

The Daily Tar Heel

Tip-off time

The top-ranked Tar Heels travel to Death Valley to play the injury-ridden Clemson Tigers. See preview story on page 2.

Rainchance

Windy today, with a chance of showers and maybe a thunderstorm. High today near 60. 40 percent chance of rain tonight.

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Talking trash

Brooks Blanchard got a few listeners interested in what he had to say Tuesday. Perched atop a garbage can outside the Pit, the N.C. State freshman from Los Angeles shouted to the crowd his views on religion.

DTH/Charles W. Ledford

Court to hear appeal contesting '81 ruling

By HOPE BUFFINGTON
Staff Writer

The Department of Education and the National Association for the Advancement of Colored People go to court today over the UNC system desegregation issue.

Oral arguments presented by the Department of Education and the NAACP Legal Defense Fund will be heard today in the U.S. Court of Appeals in Washington, D.C.

The appeal challenges the validity of the 1981 desegregation consent decree between the U.S. Department of Health, Education and Welfare (now the Department of Education) and the UNC system.

In 1981, Judge John H. Pratt refused to declare the consent decree invalid. The NAACP then appealed Pratt's ruling before a three-judge panel of the U.S. Court of Appeals which upheld Pratt's decision 2-1.

"It is highly unlikely that the court will rule in favor of the Legal Defense Fund," Joseph Levin, a Washington attorney representing the UNC system, said recently.

Levin said if the court ruled with the Legal Defense Fund, the Department of Education would have to petition the U.S. District Court in Raleigh to revoke the consent decree. If the District Court in Raleigh refuses to revoke the decree, Judge Pratt would have to find the Secretary of Education in contempt of court, since he could not comply with the order.

"Mr. (Joseph) Rauh (the Washington attorney representing the NAACP Legal Defense Fund in the case) had plenty of opportunity to challenge the decree in North Carolina at the time it was presented," Levin said.

Figures released in January on the consent decree's enrollment requirements showed that black enrollment at the predominantly white institutions in the UNC system rose slightly, from 7.53 percent of the enrollment in 1981 to 7.8 percent of the enrollment in 1982. White enrollment at the predominantly black institutions rose from 11.78 percent of the enrollment in 1981 to 12.7 percent of the enrollment in 1982. The increase in black enrollment fell .26 percentage points short of the suggested 8 percent goal.

Raymond Dawson, UNC system vice president for academic affairs, said that black enrollment in the system had grown from 14,440 students in 1972 to 21,854 students in 1982.

In 1972, 16 percent of the black enrollment in the UNC system was on predominantly white institution campuses and in 1983, 37 percent of the black enrollment in the UNC system was on predominantly white campuses.

"We're on target," said Harold Wallace, vice chancellor for University affairs. "It is important to note that black enrollment in general decreased, but at Chapel Hill there was a sizable increase, especially in the graduate schools."

Levin said, "In terms of the white enrollment goal at predominantly black institutions, we'll make our goal of 15 percent by 1986, but a 10.6 percent goal of black enrollment at predominantly white institutions will be tough sledding."

"Black enrollment is down nationally. It's affecting us — everyone in the nation," he said.

Levin said he was pleased with the UNC system's progress.

But Rauh said, "North Carolina's higher education system is so segregated that the figures mean relatively nothing. The students in North Carolina ought to raise hell. I have faith in the students; none in (UNC System President William C.) Friday."

Rauh added: "The heart of the problem is not the system. I suggest that Mr. Friday read the criteria listed in the 1977 desegregation plan and then follow them."

President Friday countered these claims. "Mr. Rauh's comments indicate that he is unaware of what is being done here," Friday said.

See APPEAL on page 3

Desegregation still issue as suit heads to appellate court

By HOPE BUFFINGTON
Staff Writer

"The protagonists in this drama do not wear black and white hats; instead, they are men of conscience struggling to preserve, alter, modernize and improve a great educational institution. In the balance rests our children's future. The court genuinely hopes these grave historical and political questions can be resolved amicably by leaders of good faith and purpose."

State vs. Department of Health, Education and Welfare, 480 F. Supp. 929, 940 (EDNC 1979)

Desegregation. A word that has haunted the University of North Carolina's higher education system for more than 10 years. In 1969, the U.S. Department of Health, Education and Welfare, now the Department of Education, requested proposals from 10 states to eliminate their dual black and white higher education systems. North Carolina was on HEW's list and did not respond.

The National Association for the Advancement of Colored People Legal Defense Fund sued HEW for not enforcing desegregation among higher education systems.

In 1973, U.S. District Judge John H. Pratt ruled in favor of the Legal Defense Fund. Pratt mandated that HEW require acceptable desegregation plans from the 10 states or begin enforcement proceedings against those states. HEW appealed the ruling, but Pratt's ruling was upheld.

The federal government rejected plans submitted separately by the UNC Board of Governors and the State Board of Education, and gave UNC until April 1974 to submit an acceptable plan.

UNC's desegregation plan was accepted in the summer of 1974. The Legal Defense Fund challenged it as well as the plans of five other Southern states.

In 1977, administrative hearings to stop the allotment of federal funds to the UNC system began.

Federal dollars continued to flow, but the hearings continued.

In June 1981, the U.S. Department of Education and the UNC system signed a consent decree under the new Reagan administration.

The consent decree consists of four main goals: 1) a 10.6 percent black enrollment at predominantly white institutions and a 15 percent white enrollment at predominantly black institutions by the 1986-87 school year; 2) the development of 29 new baccalaureate and master's degrees at the five predominantly black institutions; 3) the upgrading of graduate study centers at Fayetteville State University and Elizabeth City State University in addition to a new graduate center at Winston-Salem State University; and 4) equal financial support to both black and white institutions as well as improved faculty salaries at predominantly black institutions.

Entertainment tax introduced for Town Council consideration

By PETE AUSTIN
Staff Writer

A proposal for a 5 percent tax on live entertainment, including football and basketball games, is traveling through the hands of Chapel Hill and University officials.

The tax was proposed by Rolund Giduz, news manager at WCHL radio, at a public forum held by the Chapel Hill Town Council Nov. 16. The tax would help the city with some of the costs of cleaning up after the event. It also would help pay policemen to patrol the event and control traffic, said Chapel Hill Town Manager David Taylor.

Town Council member William Broadfoot said the revenues from this tax would be put into the general fund of the treasury and would not be used as a direct reimbursement for expenses the city may incur.

"The tax is a good idea because it taxes pure luxury and not necessity items," Giduz said. "The University should be glad to help the community through the

principle of an entertainment tax," he said.

University approval is necessary at the outset. Without it, "the plan will not even get off the ground," Broadfoot said.

Fed-Bonus, director of public information and university relations, said that it was "unfortunate" that the council was considering the proposal, and that the tax proposal did "not look too promising."

If the proposal wins Town Council and University support, the council must draw up a request to the General Assembly asking for its approval of the plan. The legislature then must pass a bill allowing the local officials to implement the tax. The deadline for requesting a bill is April 1.

The proposed tax would apply only to events in which the capacity of the audience is more than 2,500, Broadfoot said. Memorial Hall has a capacity of just over 1,600, while the Carolina Union Auditorium and Great Hall each hold fewer than 500 people, according to Howard Henry, director of the Union administrative and program staff. Thus, events in

Carmichael Auditorium and Kenan Stadium will be the only ones taxed.

The 5 percent entertainment tax should collect \$120,000 in revenues, including \$99,000 from Kenan Stadium football games and \$20,800 from Carmichael Auditorium games.

The tax would not be implemented for student tickets since students already pay through the students' activities fee, Broadfoot said. This is in keeping with the aim of the council to tax out of town and not local people, he said.

"This tax kills two birds with one stone, by taxing out-of-town people and raising revenues at the same time," Broadfoot noted.

The tax also would exclude all school and religious fund-raising functions. And it is possible that non-profit organizations will be excluded as well, Broadfoot said.

In addition to aiding the costs of police protection and sanitation at the event, the tax would also relieve pressure on the property tax, which many council members feel is high enough already, Town Council member Beverly Kawalec said.

Elections '83

Candidates continue quest for offices

About 65 students gathered to hear candidates for the offices of student body president, *Daily Tar Heel* editor, Residence Hall Association president and Carolina Athletic Association president outline their campaigns in three election forums Tuesday night.

During the Black Student Movement forum, about 10 people listened to candidates discuss how they would approach issues affecting black students. BSM officers said they would issue a candidate endorsement by the end of the week.

The North Carolina Student Legislature forum, attended by about 35 people, focused on candidates' campaign platforms.

Candidates answered questions about UNC's interests in corporations in South Africa and women's issues during the third forum, which was sponsored by the Public Interest Research Group, Concerned Students and the Association for Women Students. Only the student body president and *DTH* candidates, along with one CAA candidate, spoke at the third forum.

During the BSM forum, student body presidential candidates Jon Reckford and Kevin Monroe expressed concern over ongoing protests about the lack of minority faculty. Both agreed that the individual academic departments — not the UNC administration — appeared to be at fault, and that there was no clear solution.

"It's a Catch-22 — the University is in a funny position," Reckford said. "It's (the University) actually offered more money to bring in new black faculty members, but I'm concerned with how North Carolina's conservative legislature may take this. The disaster is that HEW (by supporting more minority hiring) is hitting UNC on one side and the state on the other."

Monroe advocated putting "more fire under the departments, (which are) the root of the problem."

Both candidates said they did not march for the minority faculty cause because as student body president, they could do more by voting on the University's Board of Trustees.

At the NCSL forum, the candidates both agreed that Student Government should become more involved in state issues.

Reckford said he wanted to establish a strong state lobby, especially for education because of recent cutbacks in the UNC budget by the state legislature.

Monroe agreed that Student Government should become more involved in state issues, especially issues like drinking laws.

"I agree with lobbying, especially through USSA (United States Student Association), but we must keep the student body in mind first," Monroe said.

At the PIRG forum, the candidates supported divestment of University funds from companies supporting the apartheid South African government.

"I support divestment, but would like to find out more about it and would like to educate the members of the UNC Board of Trustees on the issue," Monroe said.

Reckford agreed, but said that unless students passed the divestment issue in the February election, pushing the issue would not be high on his list of priorities.

Kerry DeRochi and John Altschuler, candidates for *Daily Tar Heel* editor, both said they wanted to make the paper more of a student newspaper.

"One of my proposals is to start a weekly series of articles which would highlight various student organizations," DeRochi said. "These stories would let students know what's available and how to get involved."

DeRochi expressed concern that in the past year students read only about the five or 10 organizations located in the Carolina Union. "I want to take the *DTH* out of the Union and into other parts of the campus," she said.

Altschuler took a different approach in his plan to make the *DTH* more student-oriented.

"I want to change the entire direction of the paper," he said. "I want to take the emphasis

away from world issues and shift it to more local concerns.

"From just talking to students around campus I've found that they don't feel part of the paper. They don't write letters to the editor because they feel they have to write about world-shattering issues."

To make students feel less inhibited about writing in to the paper, Altschuler said he would change the back page of the *DTH* from its present form to an "open forum where students can write in about anything they want to."

The candidates also addressed the issues of minority coverage on campus and the presence of blacks on the *DTH* staff.

"I will not actively recruit blacks," Altschuler said. "But neither will I actively recruit whites." He added that assigning someone to cover black issues was a possibility.

DeRochi said she would actively recruit blacks to work on the paper, adding that she would "be committed to covering all aspects of the BSM and black students."

At the BSM forum, RHA presidential candidates Mark Dalton and Henry Miles addressed the question of RHA programming for black students. Frank Winstead, the third RHA candidate, did not attend the forum.

Both Dalton and Miles agreed that programming specifically for blacks was unnecessary. Miles said his programming within RHA would be geared to the student body, and that there would be no exclusion based on race.

Dalton said, "I don't think that you can program exactly toward blacks or exactly toward whites."

At the NCSL forum, Miles and Dalton discussed the new University housing cooking policy outlawing high-heat appliances.

"I'm not for or against it," Dalton said, but he did advocate the use of better kitchen facilities for the residence halls. Hotplates might be made safe if pads were placed under them, he said. Miles said he hoped to get some of the out-



Kerry DeRochi (left) and John Altschuler at Tuesday night forum ... 'DTH' editor hopefuls both want to change paper's format

DTH/Jamie Francis

lawed appliances approved by the housing department.

He also advocated maintaining the RHA-SCAU cookbook, which will be available later this year to help residents adjust to the cooking policy.

Both Dalton and Miles said they favored the use of meal cards in the Pit Stop and local residence area snack shops, such as the Circus Room.

The ARA food service is in the process of taking over the Circus Room and other snack shops, both candidates said. ARA meal cards already are accepted in snack shops in Morrison and Hinton James dormitories, they said.

Candidates for Carolina Athletic Association president, Padraic Baxter, Debbie Flowers and Brad Ives, each emphasized their major campaign platforms.

"The first thing I want to address is the student seating in the Student Activities Center," Baxter said. "Right now we're guaranteed only 800

courtside seats. I want to work with the Athletic Council and let them know how students feel about courtside seating."

Flowers stressed the accomplishments the CAA has made in the past year when she was vice president under Perry Morrison.

"When we started a year ago, we lacked four things," Flowers said. "We lacked a constitution, adequate record keeping, a working staff and funds. We now have these things."

Ives said he wanted to see more student involvement. "And I want to see involvement from all students regardless of race. I don't care whether they're white, black, red or orange."

The candidates took different approaches to the issue of black involvement in the CAA.

Baxter criticized the CAA for being a closed, predominantly white organization and said he would like Homecoming to be a "weeklong event with a joint effort from both groups."

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