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Supreme Court hears pleas in executive privilege battle

WASHINGTON (UPI) — A young prosecutor told a historic session of the Supreme Court Monday that President Nixon could not claim executive privilege to withhold his Watergate tapes because there is sufficient evidence to indicate he was part of a criminal conspiracy.

"This President — difficult as it is to say this — this President is not in a position to claim this privilege," said Philip A. Lacovara, counsel to Watergate Special Prosecutor Leon Jaworski.

In the long-awaited showdown between the White House and the special prosecutor over the presidential tapes, Lacovara declared that a "prima facie" case could be made that the recorded conversations "were in furtherance of a criminal conspiracy to defraud the United States and obstruct justice."

But James D. St. Clair, Nixon's chief Watergate counsel, argued that the cases before the Supreme Court "ought to be

dismissed — period."

"Even if criminal, he (the President) is immune from the criminal process," St. Clair said. "The President is not above the law by any means. But the law has to be applied in a way which is different from anyone else. Namely, that he can only be impeached."

The Court heard unprecedented arguments for three hours and three minutes whether Nixon must produce records and tapes of 64 conversations that Jaworski has subpoenaed for the Watergate cover-up trial, and whether the original Watergate grand jury was within its legal rights in naming Nixon as an unindicted conspirator in the cover-up.

Eight justices heard the arguments; the ninth, William H. Rehnquist, excused himself from the case because of prior associations with some of the six persons scheduled to go on trial in September in connection with the Watergate cover-up conspiracy.

Should the justices fail on a 4-4 tie vote to

reach a decision in the case, both Jaworski's subpoena for presidential tapes and the grand jury's naming of Nixon as a conspirator would remain in legal effect.

A White House spokesman meantime Monday again declined to say whether the President would abide by whatever ruling the Court might make.

Police estimated that 1,200 persons shuttled in and out of the pillar-supported, drape-lined courtroom to hear at least part of the arguments.

Among those present were several members of the House Judiciary Committee which is holding impeachment hearings. H.R. Haldeman, the former White House chief of staff, was the only cover-up defendant present.

Each made lengthy arguments. But 29-year-old Lacovara made the toughest statements about the President.

He said the evidence indicates a conspiracy existed and "President Nixon was a member of the conspiracy." Jaworski, he said, had made a sufficient connection between the tapes and that the showing of a conspiracy for U.S. District Judge John J. Sirica to rule they were needed for trial.

Justice Lewis F. Powell Jr. asked Lacovara whether a "politically motivated prosecutor" or grand jury might take advantage of a future President if executive privilege were waived.

"We are conscious of the delicacy of the

issue," Lacovara said. "Our democratic system, however, is based on several propositions — that grand juries and even prosecutors are not assumed to be malicious. We have a resilient society where people are able to sort truth from falsehood. I think the system may be viable enough to deal with this."

St. Clair criticized the "fusion" he said has occurred of the special prosecutor and grand jury on the one hand, and the House committee's impeachment proceedings on the other.

This, St. Clair contended repeatedly, was a violation of the Constitution, which gives exclusive impeachment powers to the House.

"What public interest is served by preserving a criminal conspiracy?" Powell asked.

St. Clair replied that criminality was not something that always could be determined at a given time. Then he added the thrust of an argument he made several times: That the President must be assured "free and untrammelled conversation with his aides without thought or fear it will be revealed later."

St. Clair said such privacy was more important than even national defense considerations.

"The President can't be indicted, the President can't be named as an unindicted co-conspirator," St. Clair argued.



Staff photo by Joel Brinkley

The Supreme Court

HEW views sex discrimination UNC may face new guidelines

by Frank Griffin
Staff Writer

Although UNC has now officially complied with Health, Education and Welfare (HEW)'s request for desegregation, the University may soon have to submit a plan to show it is not discriminating on the basis of sex.

HEW has recently published new tentative guidelines outlawing discrimination on the basis of sex at educational institutions receiving federal funds. The new guidelines are still subject to debate and change but should be finalized by early fall and implemented by January of next year, according to Richard Robinson, assistant to UNC President William Friday.

Regulations will apply to each education program or activity which receives or benefits from federal financial assistance, and noncompliance will result in a loss of funds.

The guidelines are not restricted to admissions policy but also include discrimination on the basis of sex in academic research, extra-curricular

offerings, housing, access to programs and activities, financial and employment assistance to students, health and insurance benefits for students, physical education and instruction, athletics and discrimination based on the marital or parental status of students.

The non-discriminatory admissions policy will affect vocational, professional, graduate and public undergraduate institutions except public undergraduate institutions that have, from their founding, been traditionally and continually single-sex.

The proposed guidelines also "require generally that comparable efforts be made by educational institutions to recruit members of each sex. Additional recruitment efforts directed primarily toward members of one sex must be undertaken to remedy past discrimination."

Robinson said this passage seemed to suggest 1) that institutions which had previously used a quota system for admissions have an obligation to correct any discrimination that has resulted against one sex, and 2) that institutions which never used a quota system should not begin one.

Under the guidelines no course offerings

can be conducted separately on the basis of sex including health, physical education, industrial arts, business, vocational, technical, home economics, music and adult education, and no student can be required to participate or be refused participation in a course because of sex.

The guidelines state that a person may not be discriminated against because of sex in any aspect of housing except that housing facilities may be separate. But all rules, fees, and other requirements for housing may not discriminate, including rules about eligibility for off-campus housing.

Asked if this would not mean an end to entry restrictions and curfew for women's residence halls, Robinson said, "On the face, they certainly seem to be suggesting there cannot be a disparity between regulations for men and women's housing." But, Robinson said, federal hearings on the guidelines will not be complete until Oct. 15, so it is conceivable this could change.

Separate toilet, locker room and shower facilities on the basis of sex may be provided, the guidelines state, but these must be comparable in quality and number for men and women.

The guidelines will require physical education classes and athletic programs to be operated without discrimination because of sex. Where participation depends on factors other than skill, these activities may not be conducted separately on the basis of sex.

But, where selection for athletic participation is based on competitive skill, separate teams may be set up for men and women.

The institution must determine in which sports students of both sexes wish to participate and must inform students of that sex which previously had a limited opportunity to participate that an equal opportunity is now available.

Weather

Partly cloudy today through Wednesday with a 30 per cent chance of rain. High temperatures today will be in the upper 80s falling into the middle 60s tonight. The humidity is 49 per cent and the winds are from the Southwest at six miles-per-hour.

Congressmen say defiance of Court could jeopardize Nixon survival chance

WASHINGTON — Three Republican members of the House Judiciary Committee said Monday President Nixon could jeopardize his chances to stay in office if he defied a Supreme Court order to surrender Watergate tapes.

"I don't think that would be very healthy for the President," said Rep. Trent Lott, R-Miss., a strong Nixon supporter on the impeachment inquiry panel, when asked what would happen if Nixon defied the court.

Rep. Robert McClory, R-Ill., answered the same question by saying such defiance would be "nothing short of disastrous" for Nixon.

Rep. William F. Cohen of Maine said he could not conceive of the President defying any order that might arise out of the historic Supreme Court case, which entered the oral argument stage Monday.

Israeli forces attack Lebanese harbors

BEIRUT — Israeli forces attacked Lebanese harbors Monday night, destroying small vessels in what they called an effort to forestall guerrilla infiltration into Israel by sea.

The Israeli military said in Tel Aviv that some 30 boats had been sunk in three ports by Israeli commandos ferried by naval gunboats.

The Palestinian news agency WAFA said four small fishing harbors came under attack by six to seven Israeli gunboats and torpedo boats.

Colson to offer new Watergate evidence

MCLEAN, Va. — Charles W. Colson said Monday he would offer new information about Watergate to the House Judiciary Committee, but refused to say whether it would be helpful or harmful to his former boss, President Nixon.

Colson left his home in the Washington suburb of McLean to begin a one-to-three-year prison sentence for obstruction of justice in attempting to smear Daniel Ellsberg while he was on trial for leaking the Pentagon Papers.

Canadians vote in national election

OTTAWA — Canadians voted Monday in a tight national election keyed to inflation, the issue that toppled Prime Minister Pierre Elliott Trudeau's minority Liberal party.

Pollsters predicted the outcome would mirror the 1972 results, the closest in the country's history, when Trudeau barely retained control of parliament through a coalition government.

Under the Canadian electoral system, voters do not directly choose a prime minister but the leader of the winning party is assured of national leadership.

Kissinger discusses inflation strategy

LONDON — Secretary of State Henry A. Kissinger and British leaders discussed ways Monday of encouraging Arab investment in the West in order to channel back billions of oil dollars to help fight inflation, American officials said.

They said the chief subjects in Kissinger's day of talks in London included the world oil crisis and the economic problems it has caused the western world.

Town lots revamped

Two municipal parking lots in downtown Chapel Hill are being combined and converted from metered parking to an attendant parking area.

Meters have already been removed from the two lots located on Rosemary Street between Henderson and Columbia Streets, and attendants will collect the parking fees when the combined lots reopen around July 15.

Art Berger of the Chapel Hill Planning Department said the new parking system is part of a comprehensive parking plan prepared and submitted to the Board of Aldermen by a special parking committee in an effort to encourage use of the new municipal bus system.

He said the decision to convert the two

downtown lots to attendant parking came as a result of enforcement problems confronted under the meter system. "There were some legal questions concerning the town's right to give tickets," Berger said. "One recommendation to the aldermen was to consider attendant parking, and since the lots are close together, we're going to try it."

Lt. Lucas Lloyd of the Chapel Hill Police Department said he had noticed the enforcement problem particularly with students. "Students would accumulate tickets and then leave school," he said.

Berger said the question of salary expenses under the attendant system has been investigated by the parking committee and that the new system is "apparently feasible" economically.

Granville visitors draw complaints

by Fay Mitchell
Staff Writer

Several residents of Granville West are complaining about women living in a men's dorm.

"Men signed up for an all men's dorm," said Jerry Merand. "That's what the sign says. If we had wanted co-edding, we would have signed up for Granville South."

Granville Towers is housing state bankers and their wives this week in the West tower. Fred Rinfret, general manager of Granville Towers, said, "I don't see that there is anything wrong."

Granville Towers is a private enterprise, but operates along with the University in providing student housing. The first clause of the Granville lease agreement reads:

"Owner's Covenant: Owner shall maintain and operate Granville Towers in accordance with rules and regulations established by the University of North Carolina at Chapel Hill."

The University has changed men's dorms to women's dorms, and women's dorms co-ed, but the University has not made these changes unannounced.

Men have also been housed in Granville East, normally a women's dorm.

"They should realize that summer session is different," Rinfret said. "We wish we had enough students to fill the dorm, but we don't. We have to solicit. It's not economical to have those rooms unfilled."

When asked if having women in men's dorms and men in women's dorms was not a violation of law and principle, Rinfret said, "I can't see that it is."

Rinfret said the lease was made only to live in Granville Towers, and did not specify male, female, or co-ed housing.

He also said Granville East had housed women students since it opened in 1965. West has housed men students since opening in 1966, and South has housed the overflow from both since opening in 1971.

"Since the dorm is not full in the summer," Rinfret continued, "students should understand that the dorm is separated by sex according to floors."

Rinfret said residents received no formal notice that members of the opposite sex would be living in their dorms.

"They have different floors," Rinfret said. "They can go to different floors in the elevator."

When asked if University Housing was aware that women were staying in men's dorms, Rinfret said, "They know we have conventions and workshops, and that we rent out rooms." He said there has been no formal contact with the housing office this summer.

The Tar Heel called Dr. James Condie, Director of University Housing, but he said that he would not respond to questions on this subject.

Rinfret agreed it would be more economical to open one or two of the dorms, for students with separation of sexes by floors, but replied, "We never thought of that."

Several Granville residents have commented that members of the bankers convention had been drinking mixed drinks at the Granville swimming pool. "I haven't seen it," Rinfret said, "but I wouldn't deny it."



Staff photo by Gary Lohrman

New buses wait for August 1

The buses to be used in Chapel Hill's new bus system are here shown parked at the Glass Recycling Plant near University Mall. Many are in poor condition and are due to be repaired before the system goes into operation Aug. 1.

These buses, purchased used from the Metropolitan Atlanta Rapid Transit Authority, will only be used for a few months until buses ordered from General Motors are delivered sometime next fall.

Routes and fares for the system have already been determined and bus stop signs are now being set up all over Chapel Hill.