

N.C. Supreme Court decides Martin lawsuits

By MICHAEL JORDAN
Staff Writer

The state Supreme Court ruled against Gov. Jim Martin on one of two highly publicized lawsuits against the state last Thursday and granted him a partial victory in the other.

In the first lawsuit, Martin contested a 1985 law which gave the chief justice of the Supreme Court, rather than the governor, the authority to appoint the director of the State Office of Administrative Hearings.

Martin said the law violated the separation of powers clause of the state constitution, said John Simmons, administrative deputy to the attorney general.

Simmons said court records show the justices disagreed with Martin by a 5-1 vote. Chief Justice Jim Exum abstained from the vote.

Dissenting from the majority opinion, Associate Justice Harry Martin wrote that the judicial branch had stepped into the sphere of political influence.

"By placing the yoke of this appointive power upon the chief justice, the judicial branch has been cast adrift upon uncharted waters amid the rocky shoals of political influence," he wrote. "The genius of the doctrine of separation of powers is to prevent such result."

The second decision involved three rulings.

Simmons said the court determined that the Council of State overstepped its authority in 1985 when it ordered the Department of the Administration to keep the Lumberton branch of the Employment Security Commission in the same location rather than accepting bids for a new location.

The Council of State is composed of 10 North Carolina officials who are elected on a statewide basis. It is responsible for determining which bids to accept for location of government offices.

In the second ruling the court said the state attorney general, not the

governor, represents the state in legal matters, Simmons said.

This decision means the attorney general not only represents the state in legal issues, but also determines the state's legal position. He said Martin does not agree.

The court agreed in the third ruling that the governor can employ outside counsel to represent his case in court when he and the attorney general disagree.

Martin would not comment on the decisions until he had fully reviewed them and consulted his legal advisers, said Tim Pittman, the governor's press secretary.

The results were basically what the attorney general had expected, Simmons said. But the partial victory the court awarded Martin was not as large as it seemed, he said.

Despite the court having refused to make a decision on whether the governor could veto the Council of State, a power Martin had claimed, Simmons said the wording of the

decision showed the court disagreed with the governor.

"It was very implicit in saying the governor had only one vote in the Council of State," he said. "The language of the opinion implied that the governor is a member of the Council of State and as such has only one vote."

John Hunter, assistant legal counsel to the governor, said he disagreed with Simmons' assessment of the decision's wording but declined to comment on the decision.

Hunter said Martin filed the two suits in early 1986.

Simmons said the decision that the Council of State had overstepped its authority was based on statutory law rather than constitutional law. Because it is statutory law, the legislature could merely change it to circumvent the governor.

Pittman said he expects the governor to respond to Simmons' statements by next week.

Persian Gulf cease-fire ends as Iraqi planes attack ships

From Associated Press reports

MANAMA, Bahrain — Iraq said its warplanes attacked two ships Tuesday night near Iran's Kharg Island oil terminal, ending a brief lull in the Persian Gulf tanker war before a U.N. peace mission to the region.

The official Iraqi News Agency said two "large maritime targets," which usually mean tankers, were hit at 9 p.m. east of Kharg. It did not identify the vessels and there was no independent confirmation of attacks near the terminal in the northern gulf.

Iraq's announcement raised to 25 the number of ships reported hit since Aug. 29 by either Iran or Iraq, which have been at war since September 1980.

Before the latest round, there was a six-week period after passage of a U.N. cease-fire resolution during which few raids on commercial shipping occurred and Iran increased its oil exports by about 20 percent.

In its report of the raids Tuesday, the Iraqi agency quoted a military spokesman in Baghdad as saying: "Iraq will continue its attacks against Iran until the Iranian regime accepts to live with the people of the region in peace and puts an end to the war according to U.N. Security Council Resolution 598." The resolution was passed July 20.

Mudslide disaster in Venezuela

MARACAY, Venezuela — Civilian volunteers joined troops and civil units Tuesday in the search for survivors of a 10-foot-deep tide of mud that swept hundreds of cars off a mountain road.

No official casualty figures have been released. Unofficial reports said there were 150 known dead in the mudslide and floods, 250 missing, 1,000 people injured and 20,000 homeless.

The mudslide roared down the mountain Sunday after torrential rains wiped out three miles of the road.

Army helicopters carried food and medical supplies to the stricken area.

An army officer involved in the rescue effort predicted there were many more dead to be found.

News in Brief

Aides didn't tell Bush

WASHINGTON — Aides to Vice President George Bush received a stream of clues indicating Lt. Col. Oliver North was "chairman of the board" of a secret effort to resupply contra rebels in Nicaragua, but they never told Bush, according to depositions and documents made public Tuesday.

The vice president was not told of allegations that a group of corrupt profiteers with unsavory connections was overcharging the contras for weapons and supplies because the information was not certain, said Army Col. Samuel Watson.

An April 30, 1986 memo written by Bush's aides tied him to former CIA agent Felix Rodriguez, identifying him as a counterinsurgency expert visiting from El Salvador who would brief Bush "on the status of the war in El Salvador and resupply of the contras."

Bush, the front-runner for the 1988 Republican presidential nomination, has said he was not aware of private efforts to arm the Nicaraguan rebels at a time Congress had banned U.S. assistance.

Watson and Bush's national security adviser told investigating committees last May and June that it was a mystery to them how the words got into the document, which was made public Tuesday.

Superpowers discuss emigration

WASHINGTON — The United States and the Soviet Union are discussing an overhaul of Soviet emigration rules to make them "less arbitrary," Secretary of State George Shultz said Tuesday.

The superpowers are looking for procedures to make emigration more humane and understandable, Shultz said.

He and other State Department officials welcomed reports from Moscow that mathematician Iosif Begun and a handful of other Jewish dissidents would be granted exit visas.

Referring to a possible U.S.-Soviet summit, Shultz said, "people all ascribe it to the imminence of a meeting of some kind."

Court partiers to participate in recycling program

By LEIGH ANN MCDONALD
Staff Writer

Recycling used aluminum cans, glass bottles and newspapers prevents these materials from being buried in the Chapel Hill landfill and saves energy needed to make new materials.

"If something can be used again, why bury it?" said Blair Pollock, Chapel Hill recycling coordinator.

Participation in the Chapel Hill recycling program appears to be increasing since the town began the

program last May, Pollock said.

"The town collected 26 tons of newspaper, 7.5 tons of glass and 700 pounds of aluminum during the month of August," he said.

The town is planning a fall campus collection program with football Saturday collections made at fraternity parties, Pollock said. Collection bins will be placed at the parties with people standing by to ensure that the glass and aluminum trash is separated, he said.

Bottles and jars donated to the town must be empty and separated by color, and the only paper source accepted is untied newspaper, Pollock said.

"We can only accept aluminum beverage cans — no pie plates or other aluminum products," Pollock said. "Aluminum cans are recycled by aluminum can makers."

Boy Scout Troop 39 accepts all kinds of paper, such as magazines,

computer paper and cardboard, said troopmaster Jim Mackorell.

The Scouts have been collecting recyclable material as a community service project since 1973 because the landfill is filling up, Mackorell said.

Recycling aluminum also saves 98 percent of the energy used to make new aluminum, recycling glass saves 88 percent and recycling paper saves 68 percent, he said.

The troop operates a shed next to the animal shelter on Municipal Drive where people can deposit their recyclable garbage day and night.

"We also pay 30 cents a pound for aluminum products on Saturdays from 9 a.m. until 12 noon," Mackorell said.

The recycling programs have not made a profit for the town or the Boy Scouts, according to Pollock and Mackorell.

"A good way to put it is we are doing our civic duty," Pollock said.

The town has seven dump sites for recyclable waste: the Orange County Public Works Yard on Highway 86, Cedar Falls Park on Weaver Dairy Road, Umstead Park on Umstead Drive, Shogun Restaurant on Hamilton Drive, the Chapel Hill Recreation Office on Plant Road and Plantation Plaza Shopping Center at the intersection of Highway 54 West and the Highway 54 Bypass.

TV program helps adults pass exam

By MEG CRADDOCK
Staff Writer

As far as most educators are concerned, television and education mix about as well as oil and water — but public broadcasters in Kentucky want to change that opinion.

The recently revised "GED on TV" is a program aimed at helping adults pass the General Educational Development test, the national high school equivalency exam.

The program, started by Kentucky Educational Television, consists of 43 programs covering reading, writing, arithmetic, said Sid Webb, president of KET. The programs resemble documentaries rather than typical school lessons, he said.

The N.C. Center for Public Tel-

evision has been using the "GED on TV" program for the past year and plans to continue using it in the future, said Paul Vandergrift, director of educative services.

The rights to the program for the next five years cost less than \$30,000 and are shared by the Center and the N.C. Community College system.

In North Carolina, educators use the programs in conjunction with adult education programs in community colleges, Vandergrift said. Information about the programs is broadcast on public television stations, and the actual programs are used in community college courses, he said.

"The programs are used as supple-

ments to the existing classroom structure," Vandergrift said.

Since its implementation in 1972, the GED program has raised high school graduation rates dramatically. The number of Kentucky residents passing the GED since 1972 has risen by 30 percent, Webb said.

One of the best aspects of the program is that people can tune in only to the shows emphasizing the skills they need, Webb said.

"The programs help people where they are weak and tell them whether they are ready for the test," he said.

"GED on TV" has been offered free of charge to public television stations in other states for the past year, Webb said. The offer will end in September.

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