

The Daily Tar Heel

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Check online to see the full list of who voted for and against the lottery bill calling for a referendum.

Volume 110, Issue 75

Back in Business

Ham's restaurant will reopen today after being closed since May because of a fire.

See Page 7

Still Rolling

Volleyball defeats Davidson for ninth win.

See Page 4

Wednesday, September 18, 2002



Weather

Wednesday: T-Storms; H 79, L 62
Thursday: Cloudy; H 82, L 66
Friday: T-Storms; H 84, L 61



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Ellie Kinnaird defeated Howard Lee in the primary election by 119 votes.

Lee Won't Request Another Recount

Lee says he will stay involved in the state

BY STEPHANIE POOLE
Staff Writer

Sen. Howard Lee, D-Orange, officially threw in the towel Tuesday afternoon, conceding the N.C. Senate Democratic primary to Sen. Ellie Kinnaird, also D-Orange.

After losing in the original primary election and Monday's recount, Lee decided Tuesday against asking for a manual recount.

Though both Orange County and Chatham County board of elections officials were willing to do another count, Lee said he does not think a third tally would significantly change the results. "It was prolonging the inevitable," he said.

The Lee campaign had observers in both Orange and Chatham counties Monday ensuring the recount was done accurately and professionally, said Lee's campaign chairman, Josh Gurlitz.

"There is not much opportunity for mistakes to have been made," he said.

In a statement released Tuesday, Lee said he believes his commitment to the state budget in Raleigh took away time he would have spent talking with disinterested voters.

Lee said in an interview Tuesday that his absence will be a loss in the Senate, especially for higher education. "No one will put in the time and energy (for universities) that I have," he said.

Lee added that he is reluctant to leave the legislature. "I'll leave in peace, although I regret leaving because there is a lot left to do," he said.

Kinnaird said she was pleased with the final primary result but that her victory was not a joyous one because the Senate will be losing a respected member in Lee.

Kinnaird said she is confident she will win the Nov. 5 general election because of the area's dominant Democratic voice. "It has been a sad and difficult campaign," she said. "But I am happy to be back."

Lee said that during his remaining time he will continue to be a vocal advocate of education, especially as the N.C. General Assembly hammers out a budget for the 2002-03 fiscal year.

"My top priority is still to focus on education, especially public schools and

See LEE, Page 2

More Cuts Likely for UNC



DTH/ASHLEY BOYKIN
House Speaker Jim Black talks to reporters about the budget.

Failed lottery sends lawmakers scrambling to downsize budget

BY ELYSE ASHBURN
State & National Editor

RALEIGH — N.C. House and Senate budget writers headed back into conference Tuesday night after a failed lottery referendum bill forced them to the cutting board once again to trim another \$70 million — a portion of which likely will come from the UNC-system budget.

"By virtue of not having a lottery, we have to make an additional \$70 million in cuts," said Senate Appropriations Chairman Howard Lee, D-Orange.

Lawmakers had said Monday that lottery revenue was not tied to any appropriations in the conference budget, which has yet to be released publicly.

But without the lottery revenue the budget will be left

\$110 million in the red and a \$2 billion hole in the 2002-03 fiscal year budget will go partially unfilled.

Legislators had predicted that lottery revenue would cover \$70 million of the remaining shortfall while the source of the other \$40 million remained unclear.

Legislators had said they would force Gov. Mike Easley to make any additional cuts to state agencies, but after the lottery's failure in a 69-50 vote Tuesday, lawmakers reversed their earlier decision.

House Appropriations Committee Chairman David Redwine, D-New Hanover, said legislators decided that leaving \$110 million in cuts up to Easley's discretion might not be a wise decision.

"We, in the end, might not end up wanting to cut some of the things he wants to cut," he said. "We're back to the table."

Redwine said that conferees will consider a wide range of options and that no agency is above further scrutiny. "There are a lot of different things that could be done," he said.

See BUDGET, Page 2

UNC Files To Dismiss Lawsuit

Says suit on summer reading is now moot

BY MEREDITH NICHOLSON
Assistant University Editor

University legal representatives filed a motion last week to dismiss charges that the summer reading program violated the separation of church and state because the event is over.

The lawsuit, which is pending in a Greensboro federal court, alleges that the UNC summer reading program violates the First Amendment of the U.S. Constitution by requiring students to read selections from the Quran.

Freshmen and transfer students were required to read and discuss "Approaching the Qur'an: The Early Revelations," translated and introduced by Michael Sells, which consists of 35 suras, or short passages from the chief holy book of Islam, as part of orientation their first weekend on campus.

A 4th U.S. Circuit Court of Appeals judge upheld Aug. 19 Judge N. Carlton Tilley's denial of the Family Policy Network's request for an injunction blocking the discussion sections, allowing them to go on as planned.

After the ruling, Joe Glover, president of FPN, said officials planned to continue fighting. "Our greater goal is to re-establish a precedent that you can not require students at a publicly funded university to submit to any sort of religious indoctrination," he told The Daily Tar Heel.

The motion to dismiss the charges states that the plaintiff's claim is moot because it is based on activities that already have occurred.

A case is moot when the issues present are no longer "live" or the parties do not have a legally recognizable interest, or personal stake, in the outcome, it states.

For there to be an exception, the case must meet two criterion: the challenged action must be too short for litigation to be executed before the action is completed and there must be "a reasonable expectation that the same complaining party would be subjected to the same action again."

The motion states that this case does not meet the first criteria because the anonymous students named in the case were informed of the requirement May 15 and the activities ended Aug. 20.

The case does not meet the second qualification for an exception because the students have now "graduated" from the program and will never be subject to it again, the motion states.

"It is indisputable that these plaintiffs will not be again subjected to the action for which they are seeking relief," the motion states.

Tilley has not yet ruled whether the two N.C. taxpayers listed as plaintiffs — James Yacovelli and Terry Moffitt — are entitled to sue.

But the lawsuit states that even if the

See QURAN, Page 2

Ramshead Work Brings Noise, Less Parking

Construction is to place utility lines for steam

BY JOHN LIPPS
Staff Writer

The newest project in the trend of construction on campus has left pedestrians dodging cars and students with fewer parking spaces.

The project — located in front of Carmichael Residence Hall — aims to install utility pipes for steam and is a part of the Ramshead project.

University officials said the construction on Stadium Drive will not be complete until

January 2003.

The Ramshead parking deck, which is scheduled to be completed in 2005, will be a three-level parking complex with 700 parking spaces and proposed shopping areas and recreation facilities.

The construction, which now occupies the traffic lane closest to Carmichael on Stadium Drive, will shift to the center of the street by late October and to the

opposite lane beginning in late November.

In addition to causing pedestrian and traffic problems, the project has eliminated about 20 student parking spaces.

Jerry Riggan, superintendent of Midatlantic Construction, one of the companies working on the project, said students with Stadium Drive parking passes were notified two weeks in advance of the construction.

Officials said there are no surplus parking spaces to accommodate them during this construction period.

Many of the students said Tuesday — over the roar of heavy machinery — that they are bothered by the construction.

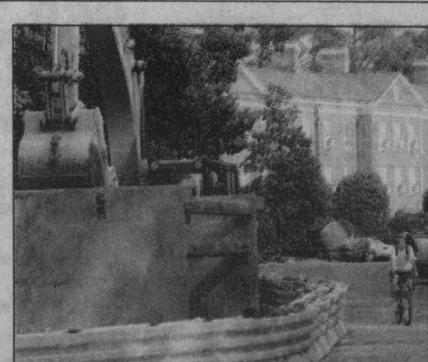
Freshman Ada Wilson, who lives in Hinton James Residence Hall, said the noise is the worst part of the construction.

"(The construction) is really annoying," she said. "When you walk it's really loud. My friend, who lives in Morrison (Residence Hall), says she can hear it all the way over there."

Allison Meyer, who lives in Avery Residence Hall and received an e-mail about the construction, said she also is bothered by the noise.

"It'd be nicer if they could have the done the construction in the summer when not as

See STADIUM, Page 2



DTH/ANNE PHILLIPS
Construction on Stadium Drive is an inconvenience for University bikers and pedestrians.

Exhaustion and exasperation are frequently the handmaidens of legislative decision.

Barber Conable