

Candidate says audit indicates rival unfit for state office

By ERIC GRIBBIN
Staff Writer

Rufus Edmisten is unfit to be secretary of state, judging from an audit of his 10 years as N.C. Attorney General, said secretary of state candidate Dan Bell on Tuesday.

An August 1985 audit said the Justice Department under Edmisten had no system for evaluating manpower utilization or for handling public complaints, said Greg Griggs, Bell's campaign manager.

The audit also pointed out the

department's lack of a policy and procedure manual for employees, the absence of long-range planning for the State Bureau of Investigation, and low morale among employees, he said.

"Dan wants the voters to compare the management records of the candidates. He has signed a pledge to continue to manage the secretary's office in a fair, even-handed manner," Griggs said, adding that Edmisten has declined to sign the pledge.

"This audit was a fair document

issued by the State Auditor's office intended to evaluate Mr. Edmisten's performance. As the citizens continue to examine the candidates, they will see that he is by far the most qualified and experienced person in the race," Griggs said.

"Mr. Bell is grasping for straws," said Glenn Wells, Edmisten's campaign manager. "The primary is two weeks away, and Bell doesn't know how to run his campaign. No one has ever seen him before, and he comes out and wants to attack a fine,

experienced candidate. It's unfortunate that he did it."

Wells said Edmisten thought the audit was uncalled for, but he chose not to publicly respond to it upon its initial release.

"We're not going to respond to it this time, either, when it comes from such a Johnny-come-lately Democrat. The people realize what Rufus has done for the state, and they feel that Bell is crying wolf. This certainly hasn't done anything to derail our

candidate," Wells said.

Ray Mozingo, the performance audit supervisor in charge of the Justice Department audit, said it was performed at the request of current Attorney General Lacy Thornburg when he took office in 1985.

"We try to do an audit of each department at least once every three years," Mozingo said. "Mr. Thornburg requested the audit to give him an understanding of how the department was working. From what I've seen, Mr. Bell was zeroing right in

on what we found. His identification of the topics of our findings seems to be accurate."

Mozingo said the 1985 audit was available to the public upon release.

Brad Miller, another Democratic candidate for secretary of state, said Bell's attack will change the tone of the campaign for the worse.

"I think that the tone of the campaign will hurt the party. I am trying to run my campaign on my own merits and avoid such attacks," Miller said.

Insurance officials change rates policy

By JIMMY BURNS
Staff Writer

N.C. drivers convicted of minor traffic violations like speeding can look forward to lower premium increases after July 1, when state insurance reforms go into effect. But insurance rates overall will increase slightly, insurance officials say.

"The Legislature felt the people of North Carolina would want a slightly higher payment now rather than have a great increase in their bills for a minor violation," said Roger Langley, deputy commissioner of the Fire and Casualty Division of the N.C. Insurance Commissioner's office.

Before July, drivers paying \$200 a year could have a \$50 to \$75 increase in their annual premium after a minor violation. The new law would raise that same premium \$5.60 per year, but it would ensure lower increases after later violations, Langley said.

The law also affects the N.C. Reinsurance Facility, an umbrella organization used by state insurance companies to insure drivers who already have points on their policies or who are considered

poor insurance risks. These drivers make up only 15 percent of N.C. drivers.

The facility is now financed by the premium increases of those drivers, but the bill distributes the cost of the facility to all drivers in North Carolina, lowering the premiums of minor offenders.

But insurance agents say the policy is controversial for their customers, but some of their policy holders are unaware of the change.

"Most of our customers are just curious about the change. There is still a lot of controversy over it, but we have a very positive feeling towards this policy," said Lena Cherry, public affairs manager at Collier, Cobb and Associates of Chapel Hill.

"We have not notified our customers, because there has been no official communication from Raleigh to the agents in the field," said Cecil Griffin, an agent with Farm Bureau Insurance of Hillsborough.

"A lot of companies are taking a wait-and-see attitude," said agent John Gastineau of the Chapel Hill Insurance Agency.

Court decision being hidden, officials say

By CHRIS SONTCHI
Staff Writer

A ground-breaking N.C. Court of Appeals decision could slip into obscurity because the court is keeping the decision unpublished, said officials involved with the case Wednesday.

Tuesday's decision ruled that a defendant could be temporarily barred from the courtroom during pre-trial hearings in special circumstances.

The decision came in the case of an Alamance County man convicted of taking "indecent liberties" with his 4-year-old step-granddaughter, said Debra Gilchrist, the N.C. assistant attorney general who handled the appeal for the state.

The girl was allowed to go through

the pre-trial hearings while the defendant watched on closed-circuit television in the judge's chamber, she said.

Octavio White, the Alamance County assistant district attorney who prosecuted the case and came up with the idea of using closed-circuit television, was unhappy with the appellate court's decision not to publish the ruling.

"I'm not pleased at all," he said. "If the decision remains unpublished, it weakens the precedent a great deal. I don't understand (the court's decision) at all — usually when making new law, you publish the decision."

The courts should publish not only this decision, but all decisions, said Daniel Pollitt, Kenan professor of

law.

"I'm against it (not publishing)," he said. "It's very unfair and a very bad practice. Some lawyers will have access to the decision, others won't."

The N.C. Attorney General's office will file a motion within the next few days to try to persuade the court to publish the decision, White said.

If it is published, it will be a strong precedent, he said.

"It will be a reaffirmation that a young child would not be able to testify in court, but the out-of-court evidence would be available," he said.

Removing the defendant from the court while a young child is testifying is becoming more common, Pollitt said.

"This is not unusual. The problem is what to do with child molesters,"

he said.

Defendants' and victims' rights can be preserved through such procedures, Pollitt said.

"It's usually okay to put the defendant in another room, but the defendant and jury must see the testimony," he said.

White said he applauded the N.C. judiciary's efforts to differentiate between young children and adult witnesses, although he wished they would publish the decision.

The decision was part of a legal evolution in dealing with child abuse, Pollitt said.

"Five years ago we didn't have these cases," he said.

Officials from the N.C. Court of Appeals refused comment, saying "the decision stands for itself."

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Parties

play on Kappa Alpha private property.

"They are asking us to get rid of a tradition that's 30 years old, at least," he said.

Davis said he does not want the parties moved to another location. "This is our deal," he said.

He said Kappa Alpha alumni contribute to the house because they enjoy coming back for the court parties.

Davis said the only problems with the parties have been the noise, the run-of of people into the street and the trash, but that Kappa Alpha has worked actively to alleviate these problems.

Most vandalism takes place late at night after the parties are over, Davis said.

Earl Johnson, Zeta Psi alumni representative, said the parties have gotten out of hand.

"There are only four or five games a year and we want to be able to enjoy our fraternity house without 3,000 people there that we don't know," he said.

The fraternity will hire extra security if necessary, Johnson said.

"We're going to do whatever we have to do to get our house back in order," Johnson said.

Scott Hinkle, Kappa Sigma fraternity president, said Kappa Sigma

members and alumni support Zeta Psi's position.

The Kappa Alpha house does not receive as much vandalism as the other houses because the band blocks the front doors to the house, Hinkle said.

"Vandalism starts as soon as people start filing into the court," he said.

Frederic Schroeder, dean of students, said Wednesday that he supports the decision to end the parties.

"Given the large crowd of non-affiliated persons and the property damage, litter and poor public relations which these events have brought in the past, this seems to be a very wise decision," Schroeder said.

Schroeder also said he supports the move because the liability risk is so high for the fraternities during the parties.

Capt. Greg Jarvis of Chapel Hill police said the problem must be worked out by the three fraternities. "It is a private matter because it is private property," he said.

Several students said Wednesday that they understand the problem but would like to see the parties continue.

Rich von Biberstein, a junior from Burgaw, said: "I sympathize with the Zetas, but I think it would be a shame not to have the court parties, because they are a tradition."

Monty Ross, a sophomore from Chapel Hill, agreed. "I think it would be a loss not to have the parties because they are a tradition," he said. "Everyone knows about the parties that go on after home football games."

Dene Dawson, Phi Gamma Delta fraternity president, said he supports Zeta Psi's position. "Our house gets the spillover from the court parties and it puts wear and tear on our house, which we have just renovated, and our alumni cannot find us because of the crowd," he said.

Mike Stainback, Zeta Psi fraternity member, said the fraternity needs to avoid a possible liability law suit. "It's time for the court parties to come to a close," he said.

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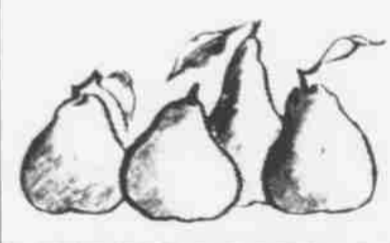
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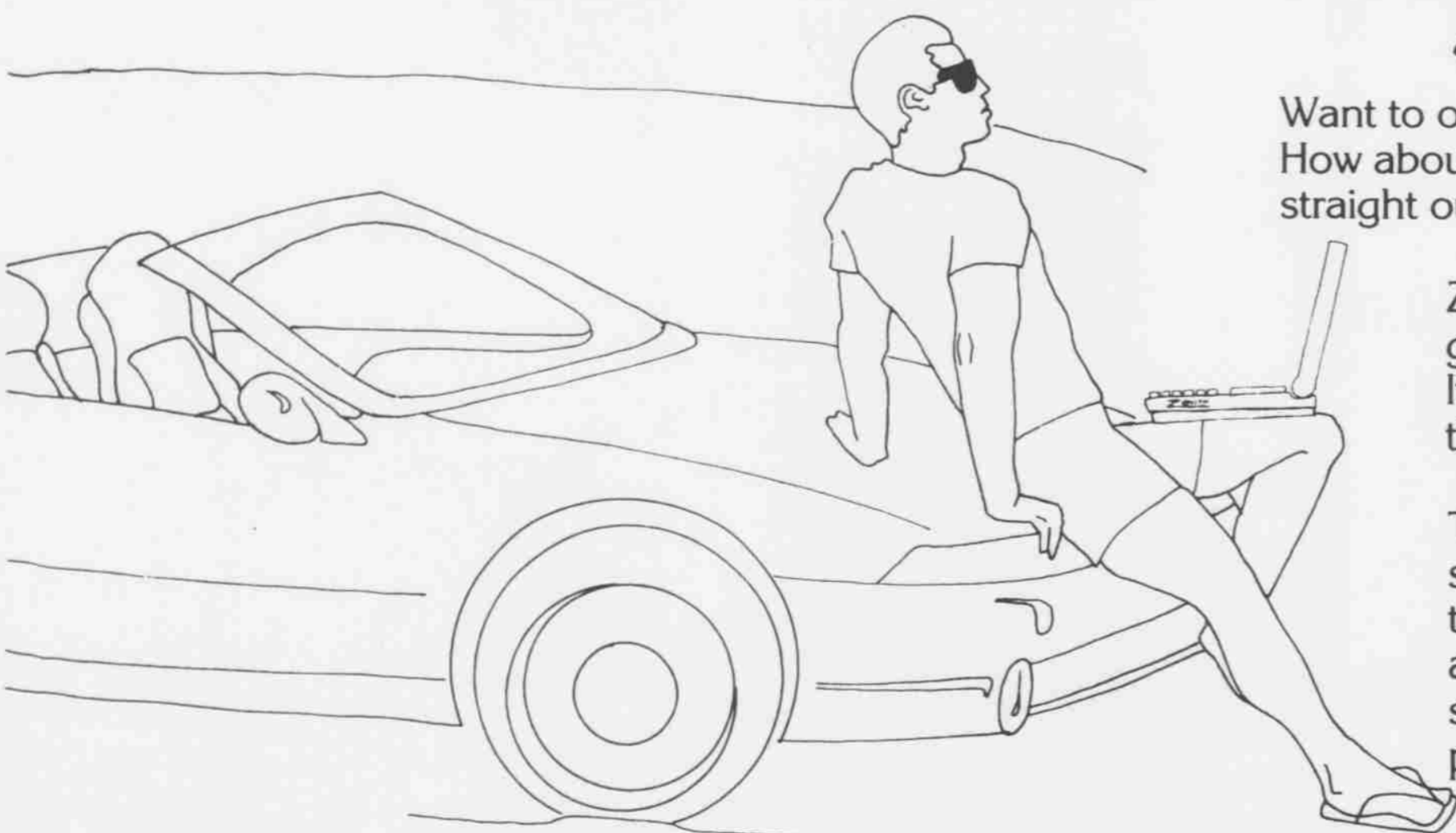
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