

The Daily Tar Heel

94th year of editorial freedom

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Editorials

Libel case liable to be beneficial

For participatory democracy to be effective, the citizens of a country must have means of being informed and of debating pertinent issues in a public forum. The American media offers the best way to present facts and opinions that a society needs to make the right decisions. This need is why freedom of the press is entrenched in the U.S. Constitution. What distinguishes the press in the United States from the rest of the world is the ability to circulate information without fear of reprisals — from the government or private citizens.

The Supreme Court decided Monday in a 5-4 vote to make these obvious statements the law of the land. The Court announced that anyone who sues for libel must prove that the statements he is attacking are false and defamatory. This conclusion resolves a tangle of conflicting state laws that left publishers and station owners unsure of who had the burden of proof in libel cases.

Previously, some states required defendants in libel cases to prove that their statements about private citizens were true, except in the case of public officials (such as government officials) who had to prove the statements false and the result of negligence. For example, if a private citizen believed that a newspaper negligently made false and defamatory statements, it might be left to the newspaper to prove that what it printed was true. Sometimes, the only way to prove the truth of printed statements is by revealing sources and

information the newspaper promised not to disclose. By placing the burden of proof on the plaintiff, it is now up to those who seek damages to prove they were injured by demonstrably false statements.

Some ambiguity lingers after the decision, however. According to the majority opinion, the plaintiff must demonstrate that the statements are false "at least where a newspaper publishes speech of public concern." No longer is the Court making a legal distinction between public and private figures regarding burden-of-proof, but the decision leaves room for a distinction between "speech of public concern" and other types of speech. Of course, when does a newspaper ever really publish anything not of public concern? The very publication of an item in a mass-circulated newspaper seems to place that item in the public domain.

In the dissenting opinion, Justice John Paul Stevens said that the only publishers "who will benefit from today's decision are those who act negligently or maliciously." The truth is, anyone involved in disseminating information is helped by knowing he is presumed innocent before found guilty. True, it may inconvenience those people who feel they have been slandered by a scandal-sheet to prove that statements made about them are false. But it is a far greater inconvenience to society to lose its ability to make well-informed judgments without all the facts.

Get the Wright stuff

There's something rotten in Connecticut, and most Tar Heels won't find it too aromatic.

The latest ruckus between the North and South is over who manned the first airplane flight — the Wright Brothers or the infamous Gustave Whitehead. Even though this "pilot" sounds like a pimple, a Connecticut historian is trying to grant him the honor of the initial first flight.

William J. O'Dwyer says he has proof that Whitehead soared bird-like craft two years before Orville and Wilbur Wright's famed skim across the sands of Kitty Hawk. O'Dwyer rests his argument on an account in the Bridgeport (Conn.) Herald, which claims to quote two observers of this preposterous event.

The Smithsonian says this is all so much propellor wash because the witnesses mentioned in the article don't pan out. One witness tracked down 50 years ago swore he didn't see Whitehead take off; the other was never found. The Wright flight had verifiable witnesses — so there.

But O'Dwyer argues that the Smithsonian is purposefully overlooking pertinent historical data in order to keep the Wrights' plane. Wilbur Wright's will bequeathes the plane to the Smithsonian until another is proven to have been the

first to fly. What O'Dwyer means is that the Smithsonian, one of the nation's most revered institutions, is lying. By accusing the Smithsonian of such shady doings, O'Dwyer is overlooking himself. Because Whitehead was from his state, O'Dwyer's real concern may not be history, but embellishing Connecticut's glory. But wait, there's less.

After his "flight," Whitehead left the airplane business and went back to building hang gliders. Now, why would someone who had just successfully tested the world's first airplane suddenly quit the business? That would be like finding a cure for cancer, only to go into vacuum cleaner sales. Could it be that Whitehead's design didn't work?

O'Dwyer's claims wouldn't seem so absurd to those with the (W)right historical perspective if it weren't for his gall. He even has the nerve to suggest that North Carolinians send their "First in Flight" license plates to Connecticut. "I'm sure we could make some 'Second in Flight' plates to send back to you," he said.

That kind of smart-aleck attitude from a damn Yankee isn't appreciated here in the South, especially when it comes to claiming the bragging rights to who flew first. As any good Southerner knows, O'Dwyer and his claims are for the birds.

Heavy metal linked to partying

WARNING: THIS BOTTOM LINE CONTAINS MATERIAL THAT SOME MAY CONSIDER OFFENSIVE!

Life was going fine for me — I had great friends, good grades, neighbors liked me and I was the star of the junior league soccer team. Yeah, life was fine. Then I turned 15. And something horrible happened to me, something that could happen to you or your children, too, if you don't watch out. Something that threatens the moral fiber of our youth, just as it threatened to destroy me.

When I was 15, I discovered heavy metal music. I didn't know then how bad it was for me. I didn't have the benefit of somebody like University of Tennessee psychiatry professor Paul King, quoted in Monday's Charlotte Observer. Dr. King's been on the lookout for heavy metal all his life. He's an authority. According to Dr. King, listening to Black Sabbath for a couple hours can turn you from Wally Cleaver to Charlie Manson. He says, you spin some tunes by Dokken, next thing you know you're beating up old ladies, self-indulging with skin mags and ... smoking pot. As Dr. King says, listening to Dio can lead to "feelings of resentment and (shudder) the urge to party."

And I can tell you here, he's right. After I played "Back in Black," I did most of the drugs on the street — everything from weed to smack to poppers. No big deal, all my

The Bottom Line

heavy-metal friends were doing them. And, yeah, after hearing "Out of the Cellar," me and Mary Sue lost the big V when my parents were at the Jaycees party. Then, when I heard The Scorpions' live record, I lost all self-respect and stuffed a couple of cats into the exhaust pipe in Mr. Fenster's convertible — man, I loved it when he went tearing down the street.

And it got worse — stuff I'm not even allowed to print. Luckily, Dr. King saved me in time before I became another necessary statistic. He took me off the drugs gradually, but he forced me to withdraw from heavy metal immediately. It was hard at first; there were times I didn't think I'd make it. Dr. King placed me on a cold turkey diet of Wham!, Neil Diamond and the long-play mellow version of "Muskrat Love."

I'm a better person now. I mix up some herbal tea, flip on the TV to "Love Boat" and try to withdraw to my inner core of serenity. Heavy-metal music is a monkey on your back that's worse than drugs, sex or wanton acts of petty destruction. I'll never be rid of this curse completely, but I'd like to save you from ruining your lives.

And that's the bottom line.

S.T.

Tar Heel Forum

'Glaring inaccuracies' mar Lillie issue

To the editor:

We are writing to correct what we see as several glaring inaccuracies in the DTH article, "Lillie could serve next year," and the DTH editorial, "Lillie and students deserve better," both of which appeared April 18. We will concentrate on errors in fact and not on the DTH's editorial opinion.

The editorial states that the Student Congress "in voting against Lillie ... violated general election laws and the Student Constitution." This is not so. By citing specific references in the Student Code, we will show that the Student Congress did act properly.

Title VI (Election Law), Article II, Section 3.A of the Student Government Code states that the Elections Board chairman shall serve "for one year or until his successor is appointed and confirmed, or until (1) he resigns, (2) he becomes ineligible to serve on the Elections Board, or (3) he is removed by the Student Congress in accordance with Article I, section 4.D of the Constitution."

Section 4.D of the Constitution gives the Student Congress the power to "impeach and bring to

trial by majority vote, and remove from office by two-thirds vote any official except the editor of The Daily Tar Heel."

The editorial says that an "impeachment process was in effect carried out in the Wednesday morning meeting." Anyone familiar with the impeachment process (outlined in the Student Congress bylaws) can see that nothing remotely resembling an impeachment process was at our April 16 meeting.

Our decision did not remove Lillie from office, as the above citations clearly demonstrate. Our only action was to deny him another term of office, an action clearly within our Student Government Code, VI.II.2.A: "An Elections Board chairman shall be appointed by the newly-elected Student Body President and confirmed by the Student Congress prior to the end of the spring semester."

The editorial pointed out that much of the debate concerned the Brady case. While some of the questions asked concerned the case, most of the debate, in fact, concerned Elections Board

behavior in graduate-district elections. Indeed, these were the principal objections of Edquist and Torgan. While unwarranted personal attacks on Lillie are uncalled for, unwarranted attacks on the integrity and competence of the Student Congress, compounded by inaccurate reporting, are uncalled for as well.

While the DTH may disagree with the decision of the Congress, its assertion that certain members of the Congress have no right to question Lillie or vote against him is absurd. It is clearly our right and responsibility to question presidential appointments and serve in our Constitutionally obligated capacity as a check on the Executive Branch.

Any decision on whether Lillie shall continue to hold office is in the hands of Lillie, Student Attorney General Walker Poole, and perhaps, the Student Supreme Court. The Student Congress is currently taking no action to remove him from office.

Our only assertion is that President Hassel has a Constitutional obligation to make an appointment acceptable to the Student

Congress, and failure to do so in due time is a dereliction of his duty.

As two members of the Congress who voted on opposite sides of the issue, we hope you will consider these as valid criticisms. While we respect the right of the DTH to express its editorial opinion, we feel that glaring errors of fact should not be present in articles or editorials. In the future, we hope the DTH will conduct its business in a more responsible manner.

NEIL RIEMANN
Freshman
Mathematics

JODY BEASLEY
Freshman
Business Administration

Editor's note: The April 18 editorial titled "Lillie and students deserve better" stated that the Student Congress violated general election laws and the Student Constitution. That is not the case.

The Daily Tar Heel stands behind the remainder of that editorial.

Popular histrionics

To the editor:

The recent discussion concerning the "histrionics" of the students attempting to divest UNC's South African holdings overlooks an important point. First of all, it's important to remember that this issue has remained in a state of static moderation for some years, as many have apparently wished. Perhaps the demonstrators have realized the pointlessness of appealing to students, much less appealing to students logically. The demonstrators' recent tactics are, in essence, the same as those of Coca-Cola, Col. Khadafy, Clint Eastwood or Caspar Weinberger.

Effective use of the airwaves is the primary concern of those with political or economic intentions. The demonstrators have gone over the heads of the students to the community, by exploiting the media.

That political debate is conducted at present in the realm of images, not ideas, is unfortunate, but inescapable. That the most recent development in the arms race finds expression in terms of cinematic fantasy is not only an illustration of, but a metaphor for, the manner in which the ideals and icons of Hollywood have subverted political thought. All political debate at present amounts to a type of "Star Wars." However, those concerned with political issues seem forced to operate within the structure of the star system does not wholly absolve them, although it constitutes a definite indictment of the system.

After all has been said, "The fault, dear Brutus, is not in our stars, but in ourselves, that we are underlings." More pertinently, in ourselves, that they are underlings.

STEPHEN CIESIELSKI
Graduate
Parasitology

Casting stones

To the editor:

I agree that the most recent campus elections hardly lived up to the dream. But the Student Congress representatives' criticism and rejection of Bruce Lillie as Elections Board chairman would be a lot easier to accept if they themselves were perfect — or even close.

Running a flawless elections process is a rare and admirable achievement. Had all of the candidates accepted the challenge as sincerely and dedicatedly as Bruce, it's likely that he would have been more successful. Instead, several unusually tough issues arose, which Bruce handled with caution, concern and fairness. Blaming Bruce for a T-shirt controversy that, as Dave Edquist (Dist. 1) said, "dragged the whole elections process in the mud," ("Lillie refused Board reappointment," April 17) is like blaming former CGC Speaker Wyatt Closs for Bill Peaselee.

As for the graduate voting, it seems that the GPSF has had more trouble getting its constituency to the polls than the Elections Board has had in keeping them open. And finding graduate students willing to help the board directly — by being a member of it — can be one of the chairman's chief hassles.

Granted, Bruce and his board made some errors. He knows it, and he won't make them twice. If Bruce comes before it again as a nominee, I hope I can say the same for this stone-casting Student Congress.

DAVE SCHMIDT
Senior
Journalism/English



Page gratifying

To the editor:

How gratifying it was to read the back page of the April 11 Daily Tar Heel! Eddie Swain's column ("Conservatives stifle liberal activism") was right on target when he noted that campus conservatives these past few weeks have not been protesting honestly, but have harbored much more cynical and malevolent intents.

The conservatives' "Berlin wall" (as they themselves even admitted) was little more than a juvenile attempt to play tit for tat in the hope that the stifling of the anti-apartheid protest would result. They may have fooled the UNC administration, but thankfully, they didn't fool Swain, who has done us all a service through his column.

On that same DTH page, reference was made to the partially successful lobbying efforts of some Zionists to prevent the airing of an excellent PBS documentary on Israel and the Palestinians ("Terrorists beware"). Apparently, the documentary was too "balanced," something that Israel's increasingly extremist supporters in this country won't tolerate. They successfully pressured six TV stations into refusing to air the show. Like the Berlin wall protest, the intent was not to offer an opposing viewpoint, but to stifle other views (even, as in the PBS case, when the other view is neutral!).

Regardless of how one feels about the desirable resolution of UNC's investments in South Africa or the United States' investments in the Middle East, it ought to be readily apparent to everyone that attempts to smother the airing of these issues is a serious concern. It is tempting to dismiss the conservative and Zionist reactionaries as immature and misguided, but their success rate should give us pause. Swain's fear of such tactics may be legitimate and justified.

GARY HERION
Lecturer
Department of Religion

Perverse porn

To the editor:

Your review of "9 1/2 Weeks" had such a nice headline ("9 1/2 Weeks" a little perverse, but good lesson about values," April 17) that I actually read what Mark Mattox describes as a film that has more than good porn.

Tell me, please, Mark, what is good porn?

Letters to the Editor

Were I interested in finding out those who could be perverse enough to pay to see such a movie, I would go stand outside the theatre myself.

Everytime I think about going to a late-night movie in Chapel Hill, I remember the bitter circumstances surrounding Sharon Stewart's death last August. I remember that in spring of 1984 sexual assaults ran rampant in this town.

I remember the horror stories in the Aboretum about decades of tragic violence against women. I remember the story of the girl who was picked up on Franklin Street earlier this year during the noon hour.

I suppose I should be grateful to The Daily Tar Heel for publishing such a film review. I would have never known that here at UNC watching deviant sexual behavior can cost less than half the price of a parking ticket.

SUSAN GADDY
Senior
Interdisciplinary Studies

Graffiti harmful

To the editor:

The anti-apartheid graffiti that has been showing up on campus buildings lately angers me. Not only is the graffiti ugly, but it makes me wonder whether the students supporting divesture are really serious about seeing their requests granted.

On this campus, free speech is encouraged. Daily, people with "something to say" can be found in the Pit or its vicinity, voicing their concerns. It seems that someone opposing apartheid (who supports divesture), however, has disregarded this open invitation in lieu of causing damage to our beautiful, historic campus buildings. This is both uncalled for and demeaning to the UNC Anti-Apartheid Support Group's continued plea for divesture.

The group is fighting for the removal of UNC investments from companies that are doing business in South Africa. These investments provide thousands of dollars annually to the University that are used for salaries, academic and cultural programs, and obviously, building maintenance. In their protest, the group should be doing everything it can to encourage University officials to remove these investments. However, someone on AASG's side has, in

principal, defeated their cause by creating a demand for University maintenance funds. Tuesday, it took four workers with solvent and rags several hours to remove the childish graffiti from the north side of the Student Union. Four times, even at as little as minimum wage, for a couple of hours adds up to a considerable amount of investment dividends.

This is just the practical aspect. From a purely aesthetic standpoint, the graffiti cheapens the look of campus buildings and makes the affected areas look trashy. I have a great appreciation for the number of dollars and hours spent to make and keep our campus beautiful, and I would like to see it stay that way. Every hour that the maintenance personnel has to spend scraping, sand blasting or scrubbing unnecessary garbage from the walls of this otherwise great-looking campus is an hour which could have been used performing the everyday maintenance services that keeps the grounds looking like a show-place. Their time should not be wasted removing someone's immature idea of free speech from a wall.

If the Anti-Apartheid Support Group really wants its request to be considered seriously by the mature, thinking adults of our investment board, I suggest that they limit their protest to mature, reasonable methods, which may mean stopping this vandal if he doesn't belong to their group. If he does, then maybe some of their mature members should have a talk with him/her about growing up. If they really think that divesture is a reasonable solution for apartheid, then they need to make their point in reasonable ways.

WILLIAM LOGAN JR.
Junior
Biology/Pre-Med

Send 'em in

Notice: Because we have been so overwhelmed by the number of entries for the "What in the hell is Patrick Duffy going to do on Dallas?" contest, the deadline for the contest has been extended to noon today. So yank those letters out of those typewriters and get 'em on in to the office so we can pick one to publish Wednesday.