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University answer filed in DTH suit

by Cathey Brackett
Staff Writer

The reply to the lawsuit challenging the use of student fees to support The Daily Tar Heel was filed by the University in U.S. District Court in Greensboro Wednesday.

The answer included a request that further proceedings in the case be delayed until the case concerning the campus newspaper at N.C. Central University is decided. That case also involves the use of student fees for a student newspaper and is on appeal to the Fourth U.S. Circuit Court of Appeals.

The reply stated certain facts, in response to questions raised earlier by the plaintiffs, in the first defense to the suit.

The first defense said the plaintiffs "fail to state a claim against the

defendants on which relief can be granted."

The second defense offered by the defendants is based upon the failure of the plaintiffs, four UNC students, to represent an entire class to whom relief could be granted.

Facts stated in the reply include:

- the capacities filled by Chancellor N. Ferebee Taylor, University President William Friday and Vice Chancellor of Finance and Business Joseph Eagles as administrators of the University;

- the existence of a mandatory collection from students of a block student activity fee (\$9 per semester for undergraduates, \$7 for graduates and professionals), the proceeds of which are appropriated by the Student Legislature (SL) at its discretion;

- the funding of the DTH from this

student activity fee by appropriations from SL;

- the figures of recent allowances (including the present budget allocation of \$54,800 for the 1972-73 fiscal year).

- that the DTH has "from time to time published editorials written by the Editor, columns, and letters to the editor endorsing or opposing candidates for political office on and off the campus of UNC-CH."

- that the DTH has "from time to time published editorials written by the Editor, columns and letters to the editor expressing the views of the writers on subjects of religious, moral, political, philosophical and ideological nature."

In addition to the request for a delay of "not less than 20 days following the decision of the Court of Appeals in the Joyner (NCCU) case," the reply lists four additional requests:

- that prior to a trial of the DTH issue, the court hold a hearing on the defendants' allegations that the plaintiffs fail to state a claim on which relief can be granted, or upon "such a motion that the defendants may file in the meantime"

- that the plaintiffs have and recover nothing of the defendants

- that the action be dismissed

- that the costs of the action be taxed against the plaintiffs.

Robert Arrington, David Boone, Gray Miller and Robert Grady, plaintiffs in the case, filed the suit in July in U.S. Middle District Court of Greensboro.

The reply was signed by William R. Hoke of Jordan, Morris and Hoke of Raleigh, attorneys for the defendants which, in addition to Taylor, Eagles and Friday, include the UNC Board of Governors and UNC Trustees.



All Fired Up

Cruising down Franklin Street is part of a day in the life of a Chapel Hill fireman. A rare species of civic workers, the firemen spend their days waiting and waiting... See page 3 for Peter Barnes' story. (Staff Photo by Cliff Kolovson)

Amendment veto stirs controversy

by Mike Fogler
Staff Writer

The veto by Student Body President Richard Epps of the amendment call for supplemental budget hearings has brought opposing reactions from the various individuals involved.

The amendment, authored by Dick Baker, president of the Graduate and Professional Student Federation (GPSF), would have caused the hearings to be held to determine how much of the Student Government Surplus will be appropriated this year. The amendment reads as follows:

All monies in the General Surplus shall be frozen until:

- Student Legislature determines how much of the existing general surplus shall be distributed;

- All organizations be invited to submit proposals for general surplus funds to be distributed;

- The Finance committee determines how to allocate and SL ratifies allocation of general surplus funds;

- section 3 shall be completed no earlier than Oct. 19, 1972 and no later than Nov. 2, 1972.

Baker drew up the amendment because four organizations — the YM-YWCA, the Rugby Club, the Finance Festival, and WCAR — came to the Finance committee of SL after reading the DTH article which pointed out that the \$117,000 general surplus existed, and each asked for additional money.

Baker's view is that the freezing of the general surplus until at least Oct. 19 does not affect any organization getting money from last spring's budget.

He also commented that he was surprised at the Tar Heel taking such a strong position on the matter, referring to

an editorial by DTH editor Evans Witt in last Monday's issue.

Opposed to Baker's position is the view that the general surplus money is "essential to the operation of all student organizations for the first weeks of the semester until student fee revenues are made available by the University" as stated in the Witt editorial.

Those who hold this view include Wayne Thomas, treasurer of the student body; Marilyn Brock, who resigned her position as Finance Committee chairman between the time that SL passed the amendment and Epps' veto; and Gary Rendsburg, Brock's replacement as chairman of the Finance committee.

The funds which organizations such as the DTH and SG are operating with now are from the general surplus, but will be reimbursed as soon as student fee revenues are made available by the University.

However, until student fees become available, this group feels, campus organizations need some operating capital — the cash currently being borrowed from the general surplus.

Treasurer Thomas called the amendment "absurd" and said he is 150 per cent behind Epps.

Brock called the passage of the amendment by SL "one of the stupid moves" of that organization. "It is sad that people could be so ignorant," she said.

Epps' first use of his veto power in his administration automatically brings the issue back for reconsideration at the following meeting of SL, according to the student constitution.

The next meeting of SL will be held Thursday night, and the DTH has been assured that forces from both sides of the argument will be on hand.

Weather

TODAY: Sunny and warmer; high in the low 70s; low in the low 50s; probability of precipitation near zero through tonight.

New leash law enacted

Roaming packs of Chapel Hill dogs cannot roam downtown anymore.

The Chapel Hill Board of Aldermen voted Monday to require all dogs in the central business district to be on a leash.

Effective beginning in 1973, the new dog ordinance will also reduce the time a stray dog is held in the pound before disposal to 48 hours and will limit the number of dogs allowed per household to four.

A group of citizens had presented the board with a petition for a citywide leash law just prior to the dog ordinance discussion.

When does life begin? Abortion debated at conference

The question of abortion — perhaps one of the most controversial issues of the decade — was not resolved Friday night, but it was certainly discussed vigorously.

Dr. Takey Crist, co-author of "Elephants and Butterflies... and Contraception" defended abortion against the opposition of Dr. John Wilke, a noted author and lecturer on the subject, during a formal debate at the third session of the statewide Problem Pregnancy workshop held here this past weekend.

Crist, father of four and a graduate in philosophy from UNC, affirmed abortion as a viable alternative to unwanted pregnancy, insisting that the fetus is not human but pre-human.

Wilke told the group of social workers

and counselors that he is "not anti-anything, but pro-life." He called abortion "a new type of violence, not unlike killing in war or capital punishment."

"There was a time when survival of the species forced women to accept pregnancy," Crist said. "But now we have overpopulation to the extent that we generate a city the size of Philadelphia (two and a half million) every year."

Crist did not advocate abortion as a means of all-out population control, but he said all women, rich or poor, should be allowed to choose it "to free them from the emotional attachment to others."

Most states have archaic abortion laws, once made for medical reasons and now retained because of religious pressures, Crist said.

"I agree with reverence for life, but quality should be valued above quantity," Crist said. "Individuals should have the right to choose the number of children they want. Sanctity of life requires respect for the personal identity, choice and self-determination of the mother," he added.

Wilke presented a series of slides showing the state of fetuses after various popular methods of abortion. "It's a horror story," he said, adding, "I have yet to find any abortion referral agency which has given this type of information to women considering abortion."

Crist associated unwanted pregnancy with the crime of child beating, showing a series of slides of children who had been "battered" by their parents.

"Crist is in error in making this association," Wilke said. He quoted his own "Handbook on Abortion," saying, "An unwanted pregnancy in the early months does not necessarily mean an unwanted baby after delivery. Dr. Edward Lenoski (University of Southern California) has conclusively shown that 90 per cent of battered children were planned pregnancies."

Wilke said it is true rich people can get an abortion more easily than the poor. "Perhaps the poor cannot afford all the heroin they want. Rich people probably can. Does that mean we would make heroin available to everyone? Not everything that money can buy is good," Wilke said.

In his rebuttal, Crist said conception does not constitute a citizen with rights, "but rather a potential citizen with potential rights."

'Formal' swim practice starts

No drills, just polo

The UNC Swimming Team began its formal practice today outside in Navy pool. But the coach didn't run them through drills or laps or even calisthenics. He sat the swimmers around himself in a circle and talked about offense and defense and rules.

The start of "formal" practice, in short, was to play water polo.

The coach named four teams and after twenty minutes of team meetings the games were underway. They passed and shot with skill and seemed to have a lot of fun while working hard. Pete Anderson and Dave Marlin are shown (left) battling over the ball, forcing it under water, while Pete Larochelle blocks a shot (right) marked for the upper corner.

(Staff Photos by Cliff Kolovson)

