

THE TAR HEEL

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Bakke: only a potential loss

"To get beyond racism, we must first take account of race. There is no other way. And in order to treat some persons equally, we must treat them differently." — U.S. Supreme Court Justice Thurgood Marshall in his minority opinion in the Allan Bakke decision.

The U.S. Supreme Court's decision last week on the Bakke matter may at first glance appear to be vague and contradictory. The court ruled that using racial quotas in college admissions programs violated the Civil Rights Act of 1964. But at the same time, the court upheld the principle of using race as a factor to determine who gets into higher educational institutions.

Many civil rights groups feared that a victory for Allan Bakke would be a disaster. Torrents of protest came long before the case was heard; editorial writers and civil rights advocates warned America that a Bakke victory would be a giant step backwards.

But there is no defeat at hand in the Bakke decision. The decision should be regarded only as a sign of the times—a sign that we are past the early stages of desegregation and that the energies of those working for equality in this country must be channelled in new directions.

Everything the court said in its Bakke opinion was approved by a narrow 5-4 margin. Only the swing vote of Justice Louis Powell enabled the faction arguing against quotas to win. And some of those arguing against quotas were in actuality arguing against affirmative action in general.

We tend to agree with the other four justices, who believed that even if mechanical quotas are unconstitutional, a special effort must be made to consider race in college admission. Race should be a — not the — factor. Race does not affect ability or intelligence. No one should be admitted because he is black or white.

But years ago, the Supreme Court ordered that discrimination in the nation's schools should be ended with "all deliberate speed." Unfortunately, the court could not order that inequality be ended in all other facets of life as well; and the blatant (not vestigial but full-force) prejudice and discrimination that continue even today have an effect on all parts of our society.

In an ideal society, race would not have to be considered at all. But the court could see, without too much effort, that we are far from an ideal society.

The only thing the decision was explicit on was that the quota system at the University of California at Davis was unconstitutional. The opinions of the court members regarding race will bear considerable weight, but the court has left some ambiguity as to the direction of civil rights. There is the possibility that some areas will take advantage of the Bakke decision to eliminate their existing affirmative action programs. We feel that this is not in accordance with the spirit of the ruling.

For while Bakke may appear to be a defeat, it is better described as a warning. It may now be necessary to continue the struggle on a new battlefield, a field where no man is favored or rejected because of the color of his skin—but one where each individual is judged on his own merits. Bakke, viewed in this light, is only a growing pain of the fight for equality.

The New, New, New Nixon

Greeted by a four-piece high school band playing "Hail to the Chief," Richard Nixon made his re-entry into public life Sunday in Hyden, Ky., where he told 4,000 cheering members of his silent majority what was wrong with American foreign policy.

The occasion was the dedication of a city recreational complex, which was going to be named after former president Gerald R. Ford. But Ford could not attend the dedication, so they named it after Nixon instead.

There were no hecklers. There were no bitter memories. There were no visible scars left from the lies, the crimes, the abuses of power Nixon was responsible for; there was no indication of the national insecurity and paranoia he helped create. There was only wild adulation. A few people wore buttons that said "Nixon's the One—In 1980."

The situation would be funny if it weren't so chilling. Does Nixon have more lives than a cat? Is this situation so much different from the one a decade and a half ago, when he rose from the ashes of final defeat in California to introduce the "New Nixon" to reporters?

Stranger things have happened.

Maura Stokes

If God had wanted bicycles, he wouldn't have made cars

Feeling aggressive? Hostile? Does the idea of a death penalty squash the possibility of venting your hostility with murder one? There's still a way of making yourself feel better—get a bicyclist. Kill, maim, scare, anger—take your pick. A large number of people have found this a great way to get rid of tension while having a good time. Scream therapy and sports have their value, but the former can be costly and the latter requires effort. Don't worry about possible legal consequences. It's household knowledge that bikers are wrong most of the time. They waver, go too slow, go too fast, take more room than they need, and ride in driver's blind spots. They must be at fault.

If the direct hit seems a bit gruesome to you, the force-off-the-road is a close second as far as satisfaction goes. Insist on hugging the shoulder, especially if there's no oncoming traffic and the ground past the shoulder is gravelly and rough. Increase your speed and get as close to the bicyclist as you dare. Undoubtedly the rider will panic, try to move further to the right and spill. If you don't succeed in scoring an injury, at least you will have spoiled someone's day. One can put variations on this theme with practice.

Another popular way of getting bicyclists is by "testing" them. Bicyclists need to know how well their brakes work. Throw open a car door without "checking" first, preferably when the cyclist is very close. The quick-reflexed will be able to brake to a stop before their ribs make contact with the car window. The moderate in reflex shouldn't sustain too much damage—the gymnastics-minded can often flip over the door. The others? Well, they'll just have to tighten up their brakes and hone their skills.

An alternative test, either for braking ability or swerving ability, is the quick pull-out. Sit in a parked car, get it started, and wait for a biker. As he approaches the car, pull out quickly. Watch to see

whether he brakes in time to avoid hitting you or swerves just enough to miss you and oncoming cars. Brakers are the gutless, cautious types, while the swerver shows a lot of style. If they start yelling or show you a finger, give them a glare that shows your disrespect for anyone who expects to be seen on a skinny French frame.

If those arrogant cyclists who insist on riding in the middle of Franklin Street bother you, there are virtually unlimited courses of action to follow in order to show them that the motor vehicle reigns. Honking wildly and gunning it often scares them to the side, where the remains of beer bottles will finish them off. If they continue to act as if they had a right to the road, follow them as closely as you can. Even the stoic can become emotionally involved at the thought of an eight-cylinder engine an inch behind them.

Even if your taste runs a bit on the delicate side, you can do your share. Refuse to pass a cyclist, even when there's plenty of room. Instead, follow them as slowly as they're going. Roll your eyes and tap your fingers on the steering wheel when the biker looks back at you. The cyclist will either speed up, giving him quite a sweaty workout, or, annoyed, will stop and let you go by properly. You can also annoy them to a large degree by yelling a few good profanities as you go by.

The possible plays in get-a-bicyclist are infinite. Personal experience indicates that the new moves are being tried all the time. So the next time you're in a hurry and annoyed by a bicyclist, or just feel a little hostile in general, do something about it—get him. It's not baseball, but it's rivaling bicycling itself in quickly becoming a fashionable pastime.

Maura Stokes is a first-year graduate student in biostatistics from Concord, N.H.

Legal advice

Tenant, landlord responsibilities

This advice is prepared by Student Legal Services which maintains an office in Suite C of the Carolina Union. UNC students have prepaid for this service and may obtain advice at no additional charge.

Since October 1, 1977, North Carolina apartment dwellings have been governed by a new law which imposes certain responsibilities on both the landlord and the tenant. Apartment tenants have the duty to pay rent and keep the premises in a clean and livable condition. The landlord's duty is "to provide fit premises." North Carolina statutes define fit premises as compliance "with the current applicable building and housing codes . . ." The Town of Chapel Hill Housing Code provides, for example, that walls and roof should be weathertight and rodent-proof, that doors and windows have screens and weatherstripping, and so on. Copies of the Housing Code are available from the Town of Chapel Hill and Student Legal Services.

The landlord must also make repairs and "do whatever is necessary to put and keep premises in a fit and habitable condition." Finally, the landlord is also responsible for keeping the common areas, such as hallways, in a safe condition. If the apartment complex provides things like refrigerators or stoves, the landlord must maintain and repair them. Landlords are not relieved of these responsibilities by the tenant's explicit or implicit acceptance of the landlord's failure to so perform. This law does not prohibit landlords and tenants from making their own contracts in which a tenant agrees to perform some work on the premises.

If you as a tenant think the landlord is not performing these statutory duties, you cannot withhold rent to force his performance. Instead, you should seek legal advice about obtaining judicial approval of rent abatement.

ADVICE FOR THE DAY: 1.) Read the lease BEFORE you sign it. 2.) Be aware of your rights and responsibilities under the lease. 3.) Seek legal advice if your landlord is not providing you with the required services.

