on the council—CGC Speaker Gordon Cureton. This year, no blacks were re-elected to the council.

Student Attorney General Suzie Mitchell said Wednesday that honor courts had continued the practice of minority juries if students requested them.

"The office of Student Affairs directed us to continue the minority program, and so we've continued the practice all along," Mitchell said.

"The rules were written back when there weren't as many blacks, and



Mike Teer might lose a farm which has been in his family for three generations. Staff photo by Allen Jernigan

Suit against Law School may clarify Bakke

With the Supreme Court's decision in the widely-publicized Bakke case finally handed down, attention has now begun to focus on a number of cases which are expected to clarify the court's ruling on reverse discrimination.

Among these is a suit filed by Steven Rader of Charlotte and Patricia Bostick of Raleigh against the Law School of the University of North Carolina at Chapel Hill which charges the law school with employing a quota system in its affirmative action program. In its decision in the Bakke case, the Supreme Court found unconstitutional a special admissions program of the University of California at Davis med school which

employed a quota system for minority applicants.

U.S. District Court Judge Eugene Gordon ordered action in the Rader-Bostick case postponed June 7 until the Bakke ruling was made by the Supreme Court, which announced its decision on June 28.

Rader and Bostick contend that the alleged quota unfairly excluded them from admission to the law school. They have asked in their suit for an injunction against the university's admissions procedures in addition to \$25,000 in damages and \$10,000 in punitive damages, and \$25,000 for every other person denied admission under the affirmative action program.

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Battle for Cane Creek continues

by Karen Gunter
Staff Writer

There is a small creek in western Orange County that is the focus of much debate recently. The question is whether its proposed use as a quality water source for drought-prone will disrupt a farm community that was established over 100 years ago.

Cane Creek, located about 12 miles west of Chapel Hill on Highway 54, is now the main water source for several dairy farms. The farmers have banded together in the Cane Creek Association to oppose construction of the proposed dam.

The Orange Water and Sewer Authority, on the other hand, has selected Cane Creek as the best potential water source to serve Chapel Hill.

Rachel Best, a former officer of the CCA, said 12 farms in the area that depend on the creek would be affected. These farms produce approximately 16,000 pounds of milk per farm per day.

According to proposed regulations, farmers would have to build retaining ponds so that overflow from the barns would not pollute the reservoir. And farmers could be fined if pesticides such as those used to kill Johnson grass are chemically traced in the tributary.

A historical site is threatened by the proposed reservoir, Mrs. Best said. The old Teer General Store and Post Office, which was built in the late 1800s, would be under water as well as a grist mill and five old dam sites.

The Cane Creek Association itself is an unusual mixture of hippies, elderly ladies, farmers, and professors. Dr. Ed Johnson, an associate professor of psychology at UNC, is one of the property owners in the Cane Creek area.

One of the major concerns of the CCA is the farms that would have to be relocated. Coy Armstrong, a 65-year-old farmer who raises chickens, will have to move if the Cane Creek Reservoir is built. The Teer family farm, which has survived for three generations, will be under water.

With authority from the Superior Court, OWASA has the legal right to buy the land needed for the dam either at the best price or through condemnation processes. But Mrs. Best said that the value of some of the property and buildings far exceeded that estimated in the tax books.

To publicize their cause, CCA members have bought radio spots on WCHL. City Farm Day was held recently to introduce the citizens of Chapel Hill to the Cane Creek area. Auctions, bake sales and yard sales have been sponsored by CCA members to raise money.

Everett Billingsley, an official of OWASA, said that the Authority's primary responsibility is to suggest adequate water sources for Chapel Hill. Task force meetings have been held to iron out the differences between OWASA and CCA, and to dispel misinformation.

The proposed Cane Creek Reservoir will contain about three billion gallons of water. The safe yield expected is 10 million gallons of water per day during an extended drought period. Three million gallons of water are pumped daily from University Lake.

The area actually flooded will extend for 480 acres. A watershed for the reservoir is defined by a sharp ridgeline, which is unusual for the area but very conducive to holding water.

At least 34 potential water sources were considered by engineers, and an Environmental Impact assessment was written. Cane Creek was chosen as the most desirable.

Most CCA members point to the Haw River as a greater and more easily accessible water source. However, Billingsley said that the Haw River receives natural runoff from urban discharges upstream. Cane Creek has only agricultural runoff. The general practice has been to take the water from the most protected supply.

The Stanford and Teer farms as well as some barns must be purchased for construction of the reservoir. Billingsley said that neighboring areas are also facing this water supply problem. For example, Durham and Graham Counties also are building reservoirs on previously privately-owned property.

Construction for the dam and reservoir is at least three years off. There are several committee meetings left to be held, court decisions to be made, and permission obtained from the Department of Natural Resources. Meanwhile, the dairy farmers will continue to fight for Cane Creek.

Recently members of the CCA have sought representation on the Water and Sewer Authority itself. Members of the CCA on Monday asked the Orange County Commissioners to appoint a representative from Bingham township to the OWASA board.

A vacancy was created recently on the board when Paul Morris' term expired at the end of June.

Commissioner Norman Walker nominated Joe Howard, a chemist with the Environmental Protection Agency, to succeed Morris. But the commissioners reappointed Morris by a vote of 4-0.