

# The Tar Heel

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Senator Sam Ervin

## Appeals court rejects Senate tapes subpoena

WASHINGTON (UPI) — A federal appeals court unanimously ruled Thursday that the Senate Watergate Committee is not entitled to obtain five of President Nixon's secret tapes — transcripts of which have already been made public.

The U.S. Circuit Court of Appeals for the District of Columbia said the committee had not demonstrated any vital need to secure the tapes for its investigation.

The ruling upheld a lower court, which refused to enforce the committee's subpoena for the tape recordings.

The five tapes subpoenaed were for Nixon's conversations with John W. Dean III on Sept. 15, 1972; Feb. 28, March 13 and two on March 21, 1973.

The committee had been seeking the tapes since July 17, 1973, after it uncovered the fact during its nationally televised hearings that the President had been recording his conversations.

The court's opinion, written by Chief Judge David Bazelon, noted that the House Judiciary Committee already has copies of the same tapes the Senate Watergate Committee is seeking and thus the Senate panel's need to examine them now is "merely cumulative."

"Whatever force there might once have

been in the committee's arguments that the subpoenaed materials are necessary to its legislative judgments has been substantially undermined by subsequent events," the court said, referring to Nixon's release of edited transcripts of 31 tapes on April 30.

The court rejected the committee's arguments that the tapes themselves are needed to resolve ambiguities in the transcripts and to try to determine whether portions have been deleted that should not have been.

"It points to no specific legislative decisions that can not responsibly be made without access to materials uniquely

contained in the tapes or without resolution of the ambiguities that the transcripts may contain," the court said.

The Senate committee is scheduled to issue a final report on June 30, but will remain in existence until the tapes case is finally settled. Chairman Sam J. Ervin, D-N.C., has indicated he will appeal to the Supreme Court if necessary.

During its 10-month struggle for the recordings, the committee had to ask Congress for special legislation so that the U.S. District Court in Washington might have jurisdiction over its subpoena.

On July 17, 1973, the committee asked Nixon for all documents and tapes relevant to its investigation, and when the President refused six days later on the grounds of executive privilege and presidential confidentiality, the committee voted unanimously to subpoena the five tapes.

It was the first time a congressional committee had subpoenaed a President.

On July 26, 1973, the date the subpoena for the five tapes was answerable, Nixon respectfully refused to comply. He used similar language Wednesday when he rejected House Judiciary subpoenas for 11 tapes and some of his office diaries.

### Overpowered by hostage

## Hijacker captured

NEW YORK (UPI)—A young man packing two guns and demanding that a \$2 million ransom be delivered by a girl in a bikini, hijacked a helicopter Thursday and ordered it along a zig-zag route to the top of the Pan Am building in mid-Manhattan—10 blocks from his starting point.

The 22-year-old hijacker was captured after one of his two hostages, mechanic Bill Hale, overpowered him and police stormed the copter perched on the 67-story building's helipad.

Police identified him as David Frank Kamaiko, 22, of New York City.

The pilot, Thomas Oliva, who broke and ran from the craft after it landed, was shot in the right shoulder.

Asked where he was from, the hijacker told police: "Jerusalem." He did not explain. Police said the hijacker, sporting long hair

and tattered jeans, was armed with a sawed off shotgun and a small zip gun. He ran up to mechanic Hale who was refueling the helicopter, poked a gun in his back and ordered him and Oliva to take off.

Once airborne, the man, who he was also carrying three sticks of dynamite, threatened to blow up the craft unless he received \$2 million in \$10 bills. He insisted it be delivered in suitcases by a young girl in a bikini.

Oliva told police that the hijacker first ordered Oliva to land atop an oil storage tank across the East River in Brooklyn. The pilot told him the tank would not support the craft's weight, and the hijacker then demanded to go the United Nations building a few blocks north.

The hijacker, whose zippered sweatshirt bore the words "NYU Track" on the back,

changed his mind again and ordered the pilot to land on the rarely used Pan Am helipad. While the helicopter was maneuvered over the heart of the city, the hijacker talked about the war in the Middle East, Oliva said.

Dozens of police jammed into the elevators and rode to the top of the huge square Pan Am skyscraper. Two police helicopters hovered overhead as the final act of the drama unfolded.

Oliva jumped from the craft and as the hijacker shot him, Hale jumped the young man, grabbed the shotgun and threw it outside. The hijacker warned that he had another gun. Hale told police he hesitated and finally decided that it was then or never, and grabbed him again.

Police then rushed the plane and captured the hijacker.

If you have an urge to write, this is your chance. *The Tar Heel* is now accepting applications for staff writers, feature writers and copy editors. If you are interested, come by *The Tar Heel* office in the Student Union. Staff writers should see Joel Brinkley, feature writers Alan Bisboro and copy editors, Jim Grimsley.

## Sewers debated

Town officials declined to disclose the details of their discussion Wednesday with State Department of Water and Air Resources (SDWAR) officials concerning Chapel Hill's sewer moratorium.

SDWAR informed town officials last week that the capacity of the Mason Farm Waste Treatment Plant was only 2.8 million gallons per day, not 4.5 million as the town had assumed.

The lower rating is the result of new treatment standards set by SDWAR and the Environmental Protection Agency. The plant was originally approved for a 4.5 million gallon daily capacity under standards that existed at the time of construction.

Because of the moratorium, new development projects, such as the Paul Green Theatre and the new student infirmary on campus, may have to be postponed until the Mason Farm Treatment Plant is expanded.

When the University is in session, the plant typically runs at 3.8 million gallons per day, according to Joe Rose, director of public works and engineering services.

The town must submit a formal request to SDWAR within two weeks to continue to operate the Mason Farm Plant at its present above capacity level.

In this request, the town must specify emergency treatment procedures it intends to use to insure that the quality of the plant's

treated effluent meets water quality standards set by the state. The plant's effluent is discharged into Morgan Creek.

Town manager Chet Kendzior said this morning that the town will consider its options and present a detailed report to the Board of Aldermen Monday night.

Possible options include alum treatment, chlorination, tertiary treatment and aeration.

## Proposed bus system begins August 1



A bus similar to the ones purchased by Chapel Hill

### Sixteen buses arrive

Chapel Hill's proposed bus system is scheduled to begin operation Aug. 1 and final preparations are under way. Sixteen of the 22 used buses purchased from the metropolitan Atlanta Rapid Transit Authority have arrived in town and are undergoing renovation. The remaining six are expected to arrive soon.

Printed bus schedules will be available in July.

The buses are 1958 and '59 model GM diesels, older models of the ones currently operating on campus. All are 45-seat models.

The buses have each traveled an average of 550,000 miles. Transportation Director John Pappas expects most of the buses to

last through one million miles.

The Chapel Hill Bus System was approved by town residents in a referendum on Jan. 23, 1972. Carrboro residents rejected a similar referendum, so the bus system will operate only within Chapel Hill city limits.

Routes will extend to all areas of the town. Fares, set by the town, will be 15 cents for campus routes and 25 cents for town routes. Transfers between routes will cost 10 cents.

The bus system is funded in part by an \$860,480 federal grant and \$300,000 in guaranteed bus pass sales from the University.

The remainder of the cost will be borne by a tax of 10 cents per \$100 tax evaluation levied by the town.

### Weather

Seventy per cent chance of showers this morning decreasing to 10 per cent chance by tonight. Partly cloudy this afternoon through tonight. The humidity is 68 per cent and the barometer is at 29.87 inches. Winds are from the Northwest at five to 10 miles per hour.

## UNC's Donald Washington arrested

by Bill Kay  
Sports Editor

Donald Washington, the ill-fated Carolina basketball player, had hardly set foot in Chapel Hill before four warrants were issued for his arrest.

Washington had been in Chapel Hill only one day when on Wednesday morning he was arrested and held in the Chapel Hill jail for \$750 bond.

The former Carolina basketball standout was arrested on Franklin St. at 10:30 a.m. by Patrolman Reginald Farrow, according to Police Lt. Arnold Gold.

He was served with two warrants charging him with being the father of two illegitimate children, by Cynthia Lackey of A-5 Estes Drive Extension, a warrant charging him with failure

to appear in court previously on a similar charge and a warrant for passing a bad check.

Lackey signed the warrants in November, 1973, charging Washington with failure to support two children she claims are his, Gold said.

The bond for each charge was set at \$300.

Washington was also charged with failure to appear in court on the same charges.

In addition, he was charged with passing a worthless check for the amount of \$81.51.

The warrant on this charge was issued by Sonny's Clothing Store in Durham. The posted bond for this warrant was set at \$150.

Washington was released on \$750 bond from the Chapel Hill jail around 1:00 p.m. on Wednesday, the same day he was arrested, according to Lt. Gold.

Washington was unavailable for comment Thursday.

A former prep All-American at St. Anthony's in Washington, D.C., Washington began his Carolina basketball career two years ago.

After playing only four games on the varsity squad, he broke his foot and was forced to sit out the rest of the season. According to Head Coach Dean Smith he then became disillusioned with his life at Carolina because his primary love for basketball was not being fulfilled. He therefore missed most of his classes.

He was declared academically ineligible and spent last year playing basketball in Switzerland.

Washington is now attending summer school here and according to Dean Smith intends to stay in order to regain academic eligibility, despite his legal hassles.

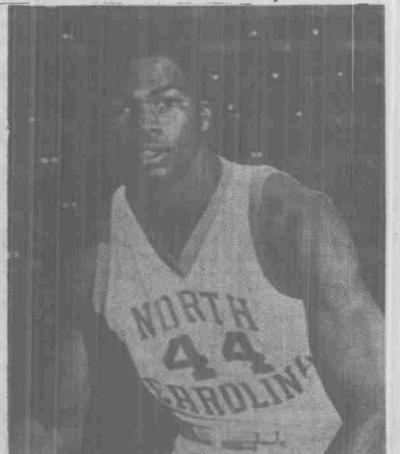
"Donald is a very bright young man," Smith

said. "He is quite an artist, and his two loves are art and basketball.

"I have complete confidence in Donald's innocence of the paternity charges involving the twin boys," Smith emphasized in a statement issued Thursday.

"Many prominent athletes and celebrities have had similar charges leveled against them only to have their innocence proved in court," Smith said. "In fact, any male U.S. citizen could be accused in the same manner that Donald was. Only the courts can decide his innocence and I'm sure that will be the case.

"Donald is still enrolled in summer school at Carolina and will remain here in an effort to regain his academic eligibility which he lost in 1973," Smith added. "We hope to see him on the Carolina basketball squad for the 1974-75 season."



Donald Washington