

The Daily Tar Heel

INSIDE
THURSDAY
APRIL 18, 1996



Fun-Filled Chill
Spring weather returns to Chapel Hill and brings with it an arts and crafts street fair. Page 2



Sneezin' and Wheezin'
Allergy season has arrived, bathing Chapel Hill in a shower of pollen. Page 3



Let It Tow, Let It Tow
Towing and ticketing on campus are on the rise this spring. Page 3

Today's Weather
Mostly sunny; highs in the mid 70s.
Friday: Partly cloudy; high 70s.

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JUDGE BLOCKS HONOR COURT HEARING

The Carolina Review theft case will be postponed until attorneys resolve whether Honor Court hearings can be closed to the public

BY JAMES LEWIS
SPECIAL ASSIGNMENTS EDITOR

Superior Court Judge Jack Thompson signed a temporary restraining order late Wednesday afternoon to halt the UNC Undergraduate Court's hearing in The Carolina Review theft case.

The judge signed the order in Hillsborough, just moments before a second day of hearings was slated to begin at 6 p.m. in the case of two students charged with impeding the free speech of the Review's publishers.

The Daily Tar Heel requested the temporary restraining order, and the publication's attorneys will file a complaint this morning asking for an order permanently barring the University and its Undergraduate Honor Court from conducting the court's proceedings in closed session.

The complainant also will seek court records and attorney's fees.

Judicial Programs Officer Margaret Barrett was asked early Wednesday afternoon to postpone the

hearing or open it to the public. She also received a hand-delivered written request at 3:30 p.m. After consulting with the University's legal counsel, she refused.

N.C. Press Association attorney Amanda Martin went to Orange County Superior Court in Hillsborough at 5 p.m. Wednesday to request the temporary restraining order from Judge Thompson, which he granted.

Members of the Honor Court — including the defendants and witnesses in the Review case — were assembled in the basement of Steele Building for the proceedings when the injunction was signed.

The defendants, Reza Ardalan and Rich Fremont, have been charged with impeding the free speech of the Carolina Review's publishers. More than 1,500 copies of the conservative magazine were stolen on the night before student elections in February.

Student Body President Aaron Nelson, who is a fraternity brother of the two defendants, entered Steele Building just before the proceedings began.

Nelson, who has previously denied any involvement or knowledge of the Review theft, confirmed he was at Steele Building to testify in the hearing.

Honor Court proceedings in the Review case will not be able to proceed until attorneys representing the DTH and attorneys representing the University meet in court, which attorneys said was likely to be next week.

Susan Ehringhaus, the University's legal counsel, referred all questions to the state attorney general's education division. Although Ehringhaus was informed before 3 p.m. that the DTH planned to seek an injunction, no one represented the University before Judge Thompson in Hillsborough.

Judges can issue temporary restraining orders without hearing testimony from both sides of a complaint. Chief Deputy N.C. Attorney General Andrew Vanore Jr., said the University would present its argument at the appropriate time.

"The University has not been heard," he said. "We will tell our story when it is appropriate to do so."

Vanore said he had been advised that student hearings were postponed, but he had not seen the injunction order and expected to review the case today.

Barrett said the hearings were closed to comply with the Family Educational Rights and Privacy Act, a federal law commonly known as the Buckley Amendment.

The Instrument of Student Judicial Governance also requires Undergraduate Court hearings to be closed, Barrett said.

Fred Schroeder, dean of students, declined to comment and referred all questions to University legal counsel Susan Ehringhaus.

Student Attorney General David Huneycutt also referred all questions to Ehringhaus. "We are in the process of litigation, and all questions must be referred to University legal counsel," he said.

Vanore, who has been with the attorney general's

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Led by their counsel, Rich Fremont, left, and Reza Ardalan walk around Steele Building on Tuesday on their way to the first day of testimony in the Honor Court hearings.

BY SHENG LEE
STAFF WRITER

Nearly 30 days after student government held a speakout in the Pit to protest hate speech and hate crimes, library books found marred with swastikas are still not back on the shelves.

But John Dervin, an advisor to Student Body President Aaron Nelson, said Wednesday that campus leaders were continuing to work toward a University hate crime code.

On March 22, Nelson requested that University administrators establish a hate crime code by April 4. The vandalized books were found in the Undergraduate Library on March 19.

But after further research, Dervin said, the Nelson administration had decided its initial deadline was too early. Dervin said the deadline

"We realized that we needed to do more research on what other campuses across the country are doing for hate crime policies."

JOHN DERVIN
Advisor to Aaron Nelson

would not provide sufficient time to work out the details. "We realized that we needed to do more research on what other campuses across the country are doing for hate crime policies," he said. "We needed to make sure that we get sound legal advice and that we don't in any way violate anyone's First Amendment or any other

constitutional rights."

Dervin said a committee, which will consist of representatives from student government, the Honor Court, the Division of Student Affairs and other campus organizations, was being formed to research hate crime codes at other universities. Dervin said he thought the committee would begin work in the near future and continue through the summer to develop a proposal in time for the fall semester.

He said student government had sent Dean of Students Fredric Schroeder a follow-up memorandum containing the names of recommended persons to serve on the committee. Schroeder said he had received the memorandum containing names of potential committee members, but he said the committee had not yet been formed. "The list had some excellent people," he said. "I

have told Aaron that we look forward to doing this as soon as we can get a start."

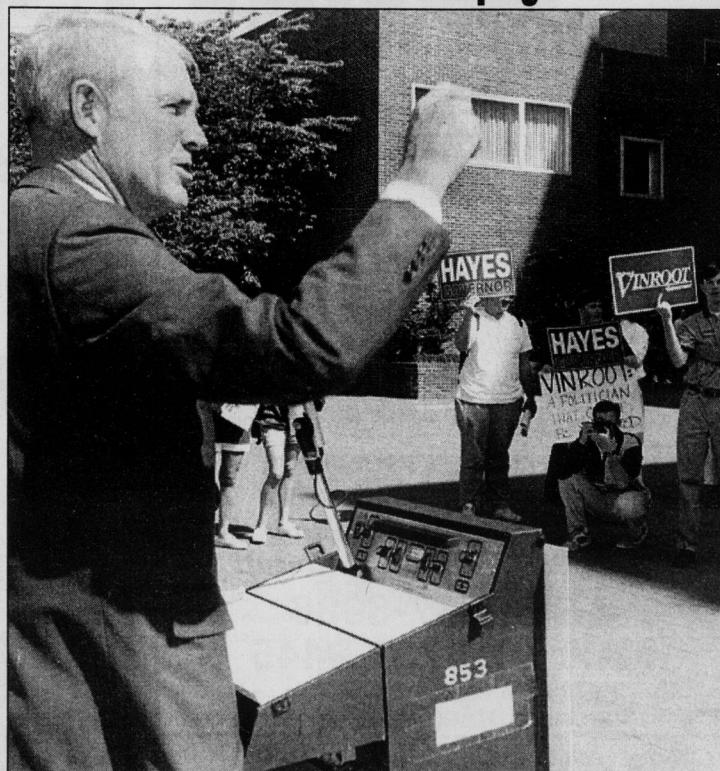
Following the discovery of about 45 library books marked with swastikas and a series of other incidents — including the publication of the Carolina Review that depicted Nelson with horns on its cover and a cartoon printed in The Daily Tar Heel that some called offensive — the DTH held a forum to discuss hate crimes and speech.

Director of Hillel Darin Diner, who participated in the forum, said he thought public discussion of the incidents served an important purpose. "I think a lot of awareness has been raised and consciousness has been heightened. I want to know what the next step will be."

Lt. Clay Williams, the officer in charge of the swastika investigation, said University Police still had no suspects in the case.

Push for New Campuswide Hate Speech Clause Stalled

The Root of His Campaign



Candidate for Governor and former Charlotte Mayor Richard Vinroot speaks on campus Wednesday outside Davis Library. Vinroot later had lunch in Lenoir Hall. See story, page 2.

Heroic Fire Fighter Will Run With Flame, Not Put It Out

BY ANGELA MOORE
STAFF WRITER

Chief William Smith has dedicated 26 years of his life to putting out fires in Chapel Hill, but this June, Smith will be running down the town's streets with an open fire hazard — the Olympic torch.

"I'll be sure to keep it 36 inches away from any combustibles," Smith said. "Especially me."

Smith will be among five community leaders who will be honored as torch bearers when the Olympic torch passes through Chapel Hill in June on its way to Atlanta.

During his career, Smith has received six commendations and 21 letters of appreciation, twice has been named Firefighter of the Year, and has earned the fire department's first lifesaving award.

Smith said he was "ecstatic" he would be carrying the torch, although he did not know who had nominated him for the honor. "It's a big deal," he said. "The Olympic torch doesn't come through here often. It's a real honor and a privilege."

"Just to be able to pick up a torch and go with it 10 feet is probably pretty special."

Perhaps even more special is that the 5-year-old boy whose life Smith saved in September 1994 will be able to witness his hero carry the torch.

Smith was on the way back from a beach trip with a church youth group and was witness to an auto accident involving a Kansas family, which was also on its way back from the beach. Smith saved Nicholas Zavilka's life that day, and did so with the kind of quiet modesty that Smith's

boss, Chief Dan Jones, said was characteristic of the veteran firefighter.

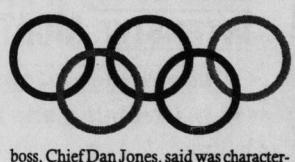
"He doesn't make a big deal about things," Jones said. "He just goes around taking care of things quietly."

Smith received a lifesaving award from the fire department for saving Zavilka, and the Chapel Hill Town Council passed a resolution of appreciation in his honor. Smith said he still kept in touch with Zavilka and his family, who now live in Kentucky.

"I talk to him all the time," he said. "He's a pretty sharp kid." He said the Zavilkas were "tickled to death" about Smith's torch-bearing honor and would come by Chapel Hill on their way to the beach so they could be here for Smith's special moment.

Jones said Smith's modesty was also reflected in how he was dealing with the honor of being a torch bearer. "He feels like he's carrying the torch for all the firefighters and the role they play in the community," he said. "He's been very modest about the whole thing."

When athletes from around the world compete in Atlanta this summer, records will undoubtedly be broken and heroes proclaimed. For Chapel Hill and the Zavilkas, none of these athletic heroes will compare to Chief Smith, a modest and unassuming community hero.



Love your neighbor as yourself; but don't take down the fence.

Carl Sandburg

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