

Lawsuit contests map jurisdiction

THE ASSOCIATED PRESS

RALEIGH — It was unconstitutional for the N.C. General Assembly to transfer judicial authority over legislative maps to a three-judge panel, according to Republican plaintiffs in a lawsuit about redistricting.

The filing Tuesday is the latest step in a three-year legal struggle over how House and Senate districts should be formed to meet federal and state requirements, including the protection of minority voting strength.

The plaintiffs appealed a lower court decision late last year that moved the case from Johnston County to Wake County. Superior Court Judge Robert Hobgood also affirmed legislation approved in November that orders three-judge panels to hear all redistricting lawsuits, including the current challenge.

The 49-page brief contends that two previous rulings by the N.C. Supreme Court over the district boundaries made it clear that Johnston County Judge Knox Jenkins retained jurisdiction in the case.

This time, the leaders of the General Assembly, which the Republicans first sued in 2001, used the law to remove Jenkins from the case, even though he was charged to ensure a final set of maps complied with the state Constitution, GOP attorneys contend.

"If Judge Hobgood's rulings below are not reversed, the General Assembly will have achieved a new and unprecedented authority to change the court or judge before a judgment is enforced whenever the state loses a case," wrote Thomas Farr, one of the plaintiff's attorneys.

Jenkins has sided with

"The 'panel' ... is, in effect, a new court not contemplated by the (N.C.) constitution."

THOMAS FARR, PLAINTIFF ATTORNEY

Republicans in both cases in rejecting maps drawn up by a largely Democratic leadership in the General Assembly in 2001 and 2002. Democrats accused the GOP of judge-shopping by going to Jenkins when it first sued.

Farr argued the legislation also created a new kind of court that isn't found in the Constitution: a three-judge panel that's based in the Superior Court, or trial court. That's illegal, he said.

"The 'panel' of the Wake County Superior Court created ... is, in effect, a new court not contemplated by the North Carolina Constitution," Farr wrote in asking that Hobgood's orders be reversed and the case be returned to Johnston County.

State attorneys, who are representing legislative leaders, will file a written response by March 10 in advance of oral arguments before the Supreme Court on March 18.

The appeal would only settle issues of court venue, not whether the latest House and Senate maps are constitutional. Once the Supreme Court decides who should hear the arguments, Jenkins or the three-judge panel will decide whether the boundaries meet requirements.

Republican legislators have said the maps are illegal because they dilute minority districts and unlawfully crossed county lines.

Older students offer new views

BY TIM PRICE
STAFF WRITER

Walking into history professor David Griffiths' class — "Diversity and Post-1945 World History" — on any given Tuesday, students can be found sitting in their usual seats.

At the front of the History 19 class, students are taking notes and watching the professor, while people sitting in the back pay varying degrees of attention, from rapt to hungover and napping.

A quick glance at the students wouldn't turn up anything particularly eye-catching, except for the few silver-topped heads that seem to cluster toward the front of 104 Howell Hall.

When Griffiths calls for comments from the class, students in those clusters of older students seem to speak up more regularly than others. After class, those students often spend time discussing the lecture topics with the professor.

Older students, often referred to as non-traditional students, can be found in a variety of classes across campus. History 19 students Joan and Irv Reimer, for instance, who didn't want to give their age but said they were older than 70 and retired, have been auditing classes at the University for 11 years.

From history to art, they've tried a variety of programs. Joan Reimer said that the University was one of

their top considerations when they moved to Chapel Hill after retiring from Philadelphia.

These students aren't approaching the course material in the same way as the rest of the class. After having lived through the era that Griffiths' class covers, they're comparing the new textbook teachings with what they actually saw.

"You keep learning new things," said Irv Reimer. "You get a new perspective of the past. You're stimulated by the information."

Across the room from the Reimers sit Dr. Tom Sawyer, 76, and Art Halpern, 78. Griffiths called them an inseparable pair and mentioned that this is their fourth course with him.

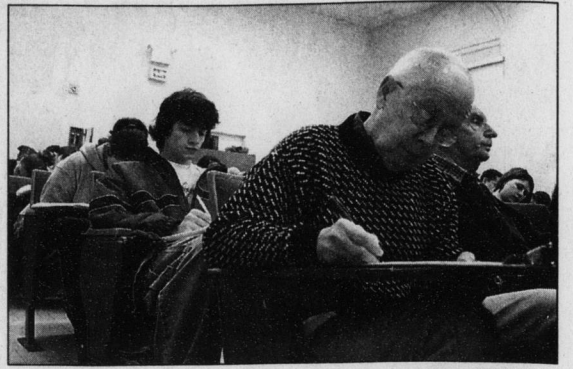
Sawyer joined the army shortly after World War II, and Halpern served in Europe during the war.

Griffiths said he appreciates the personal experiences these older students have been able to share with his classes.

"They bring themselves," he said. "They bring in their experiences, especially in a discussion class."

"When, say, you're talking about battle, it's useful to be able to talk to someone who's been in battle. It kind of de-glamorizes the whole thing. It makes it real."

For Sawyer, attending classes is about continuing his education. "I feel like I'm filling in some of the



Tom Sawyer (left), 76, and Art Halpern, 78, attend David Griffiths' History 19 class. The men have taken two other classes with Griffiths.

gaps left when I was going to school at the University of Michigan 50 years ago," he said.

Sawyer retired as a doctor in Milwaukee and has taken about 35 classes at the University since 1994.

Halpern said he had considered attending classes at Duke University's Institute for Learning in Retirement, but preferred to attend classes at UNC with the young student body.

Claire Levitt, who retired 14 years ago and described her age as "over 30," said she came back to school because she never finished

college. "It's wonderful to be around you young people and to be so stimulated by your ideas," she said.

Griffiths said that he values the contributions non-traditional students make to his classes and to his own understanding of history.

"They're much more aware of what's going on around them," he said. "They listen to news much more carefully, and they have a better framework to put it in — their lives."

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Task Force discusses system barriers

BY CLEVE R. WOOTSON JR.
STATE & NATIONAL EDITOR

The barriers that prevent community college students from transferring to public universities are too high, officials from the state's 58-member community college system said Tuesday.

The discussion on how to lower those barriers took place in the first task force meeting of the partnership between UNC and the N.C. community college system — a group formed to improve cooperation between the state's public higher education institutions.

Committee co-chair Stuart Fountain, who is also a member of the State Board of Community Colleges, said higher education officials have to be prepared to deal with the changing nature of education and its increasing importance in North Carolina.

"Higher education in the state is undergoing an evolution," he said. "We're evolving to where a standard education is going to be pre-k to 14 and a university education will be (grade) 15 through 20-something."

UNC-system President Molly Broad echoed Fountain's sentiments, adding that deciding which higher education path to take and how to pay for college was an inhibiting factor for North Carolinians that must be overcome.

"The biggest challenge that I think students and families have in applying to college is there are so many moving parts," she said.

But she said that university faculty members she talked to believed it was best if the people who deal directly with students set policies that determine admission policies and transfer credits.

"That would be a better solution

than having the (N.C.) General Assembly say 'thou shalt' or 'thou shalt not,'" Broad said.

UNC-Charlotte Chancellor Jim Woodward said his university has tried to get rid of some of those moving parts by standardizing the acceptance of students with associate's degrees.

"We accepted as transfer students any (NCCCS) student who has earned a 2.0 or better — not necessarily into (a particular) program but to the university itself," he said.

The entire UNC-system should take a hard look at trying to adopt a similar system, said task force member Larry Norris, president of Fayetteville Technical Community College. "I would like to see the day when our graduates from the arts and sciences are guaranteed acceptance to one of the 16 (public universities)," Norris said.

Gretchen Bataille, UNC-system vice president of academic affairs, who also serves as a staff adviser to the task force, said the idea was noble but not realistic for all the universities.

"If you're trying to get into Chapel Hill from a community college with a 2.0, they're not accepting students from high school with a 2.0."

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