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DTH/KATIE CANNON

Orange-Chatham District Attorney Carl Fox talks with other court personnel on Estes Drive Tuesday while the jury examines the site where Kristin Lodge-Miller's body was found. Lodge-Miller was killed on a morning run July 15.

Simpson Convicted of Lesser Charge

BY JAMIE KRITZER
CITY EDITOR

HILLSBOROUGH — After more than three days of deliberation, at least five motions by the defense for a mistrial and an unusual trip for jurors to the scene of the July 15 shooting of Kristin Lodge-Miller, jurors found Anthony Georg Simpson guilty of second-degree murder and not guilty of attempted rape.
Orange County Superior Court Judge Gordon Battle will decide this morning whether Simpson will get the maximum penalty of life in prison. The verdict was delivered at 2:30 p.m. Wednesday.
If Simpson had been found guilty of first-degree murder and of attempted rape, he could have faced the death penalty.
Orange-Chatham District Attorney Carl Fox and public defender James Williams wouldn't comment in phone interviews after the verdict.
At the courthouse, Williams said he was pleased with the verdict and that he didn't expect much public outcry.
Simpson could face 50 years or life in prison, which is the maximum penalty for second-degree murder. Even with the maximum sentence, Simpson would be eligible for parole in 10 years.
But Battle could hand down a presumptive sentence, which means Simpson would face 15 years in prison. Under the pre-

sumptive sentence, the judge finds no mitigating or aggravating factors to hand down a maximum penalty. Simpson then would be eligible for parole in three years.
Debate throughout the trial centered on the question of whether Simpson committed the murder with premeditation.
First-degree murder means that killing must have been premeditated and deliberated, which means it was carried out "in a cool state of mind." Second-degree murder is characterized by lack of premeditation or deliberation, which means the defendant acted on the spur of the moment.
During the trial, Williams, Simpson's attorney, made several motions for a mistrial, most of which came when the jury was in deliberations. Williams charged early Wednesday that the jury was deliberating endlessly without coming to a decision.
Jurors grappled with Simpson's fate for three days, since lawyers' closing arguments were heard Monday morning. The jury was made up of four black women, two white men and six white women.
The directors of two Chapel Hill women's groups said they were disappointed with the verdict but were waiting to see if justice would be served through Simpson's sentencing.
"Naturally, I'm disappointed," said Margaret Henderson, director of the Orange County Rape Crisis Center. "Of

Jogger's Death Propelled Local Gun Control Debate

BY LYNN HOUSER
CITY EDITOR

As a speech therapist, Kristin Lodge-Miller intended to spend her life helping others.
She never knew it would be her death that would help countless others by awakening a community to the reality of crime.
Public outcry and sentiment over her murder remains high following the trial of 18-year-old Anthony Georg Simpson, who admitted firing five shots at Lodge-Miller as she jogged along Estes Drive last July.
In the past 10 months, residents' outrage has prompted two gun buybacks and the passing of a local gun control ordinance.

But it is difficult to determine the effectiveness of these measures, Chapel Hill police spokeswoman Jane Cousins said.
"In the last several months, they've been taking fewer guns in, from people carrying guns or those used in committing crimes," she said, noting a crime decrease in Chapel Hill during the last six months.
"But we can't directly tie that to the date the ordinance went into effect." Cousins added she only knew of one arrest made under the new gun control ordinance.
One of the founders of North Carolina for Gun Control, Beverly Kawalec, Please See CRIME, Page 4

course, we don't know what the sentence will be. That could make a big difference in the final perception of whether justice is served.
Orange County Women's Center Director Catherine Dickman agreed, adding that she realized the jury was faced with a

difficult decision. "We don't want to second-guess the jury," she said. "It's possible to come up with the same sentence time with second-degree as with first-degree. We need him not back on the street."
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Search for BCC Director Will Wait for Fund Raising

BY THANASSIS CAMBANIS
SENIOR WRITER

The search for a new director of the Sonya H. Stone Black Cultural Center has been delayed until fund raising for the facility has made "significant progress," University officials said this week.
"On the advice of the black cultural center advisory board, I have delayed beginning the search while we proceed with fund raising," said Provost Richard McCormick.
Plans for a freestanding building call for \$7 million. The UNC development office has been coordinating the fund raising as part of the \$400 million Bicentennial Campaign.
"If we're going to attract the top candidate, we don't want to tell them their first job is to raise \$7 million," McCormick said.
Journalism Professor Harry Amana was chairman of the BCC Advisory Board when it recommended the search delay. Amana, whose term ended in May, was succeeded by Harold Woodard, an assistant dean of the General College.
"We thought if we conduct a national search and tell the person we don't have a building, we don't have a budget, we won't get the response we want," Amana said.

Margo Crawford resigned as BCC director Jan. 31. Chancellor Paul Hardin appointed Harold Wallace, vice chancellor for university affairs, to serve as interim director until a permanent replacement is named.
"We have a very competent director in Harold Wallace," McCormick said.
McCormick hesitated to set a concrete date for when the search might begin or name a dollar amount that could signal the beginning of the search.
"I'd like to have an impressive amount of the fund raising completed," he said. "Maybe we will be in a position by next fall. I think we've made a good start."
McCormick and Amana said they hoped the national search would net a top-notch director for the new BCC.
The absence of a permanent director might hinder fund-raising efforts, but Amana said he was pleased with the decision to delay the search process.
"If we had a really high-powered person, it would help fund raising, but we didn't feel we could get the high-powered person under the circumstances," Amana said. "It's sort of a Catch-22."
The BCC Advisory Board recommended that the search be delayed just as

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Legislators Give Go-Ahead to Pursuing Recall

BY LYNN HOUSER
CITY EDITOR

Two processes, a recall bill and a school board investigation, are in motion to settle the question of whether city school board member LaVonda Burnette should remain in office.
Legislators decided Tuesday to sponsor a recall bill that would make Chapel Hill and Carrboro voters the first in the state to have the power to remove a school board member from office.
N.C. Sen. Howard Lee, D-Orange, said Wednesday that he expected to introduce the bill this week or early next week. "We don't perceive, at least at this point, any significant opposition," he said. "But it's hard to tell about these things."
Lee said the bill might encounter more opposition down the road, but at this point, the National Association for the Advancement of Colored People was the only significant opponent.
Chapel Hill-Carrboro Board of Education members decided in January to pur-



School board member LAVONDA BURNETTE could face a trial hearing to determine whether she acted immorally.

sue the recall bill to let the voters who elected Burnette determine her fate rather than making the decision themselves.
But the board announced in a news conference last week that State Superintendent Bob Etheridge had instructed the board in an April 26 letter to hold a hearing to determine whether the allegations against Burnette were true.
Etheridge clarified in a May 23 letter that in addition to determining if the allegations were true, the board also must decide if they constituted "immoral or disreputable conduct." If declared so, a state statute requires that Burnette be removed.
Etheridge's April letter included copies of letters and news articles he had received from two Chapel Hill residents who demanded action on allegations in the articles. The articles reported that Burnette had made false claims about her educational background during her campaign and continued to make false claims when confronted with it after the election.
Etheridge had told the board in a Dec. 17 letter that it "may wish to investigate the matter further." McCormick said the board had not pursued a hearing based on that letter because the directive was too weak and would have invited a lawsuit.
Now that the board has received stronger directives from Etheridge, McCormick said the board was obliged to investigate.
McCormick said that although he understood that the state preferred to stay out of local affairs, he believed the wording

gave the state a larger role in decision-making than it was accepting in this case.
He said he had interpreted Etheridge's April letter to mean that Etheridge already had determined that the allegations constituted immoral and disreputable conduct, and the board needed to decide only whether the allegations were true or false.
But that was not what Etheridge had in mind, said Glenn Kever, director of communications in the N.C. Department of Public Instruction.
"The statute is very vague," said Kever. It allows the state superintendent to authorize local boards of education to investigate anything that involves school board members, but not to make the decision for them, he said.
AlMcSurely, Burnette's lawyer, agreed. "I have shown this statute to many lawyers, including myself, and it is not clear first of all what the roles are of the superintendent and the school board," he said. "And second, nobody knows what immoral or disreputable conduct means. If lying is immoral and disreputable conduct, then a lot of school board members will have to be very careful."
McSurely added that no one had bothered to look up "student." "It sure doesn't mean enrolled," he said.
Neither Etheridge's letter nor the residents' letters stated specific charges against Burnette but only referred to the attached newspaper articles and editorials.
The letters were from Watts Hill, Jr., a

parent who has had children in the school system and attorney Lunsford Long, on behalf of his client, David Mage, who has two children in the school system.
McCormick projected that sometime before or during the board's June 6 meeting, the board would go through the articles, list the allegations and decide what type of evidence or testimony was needed for each. The hearing date will probably be set June 6. The earliest it could be held would be early July, said McCormick, because the board must officially notify Burnette and give her at least 30 days to prepare her response to the charges.
At the hearing, the board will receive only firsthand evidence and vote on whether that evidence convinces them that each allegation is true. Members will then vote on whether any substantiated allegations constitute immoral and disreputable conduct. Because the statute does not define immoral and disreputable conduct, members must use their own judgment.
Only five members will vote because Ruth Royster will be moving in June and Burnette will not be allowed to vote.
McCormick said the hearing could be closed because discussions of an elected official's performance were exempt from the open meetings law.
The board probably will focus on incidents that occurred after Burnette was sworn in. Touw said, "The board has indicated to me that they are concerned about her conduct as a school board member."

Local Merchant Leads New Campaign To Rid West Franklin of Panhandling

BY JAMIE KRITZER
CITY EDITOR

Stacy Franklin is worried.
Several weeks ago, when an intoxicated vagrant entered her restaurant on West Franklin Street, yelled at several customers and then threatened to punch her with his brass knuckles after she tried to remove him, Franklin decided to take action.
On Tuesday morning, the Ham's manager met with the Chapel Hill-Carrboro Chamber of Commerce to discuss the possibility of an ordinance that would give police more authority to remove vagrants creating disturbances on a restaurant's property.
Franklin and several other business owners talked about their concerns with the chamber as a part of "Chat With the

Chairman," a monthly gathering of people from the business community. This month, businesspeople made the panhandling issue their primary concern.
"Folks are reluctant to go downtown because of aggressive panhandling," said Richard Williams, chairman of the chamber. "I think it's a good idea to discuss."
Franklin said she hadn't worked out many of her proposal's details and didn't know how it would go over with townpeople, but she was confident it could put a dent in the business community's panhandling problems.
"Customers have been saying that it makes them uncomfortable coming up the sidewalk when they come here," she said. "People are at the front door waiting for them."
Williams said concerned business owners would have a chance to voice their opinions before the Chapel Hill Town Council in the next few months.
But Franklin, who is new to the area, said she was worried that her actions would be misperceived by people thinking she was trying to discriminate against the panhandlers, many of whom are homeless.
"I don't have a personal vendetta against these people," the Greensboro native said. "I'm just doing it for business reasons."
"If someone is not embarrassed to ask you for money, that's okay. But that's as far as it goes."
Begging and harassing passers-by who walk the busy street at night have become

commonplace. The bus station and the homeless shelter, where many street people congregate, are nearby.
Franklin and other merchants along West Franklin Street have threatened to call police when panhandlers have gotten too unruly with their customers.
Jennifer Roberts, a saleswoman at Uniquities on West Franklin Street, said that several times panhandlers had offered to wash a large front window in exchange for money at the two-year-old women's clothing store.
"We can't let them do it," she said Sunday. "It scares some of the customers."
Panhandling ordinances are no stranger to the area — Durham is attempting to pass one, and Carrboro already has.
Carrboro's panhandling ordinance was prompted by a growing concern that loiterers were disturbing residents on public property.
Mounting complaints from residents about panhandlers and loiterers on the city's sidewalks forced Carrboro police Chief Ben Callahan to propose the ordinance to the Carrboro Board of Aldermen. It went into effect in October.
Since then, no arrests have been made using the statute.
But the panhandling ordinance has raised a legal concern. In Carrboro, the North Carolina Civil Liberties Union has challenged the ordinance on grounds that

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Too Re-Laxed



DTH/SARAH DENT

North Carolina attackman Greg Langhoff (4) battles for position with a Virginia player. The Tar Heels lost to the fifth-seeded Cavaliers in an NCAA quarterfinal game to snap a 5-year Final Four streak. See story, page 7.

Editor's Note
Summer's a time for fun in the sun... and a time to be part of the Tar Heel, published every Thursday until July 28.
All desk editors are looking for students interested in writing, photography and copy editing experience. Applications for staff positions are available in the DTH office, Union Suite 104.
No experience is necessary.
If you have any questions about the application process, please contact Kelly Ryan, DTH editor, at 962-0245.

Well, if I called the wrong number, why did you answer the phone?
James Thurber