

The Tar Heel

High court upholds UNC residency rule

North Carolina's Supreme Court has upheld UNC's right to require former out-of-staters to live in the state for at least six months as a nonstudent before qualifying for in-state tuition rates.

The ruling came on a case initiated by 2 former UNC law students, Kenneth Bulsman and Anthony B. Lamb, and reversed a decision by the Wake Superior Court which had declared the University's requirements unconstitutional.

Gulsman, now a public defender in Fayetteville, has indicated that the case will be appealed to the U.S. Supreme Court.

The issue in question is whether an out-of-state student may attain in-state status even while attending school, or whether he must drop out of school to change his residency status.

The present university regulations require not only that a student have an established in-state residence (for such purposes as voting and paying taxes) in order to qualify for in-state tuition, but that he maintain the residence for at least six months while he is not a student.

In Wake Superior Court, Judge E. Maurice Braswell had declared the regulation unconstitutional, stating that it

violated the 14th Amendment's guarantee of equal protection under the law.

On a university appeal, the N. C. Supreme Court reversed that stand with an opinion written by Chief Justice William Bobbitt.

"A person's right to eligibility for in-state tuition is quite different from his basic right to travel freely from one state to another or his basic constitutional right to vote," wrote Bobbitt.

"The six-month nonattendance requirement adds objectivity and certainty to the requirement of domicile," he explained.

The Court decision does not actually set the 6 month time requirement as the specific period to be used, but merely upholds the right of the university to set some certain limit.

In a dissent from the Court's opinion, Justice Carlisle Higgins said that "for all intents and purposes the rule created a conclusive irrebuttable presumption against any change of residential status."

"The motive of the court's opinion in this case is political rather than judicial," says Higgins, "and denies the claimants the right to be heard on the bona fides of their claims."

The high court ruling not only reversed the Lamb-Flusman case, but also reversed a case filed in sympathy by 3 UNC undergraduates on the same grounds as the Lamb-Glusman case.

The undergraduate suit had also been supported by the lower courts and did not receive a separate hearing by the Supreme Court, by merely had the Lamb-Bulsman decision applied to it automatically.

Thomas Vass, one of the plaintiffs in the undergraduate suit, said, "Frankly we were really confident that we would win at the Supreme Court, and we're a little surprised at being reversed."

"I think that if we can get the case heard by a federal court that our position will be upheld."

"It is our opinion — and our attorney's opinion — that the N.C. Supreme Court really does not have their decision very well grounded legally, and on appeal I think we can win."

If either the Lamb-Glusman case or the Vass case is appealed, it would probably be sent first to a federal Circuit Court of Appeal, and then forwarded to the U.S. Supreme Court. The Supreme Court would then decide whether or not it wishes to hear the case.

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Summer can be nice when you can take it easy. Edwin Cadwell and Fletcher Whitted are taking it easy together in photograph, sitting on West Franklin and watching the traffic and passersby. (Photo by Johnny Lindahl)

DTH gets support in suit

by Carol Wilson
Staff Writer

The suit filed last week by 4 UNC students seeking to cut off all support of The Daily Tar Heel through mandatory student fees has drawn heated reactions both from the DTH office and from South Building.

Chancellor Ferebee Taylor said Tuesday he "will do everything in my power to see that we can operate the Tar Heel in the future as in the past."

On another corner of campus, DTH business manager Murray Pool said, "There will always be a Tar Heel — because there will always be a student demand for a student paper, but the loss of funding will mean a drastic drop in the quality of the paper."

The suit was filed July 25 as a class action on behalf of all UNC students by Bob Arrington, David Boone, Robert Grady and Gray Miller.

It claims the present method of funding violates the provisions of the First and Fourteenth Amendments to the Constitution by:

1) "Creating the possibility of censorship" by the University officials, which "chills exercise of the freedom of the press, thereby abridging same."

2) "Constituting an imposition of an orthodoxy upon the students" at UNC-CH by the taking of editorial position on political or other matters.

3) Using funds derived from mandatory student fees requiring the plaintiffs to financially support views with which they may disagree.

Those named as defendants in the suit are Chancellor Taylor; finance officer Joe Eagles; president of the UNC system, William C. Friday; the UNC-CH Board of Trustees and the UNC Board of Governors.

Taylor said he did not yet know if court action will begin immediately or if it will be stayed, pending the results of an appeal of an earlier court decision on a similar case involving The Campus Echo of North Carolina Central University.

Student Body Treasurer Wayne Thomas said the '72-'73 allocation for the DTH as approved by Student Legislature is \$54,800. Without this money, according to

Pool, the Tar Heel could support the printing and composition and half the expenses, including staff salaries, of a 4-page paper. The average size of the DTH last year was between 6 and 8 pages.

Pool also said the paper would fall from the level of quality it has achieved. "What many students don't realize is that the Tar Heel is actually a much better paper than many small town newspapers that are staffed by professionals. People from all over the country have written to tell me this."

"The DTH also has a larger circulation — 15,000 — than most small-town papers. And this has all been accomplished by a very transient student staff."

But, Pool added, without the support of student fees, it would be impossible to maintain the DTH as anything more than "an ordinary college paper."

According to Thomas, the last time actual student support for the Tar Heel was measured was in the spring of 1969, when a referendum showed UNC students in favor of continuing financial support of the DTH through mandatory fees by a vote of about 5-to-one.