

# Hooker Says Court Ruling Could Affect Future of Minority Scholarships

BY ROBYN TOMLIN HACKLEY  
ASSISTANT UNIVERSITY EDITOR

The U.S. Supreme Court's decision to not hear the 4th U.S. Circuit Court of Appeals' ruling that declares the University of Maryland at College Park's Banneker Minority Scholarship program unconstitutional should be a cause for concern for UNC System officials, says Richard Abbott Samp, the attorney who argued the case. Samp represented Daniel J. Podberesky, the student whose case against UMCP administration officials challenged the scholarship's constitutionality. Podberesky filed suit against the university in 1990 when he was told that because he is Hispanic, not African American, he was not eligible to receive one of the 30 Banneker Scholarships awarded at UMCP annually. The Banneker Scholarship was initiated at UMCP in 1978 and was originally open to any minority student who planned to attend the university. In 1987, the program was amended to say that only African American students were eligible for the award. The Podberesky case was decided by the 4th U.S. Circuit Court of Appeals which

has jurisdiction over N.C., S.C., Va., W. Va., and Md. The ruling is applicable to both public and private scholarship programs in those five states.

In an interview Monday, Samp said that he disagreed with anyone who said that the decision would not affect race-based scholarships in the UNC system. "The Supreme Court has clearly laid the groundwork for this decision," said Samp. "Anytime that you take race into account when deciding whether or not to award a student a scholarship, your conduct is suspect. That is unless you can demonstrate an overriding interest in doing so."

Current UNC Chancellor Paul Hardin expressed his belief that UNC scholarship programs would not be affected by the Court's decision. Hardin's view is in sharp contrast to Chancellor-elect Michael Hooker. Hooker has recently expressed concern about the court's decision in this case and its applicability to current UNC programs. "The question will be, how can the programs be restructured to meet up to the court's standards?" Hooker said Monday.

Other University and UNC System officials said that they don't believe the deci-

## Black Enrollment at 4th District Universities

Comparing the percentages of black undergraduates at several universities in states located in the jurisdiction of the Fourth Circuit U.S. Court of Appeals over a period of six years.

Institution	1984	1986	1988	1990
Maryland-College Park	8.1%	8.9%	9.7%	10.7%
UNC-Chapel Hill	9.7	8.6	8.8	9.6
Clemson University	4.7	4.6	4.5	7.0
University of South Carolina	15.4	13.9	13.5	13.9
Virginia Tech	4.7	3.7	3.7	4.6
University of Virginia	8.5	7.6	9.1	10.0

SOURCE: U.S. DEPARTMENT OF EDUCATION DATA

sion threatened the security of current minority scholarship programs.

"UNC doesn't have a program that is really like the Banneker program," said University Attorney Susan Ehringhaus. She said that UNC-CH's Pogue Scholarship aids minority and disadvantaged students at the University.

"When the 4th Circuit's decision was handed down, it became law and we began to review our awards. We will continue to review our programs to make sure that all

meet the standards set up in the court's ruling."

According to Samp, the UNC System's Minority Presence Grant Program could become suspect in coming months, depending on how the Appeals Court's decision is interpreted. Richard Robinson, attorney for UNC's General Administration, said that the minority presence grants were given to students who showed financial need and chose to attend a UNC institution where they are in a racial minority.

The UNC System instituted the current grants which give "minority" students financial incentives for attending system schools where they would be considered a racial minority.

The UNC system instituted these grants during the 1970s as a part of the negotiation for the 1981 Consent Decree, an agreement worked out between the U.S. Justice Department and the UNC system to facilitate the integration process.

Robinson contends that the Circuit Court's decision was not applicable to the minority presence grants. "We say that it is a race-neutral decision when you look at it systemwide. It helps both black and white students. Students agree to attend institutions where they are a minority. This helps diversify the whole system."

"It remains to be seen whether or not scholarships at the individual institutions will meet up to the court's standards," said Robinson. "Each institution will have to analyze their programs and make the determination. It is important that we be sensitive to this decision since we are in the 4th Circuit."

In the Podberesky case, UMCP argued that the Banneker Scholarships were just-

fied because they are aimed at remedying the present effects of past discrimination. They supported this assertion by illustrating four present effects of past racial problems on the campus.

The Court ruled that the university did not adequately prove this assertion. It went on to say that they first need to show that they had attempted "race-neutral" alternative measures to reach the same conclusions.

Ehringhaus defended the University's current programs. "There has been a consistent line of cases out of the Supreme Court that says race alone cannot be the primary criterion for deciding unless you can show the present effects of past discrimination."

"It is permissible to use race as a factor in scholarship decisions as long as it isn't the only factor," said Ehringhaus.

Samp said that the interpretation that schools seemed to be having with this case was based on a misconception about the concept of promoting diversity. "Diversity doesn't mean racial balance. Diversity means you do your best to have a representation of people from various backgrounds."

## Durham Police To Investigate Mysterious Disappearance of Durham Tech Newspapers

BY SAM KIRBY  
STAFF WRITER

In a case still clouded with controversy, the security department at Durham Technical Community College has closed its investigation of the alleged May 24 theft of about 2,500 copies of its student newspaper, the Tech Tribune.

But according to Barry Smith-McCauley, editor of the paper, the investigation of the incident would continue with the help of the Durham Police Department.

According to student staff members of the Tech Tribune, most of the papers were distributed between 9 p.m. and 10 p.m. on May 23. The next morning the papers were discovered missing from five campus buildings, and 356 copies were later found in a campus dumpster.

Campus buildings remain locked between the hours of 10 p.m. and 7 a.m., leading some to believe that the theft was an "inside job."

The issue contained an article questioning the expenditure of Student Administrative Fees paid by each student at Durham Tech and an accompanying signed edito-

rial titled "Accountability an Uneasy Issue."

Mike Woodard, public information officer for Durham Tech, said Monday that the college closed its investigation of the incident last Friday. He said the security department concluded that except for the copies found in the dumpster, the paper was legitimately picked up by students, faculty and staff.

"We are not going to proceed any further with this investigation at this time," Woodard said. "We have reached the conclusion that the only papers stolen were those found in the dumpster."

Durham Tech President Phail Wynn said last week that the number of missing papers had been exaggerated by the newspaper's staff, and that most of the papers were probably picked up by students, faculty and staff on May 23. He could not be reached for comment on Tuesday.

But Smith-McCauley said the 356 papers found in the dumpster did not account for all those stolen the day after the 3,000 copy issues were distributed. He also said the opinion of the administration that the copies could have been picked up legiti-

mately was "ridiculous." "There weren't even 2,000 students on campus that day," he said. "It was the last day of final exams. Besides, the bulk of the papers were put out after 9 p.m., and there was no one around at that hour."

"I have never walked through the school several weeks after the papers were distributed and not seen any copies in the stands," Smith-McCauley said. "Even when we were printing just 2,000 copies of the paper, there were always copies sitting around three or four weeks later, many times longer than that."

Smith-McCauley filed a complaint with the Durham Police Department on Friday, and an investigation of the incident is expected to begin Tuesday. Officials at the campus security office could not be reached for comment about the upcoming police investigation.

A 3,000 copy reprint of the paper is expected to be released later this week, paid for with contributions from The Daily Tar Heel and Duke University's student newspaper, The Chronicle.

The reprint will also include a four-page addition discussing issues surrounding the alleged theft.

## Frat Houses Begin Renovation Projects

BY JOANNA HOWELL  
STAFF WRITER

Several fraternities will be taking advantage of the summer months by putting their empty houses through a series of renovations and construction projects.

"Summer is the time for many renovations to occur since many students are gone and workers have much greater access," said Ron Binder, dean of Greek Affairs. He said the majority of these renovations would be performed on the Sigma Chi house located in Fraternity Court. Resolute Building Company, based in Chapel Hill, is handling the renovations so the money spent "goes right back into the Chapel Hill community in jobs," Binder said.

Dave Simms, president of Sigma Chi, quoted the price tag for the renovations at around \$600,000. "The House Corporation, headed by Joel Miles and Jerry Lawson, raised about five or six hundred thousand dollars in money and pledges," he said. More help raising capital was given by Bob Timberlake, a local artist, Simms said. Timberlake was the honorary president of the capital campaign and was also a Sigma Chi at UNC, said Simms.

"These renovations are a big commitment for the fraternity and the alumni," Binder said. "National fraternities and sororities don't pay for housing. They might make a loan, but they don't pay for it."

Simms said there would also be the addition of a front deck, like the one at the Pi Kappa Alpha house.

Simms said, "The deck will include a ramp for handicapped people because the American Disabilities Act requires an entrance and exit for handicapped people in historic buildings."

Englund said the house may be ready for occupation by the end of the summer.

Dan Cox, president of Lambda Chi Alpha, said his fraternity house, located at 229 E. Franklin St., would be renovated this summer.

"It was the first doctor's office in Chapel Hill and the town's zoned it off as a historical site, but it's nothing but a liability now," Cox said. "It's filled with rusty nails and bums sleep there. There's also two oil tanks underneath it and there's a lot of asbestos in the structure. It's beyond fixing up."

"We can't do anything with the site for a year so," Cox said. "Eventually, the site will be a paved parking lot."

"It's costing the fraternity about \$10,000 to knock down the house because of the two oil tanks underneath it. The Environmental Protection Agency has to come down and just stand around and watch, so that's costing a lot."

Also, the asbestos in the structure prevented the fraternity members from help-



The Sigma Chi house in Fraternity Court is undergoing renovations and expansion this summer. The construction should be finished in the fall.

ing with the clean up and removal of debris, further inflating the cost, Cox said.

"Money for any renovations comes from an alumni fund and from a certain percentage of the house rent," Cox said.

Brian Rozelle, president of Kappa Alpha, said that renovations for his house were still in the planning stages. The Kappa Alpha house is located at 110 W. Cameron St.

"There will be no physical renovations done this summer," he said. "Actual renovations are still five years in the future."

He said the renovations would include "everything you can do to a house without ripping the walls down. We'll be changing around everything on the inside but leaving the outside structure the same."

Rozelle said the renovations would cost around \$1 million and the money would

come mostly from alumni.

Paul Sell, the Sigma Phi Epsilon house manager, said that most of the renovations at his house, at 207 W. Cameron St., would include painting the columns in the front of the house, planting grass, and some plumbing work.

"People around here have been complaining about how the fraternity houses look, so a couple of houses have started picking up," he said.

Alpha Tau Omega, at 303 E. Franklin St., will also be planting grass this summer, member Mark Rutledge said.

"We're also going to knock out the back wall soon and add a band room and another level," he said.

Renovations were completed on other fraternity houses in past summers. Jason Silveres, president of Pi Kappa Alpha, said his house was renovated during the summer of 1993. The Pi Kappa Alpha house is also located in Fraternity Court.

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