

# The Tar Heel

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## Nixon called unindicted co-conspirator

WASHINGTON (UPI)—President Nixon was cited as an unindicted co-conspirator in the Watergate cover-up last February by a unanimous vote of a federal grand jury, White House officials said Thursday.

James D. St. Clair, Nixon's Watergate attorney, said the President was told three or four weeks ago that the grand jury had named him as an unindicted co-conspirator—meaning he was implicated in a criminal conspiracy but faces no criminal penalties.

Nixon asked U.S. District Judge John J. Sirica Thursday to formally make public a grand jury document naming him as an unindicted co-conspirator.

Nixon's chief defense attorney, James D. St. Clair, told Sirica that there are no longer "compelling" reasons to keep the co-conspirator list secret since the news media disclosed Thursday that the President's name was on it.

The grand jurors reportedly wanted to issue an actual indictment against Nixon on charges of obstruction of justice, but Special Prosecutor Leon Jaworski talked them out of it by raising

the constitutional question of whether an incumbent President can be indicted.

As a result, it was disclosed, the grand jurors voted 19-0 last February to name Nixon as an unindicted co-conspirator in conjunction with the indictment handed down March 1 of seven former presidential and re-election aides in the Watergate cover-up conspiracy.

No unindicted co-conspirators were named in the March 1 indictment, but Nixon reportedly was one of several cited by the grand jury.

A sealed package of documents containing evidence pertaining to Nixon's involvement in the coverup went to Judge John J. Sirica at the same time as the indictment. Sirica later gave that material to the House Judiciary Committee, which is investigating grounds for possible impeachment of Nixon.

Attorneys for the Judiciary Committee said Thursday the document did not contain any indication that Nixon had been named as an unindicted co-conspirator. Several committee members added that it would not affect their

deliberations.

The Los Angeles Times, which originally reported the grand jury action, said Jaworski first told defense attorneys about it during a closed hearing before Sirica in early May in order to bolster his argument that Nixon should not be allowed to quash prosecution subpoenas for tapes of 64 presidential Watergate-related conversations.

But Nixon continued to fight the subpoena and White House spokesman Gerald L. Warren said Thursday that despite disclosure of the grand jury action, the President's claim to confidentiality "obviously stands." The Supreme Court has agreed to rule on that claim.

The issue of unindicted co-conspirators was raised by the original indictment, which accused the defendants of conspiring with others "known and unknown" to hamper the investigation of the 1972 Watergate break-in.

The defense filed several motions seeking to learn the names of any unindicted co-conspirators and Jaworski, in briefs filed Wednesday, said he would divulge them at some

point in the future. He apparently has tried to delay such action until the Judiciary Committee votes on an impeachment resolution.

St. Clair said that when Nixon was informed of the grand jury action a few weeks ago he replied: "They just don't have the evidence and they are wrong."

"He's not a co-conspirator only because a grand jury says he is," St. Clair said. "It won't be the first time a grand jury was wrong—and it has no legal effect."

"I say it's unfortunate that this was released because it leaves the President with really no way of defending himself—except the American people."

But he added that he did not think the public "is going to draw an inferences based on part of the evidence."

Three members of the Judiciary Committee, Reps. William S. Cohen, R-Maine, Tom Railsback, R-Ill., and Jack Brooks, D-Tex., said they will judge Nixon independently of the grand jury.



Richard M. Nixon

## Temple defends his analysis of Consumers Utilities Corp.

by Sandra Millers Staff Writer

In spite of widespread criticism, UNC Assistant Vice Chancellor John Temple says he still "stands by the conclusions" of his pessimistic analysis of the Consumer Utilities Corporation's bid for three



John Temple

University-owned utilities.

Temple defended the analysis in an interview and emphasized that its purpose was to point out facts which he felt were pertinent to the Utilities Study Commission in their current deliberations over who should be allowed to purchase the University utilities.

"I felt that any information I had should be made available to the commission," Temple said. "Seeing problems that would come up for Consumers, for me to sit back and not say anything would have been ridiculous."

Temple's analysis was prepared in cooperation with the UNC business office and has been labeled "biased and inaccurate" by Orange County citizens who favor the Consumers Corp. over the other bidders, Duke Power and Southern Bell.

Asked if the analysis had damaged Consumers' position as a bidder, Temple replied, "I'm sure that it did. I don't know that I created that damage though; I just pointed out facts."

Temple said he does not foresee difficulties for Consumers in selling bonds to purchase the utilities, but questioned the public corporation's financial ability to operate the utilities.

"I want to say one thing," he said. "I don't want to destroy Consumers; I think they could very well end up with the utilities, and if so I'd wish them well. I just ask one thing, that they'd be sure their projections are good

and that they can operate the utilities. I'd suggest they check their projections."

Temple said he hadn't expected his analysis of the Consumers bid to raise such a controversy.

"I felt I simply presented facts. If I'd presented fiction, I would've expected it."

Listing the University's primary considerations in the utilities sale, Temple said, "We want to arrive at a sale to the best company, the one that will give the best service at the most reasonable rates. I think we should back off from political and emotional considerations and objectively determine which company has this ability."

Temple preferred not to give his opinion on who should buy the utilities, commenting, "It's not up to me to say."

He said the interests of the University and the interests of the community in the sale are one and the same and denied that the University would receive any sort of corporate discount from Duke that it would not receive from Consumers.

Asked if he thought recent criticism of Duke Power's operating procedures should figure in the choice of a buyer, Temple said, "Whoever has the utilities is going to have to buy power from Duke. So, as for environmental problems, there's not any difference. I don't see the elimination of any of those problems by having Consumers Utilities Corporation here. The problems come in the production of power and not in the distribution."

Responding to charges by citizens that Duke has not made provisions for Chapel Hill's future water needs by committing themselves to completion of the Cane Creek reservoir, Temple said the University would make certain the matter was resolved before signing a contract with anyone.

He explained mathematically that the \$2 million trust fund for the reservoir would be returned to the University regardless of whether Duke or Consumers bought the water system and that both bids included the value of the trust fund.

Temple questioned the opinion expressed by many citizens at last Wednesday's public hearing that Consumers would provide better service than an out-of-town company, explaining that Consumers will not benefit from state support as the University has.

He said the rates are going to increase regardless of who buys the utilities. Asked which company would offer lower rates, Temple said, "I honestly think it's going to be close to the same." He noted that the only savings Consumers would have in operating costs as a public corporation would be income taxes.

Temple estimated that the impact on students would "not be very great in terms of dollars one way or the other."

Looking forward to the commission's impending recommendation of a buyer for the utilities, Temple said, "I don't want to argue it anymore. They have all the facts and as far as I'm concerned, the commission can decide for itself."

**The Tar Heel**

**On The Outside**

from the wires of United Press International

### Judiciary Committee: direct evidence

For the first time in 11 days of closed hearings, the Judiciary Committee received evidence tying Nixon directly to two of the three dozen impeachment allegations against him. He signed a memo in 1970 ordering domestic surveillance and ordered other wiretaps. For details, see boxed story on page two.

### Jury investigates Hearst's role in SLA

SAN FRANCISCO — A federal grand jury Thursday studied 1,200 photographs of Patricia Hearst and four Symbionese Liberation Army members taken during the robbery of a San Francisco bank April 15.

The grand jury, impaneled two months ago, is investigating Miss Hearst's role in the holdup, during which \$10,960 was taken and two bystanders were shot and wounded.

Miss Hearst is wanted on 19 criminal counts including kidnaping and robbery in connection with a series of incidents in Los Angeles May 16. A day earlier, six SLA members, including four wanted for taking part in the bank robbery, were killed during a shootout with police.

Currently, the 20-year-old newspaper heiress, who was kidnaped last Feb. 4, is wanted only as a material witness in the bank holdup. Authorities declined to charge her with bank robbery previously, saying they were unsure whether she was a willing participant or whether she was coerced.

### India ravished by smallpox epidemic

NEW YORK — The chief United Nations expert on smallpox said Thursday that India has been hit by a serious epidemic, but expressed confidence that the deadly disease could be wiped out worldwide in a year.

Dr. Donald A. Henderson, head of the U.N. World Health Organization's smallpox eradication program, said the number of persons to have died from smallpox in the Indian state of Bihar is higher than the 10,000 officially registered.

He related, however, an earlier report by a WHO official that the outbreak is the world's biggest since World War I.

Speaking from Geneva in a telephone interview with newsmen in New York and Washington, Dr. Henderson said, "There's been a considerable outbreak of smallpox this year in India, particularly in the state of Bihar and adjacent areas."

Although 10,000 deaths have been reported in Bihar, "undoubtedly the true number is higher than this," he said.

Henderson declared that "the situation is being magnified because we are now getting a better accounting of the number of cases."

### British troops seek to halt arms flow

BELFAST — The British army said Thursday it was sealing off backroads and tracks leading to the Irish Republic border near Londonderry in a move to halt smuggling of guns, ammunition and explosives into Northern Ireland.

Troops studied the routes with cement blocks and other obstacles. But they left unobstructed main highways which are frequently patrolled and checked, a spokesman said.

The army reported sporadic shooting attacks on British troops during the night. No casualties were reported in shootings at Londonderry and Belleek, county Fermanagh, 84 miles west of Belfast, and the troops did not return fire, the spokesman said.

### Dutch court sentences Arab guerillas

NETHERLANDS — A Dutch court Thursday sentenced two Arab guerillas to five years imprisonment for hijacking a British Airways jetliner and setting it afire at Amsterdam International Airport March 3.

Witnesses said Adnan Ahmad Nuri, 23, spat on the courtroom floor as the sentence was read. Semi Hussin Tamimah, 22, stared silently at the three-judge panel inside the courtroom ringed with police and sharpshooters.

Nuri's lawyer, Paulus Heldings, said he did not know whether the Arabs would appeal the verdict, adding he might withdraw from the case if they decided to do so for "purely propaganda reasons."

Both Arabs maintained throughout their trial that they acted as "soldiers of Palestine" and not criminals.

### Flowers placed on Kennedy's grave

ARLINGTON, Va. — Members of the Kennedy family placed flowers on the grave of Robert F. Kennedy Thursday, the sixth anniversary of his assassination in Los Angeles.

The late senator's widow, Ethel, and brother, Sen. Edward M. Kennedy, placed red roses on his grave at Arlington National Cemetery after visiting the grave of the other assassinated brother, President John F. Kennedy.

## Sewer Moratorium halts apartments construction

by Ellen Horowitz Staff Writer

Plans for construction of two large apartment developments in Carrboro have been postponed because of a state-imposed moratorium on extension of sewer service in Chapel Hill and Carrboro, town officials say.

But University plans for new infirmary and theater buildings do not appear to be affected by the moratorium, which will remain in force until Chapel Hill's sewage treatment facilities comply with state clean water standards. Construction on the campus projects is scheduled to begin early next month.

The University construction projects would tap existing main sewer lines, which is permitted under the terms of the moratorium. "It looks like the University can go ahead and start building," sewage plant director Dr. James Brown said Monday.

Carrboro Town Manager Bert Chamberlin said Monday that the two Carrboro apartment complexes were postponed because they would tap new sewer mains, which are currently under construction. According to the state

Department of Water and Air Resources, use of the new lines would overload the Chapel Hill sewage treatment plant at Morgan Creek.

The ban on sewer extensions was imposed May 2 after state officials declared the effective treatment capacity of the Morgan Creek plant to be 2.5 to 2.8 million gallons per day, instead of the 4.5 million gallons assumed by town officials.

Installation of alum treatment facilities at the plant, at an estimated cost of \$155,400, was approved May 27 by the Chapel Hill Board of Aldermen as an emergency measure to lift the moratorium.

This action prompted the state Department of Water and Air Resources to allow Carrboro to proceed with construction of the last stage of the town's in-town sewer system. However, authorization for connections involving the last-stage mains was withheld pending installation of the alum treatment and state testing of the resultant effluent level in Morgan Creek.

This restriction should freeze the Carrboro developments until October at the earliest, according to Joe Rose,

Chapel Hill's director of public works and engineering services.

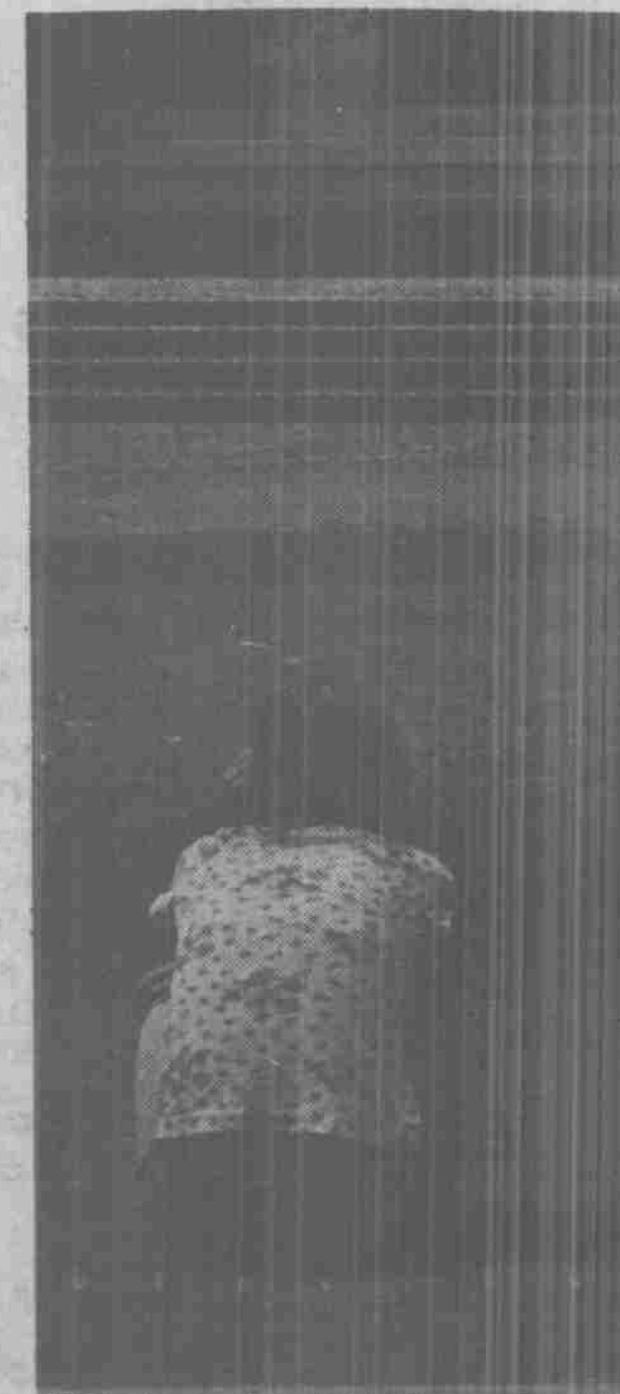
The cost for the alum treatment facilities will be split among Chapel Hill (50 per cent—\$15,540), Chapel Hill and Carrboro will pay for their shares of the project with federal revenue sharing funds, but the source of the University contribution has not yet been announced.

Chapel Hill and UNC each own half of the sewage plant, with service to Carrboro provided under a contract initiated last year. The town of Chapel Hill was the only bidder for UNC's half of the facilities, which are presently up for sale along with other University-owned utilities.

### Weather

Partly cloudy today with temperatures in the middle 80s. Temperatures tonight will be in the middle 60s. The humidity is 60 per cent and the winds are from the Southeast at 10 to 20 miles-per-hour.

The beach weather outlook is for possible thunder showers Friday and Saturday with temperatures in the middle 80s.



Watching the grass grow

Staff photo by Bill Wynn