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DTH suit delayed until early January

by Cathey Brackett
Staff Writer

Proceedings in the DTH legal suit have been temporarily postponed until Jan. 2, 1973.

Judge Eugene Gordon ordered the 60-day delay at a hearing in Durham Federal District Court Thursday morning.

Defendants in the case had requested that the proceedings be postponed for a period of 20 days following the decision on a similar case involving the student newspaper at North Carolina Central University (NCCU) in Durham.

As the order now stands, the postponement will be for either 60 days, or for 20 days following a decision on the NCCU case—whichever comes first. Judge Gordon added the either/or proposition to avoid a "long drawn out case."

Gordon, who ruled against the NCCU paper in its federal court appearance, said

the fundamental question in the DTH case lies in whether or not the activities of the newspaper are prohibited by the constitution.

The outcome of the NCCU case, which appeared on appeal before the 4th Circuit Court of Appeals in Richmond Thursday, may be important in determining precedent for the DTH case.

In arguing for the requested stay period, John R. Jordan Jr., attorney for the original defendants (not including Evans Witt, DTH editor), cited the great amount of time and money that has already been spent in replying to the inquiries of the plaintiffs.

Jordan argued that a delay, in which precedent could possibly be changed by a NCCU decision, would prevent further loss of time and money.

Jordan also said he believed the resolution of the NCCU case would indeed touch upon the question of

whether the campus paper funding procedure violates the state constitution.

Richard J. Bryan, attorney for the plaintiffs, spoke against the request for delay, saying he had not yet been able to evaluate the defendants' replies to the questions submitted by the plaintiffs earlier in the case.

The case should proceed, he argued, to clarify and complete evaluation of the defense responses.

The defendants filed replies to the 70 questions put forth by the plaintiffs last month. However, the answers to the requests for documents and admissions were not filed until Tuesday.

Documents that the plaintiffs requested the defendants to produce include articles and editorials entitled "Soul Food" and "Elephants and Butterflies."

In addition, documents, correspondence and papers concerning the use of floor space by the DTH within University-owned buildings and concerning the defendants' or their predecessors' attempt to exercise control over the content of the DTH were requested.

The plaintiffs also called for all minutes, papers and correspondence of the UNC Board of Governors and the UNC trustees which concern the UNC Student Government and the DTH.

The two latter groups are defendants in the case, as are Chancellor N. Ferebee Taylor, Vice Chancellor of Finance and Business Joseph Eagles, University President William C. Friday and the DTH editor.

The defendants declined to produce copies of "Soul Food" and "Elephants and Butterflies," objecting on the grounds that the task of finding, copying and delivering the articles would be excessively burdensome because the only known file of back DTH issues is in the Louis Round Wilson Library.

Plaintiffs in the suit are UNC students Robert Arrington, Robert Grady, Gray Miller and David Boone.

Weather

TODAY: Variable cloudiness; high in the low 70s, low in the upper 40s; probability of precipitation 50 per cent today, 20 per cent tonight.

Republican defects

AUSTIN, Tex. (UPI)—The President of the Young Republicans (club at the University of Texas announced Tuesday he is leaving the organization and said he will support Sen. George S. McGovern for president. "The Republican Party, in this election, has become a chameleon," said Darwin Boardman of Abilene, a senior geology major. "It has sold out its principles and fundamental goals for power, money and influence at the expense of the American people."

Boardman said that shortly after his election as Young Republican president



The McGovern presidential candidacy has attracted the enthusiastic support of many students, but, as this poster might suggest, many students support McGovern but fear a Nixon victory in Tuesday's general election. (For student editors' views, see story at right.)

Blindness is no handicap for inventive disc-jockey

by Harriet Sugar
Feature Writer

He picks out the records by their weight.

Or sometimes by feeling their labels. Byron Sykes, WCAR disc-jockey, has been blind since birth, but that doesn't deter him from pursuing his vocation as a broadcaster.

In spite of what some would consider an insurmountable handicap, Sykes has become fully self-sufficient. In his four years at WCAR, only one major problem has confronted him: the request line

flashes a light instead of ringing. He got around that, finally, by hooking up the phone to a station that is not on the air. When he hears a "muffled buzz," he knows someone is trying to reach him.

Though broadcasting is what he wants to do, Sykes is an Industrial Relations major. He cannot major in Radio, Television and Motion Pictures because the department has told him he cannot make a film. So he's aiming at the sales, management or personnel aspects of the profession, at least initially.

When Sykes came to UNC as a freshman, he was selected by the Alpha Phi Omega service fraternity as a participant in one of their projects. "I was lucky," he says. Fraternity members, taking Sykes' schedule, walked out his classes with him for two to three weeks. Since then, he has been able to find his way around campus on his own.

Studying, "whenever that is," has posed no great problems for him. Textbooks recorded on cassette tapes are usually ordered from Recordings for the Blind, a New York organization.

Sometimes, however, books cannot be recorded on time, and he hires readers. Sykes uses them for his economics, business and sociology courses and prefers them to be people with some experience in those fields.

The readers, and his tuition fees, are financed by the State Commission for the

Editors foresee GOP win

by Penny Muse
Staff Writer

College editors generally prefer George McGovern for president but have little hope he will be elected Tuesday, a September poll by Newsweek magazine and the Associated Collegiate Press reveals.

More than 800 questionnaires were mailed to editors during the week of Sept. 11. Of the 300 editors that returned the questionnaires, more than 60 per cent signified that they wanted McGovern to win.

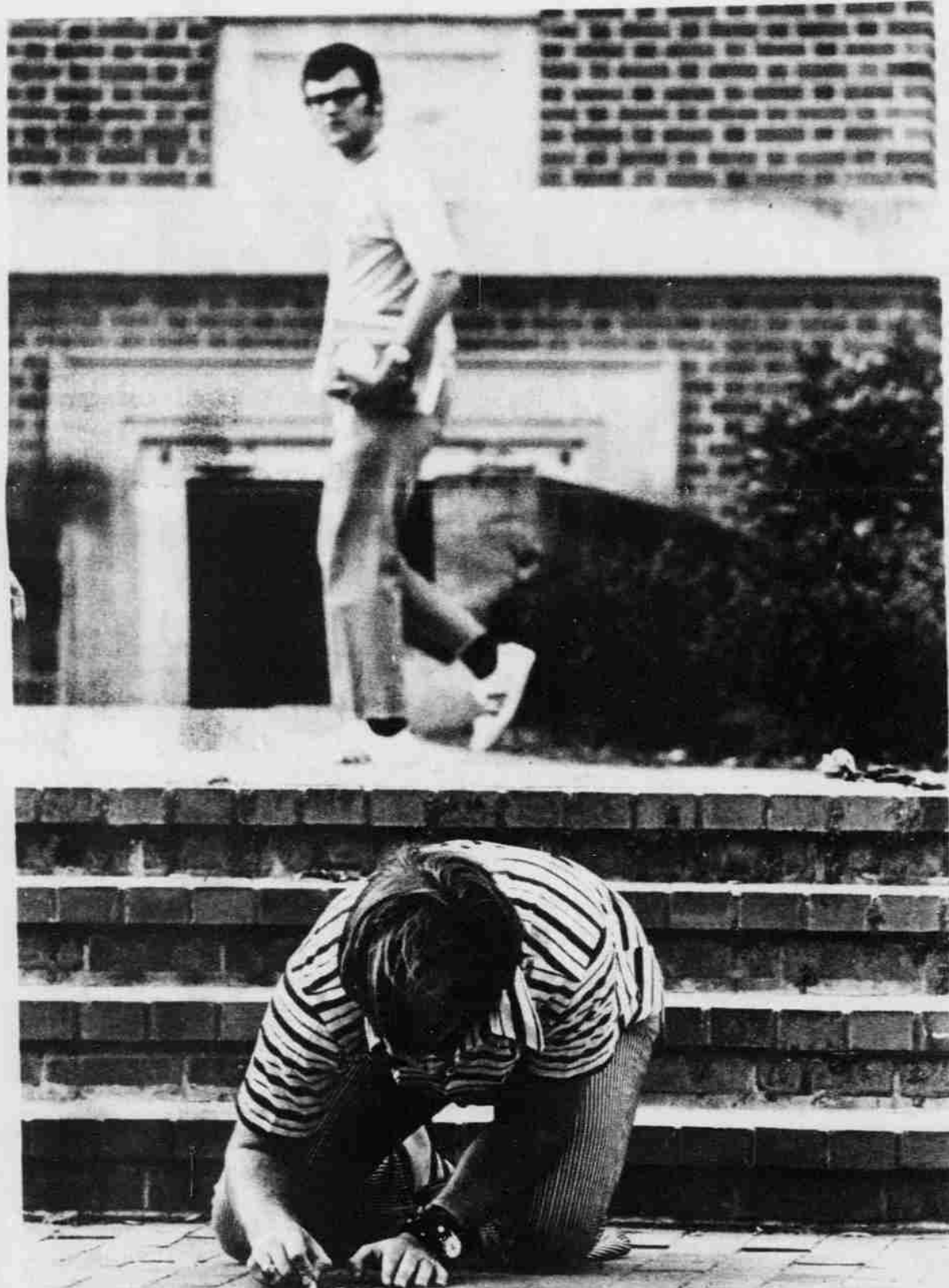
However, in the same poll, more than 80 per cent replied that Nixon would probably be reelected.

Editors were also uncertain as to whether McGovern would receive the majority of the student vote on their campuses.

A little more than 49 per cent felt McGovern would probably carry their campus, but these editors were matched with 47 per cent who felt Nixon would triumph.

The top domestic issues of the campaign are inflation, defense expenditures and tax reforms, the editors thought. More than 80 per cent felt the economy was the most important issue.

The Indochina war was considered to be the most pressing international issue. It received 90 per cent of the votes.



A chance for creativity

There are many curious onlookers at the Chalk-in in the Pit Thursday, checking out the profound statements inscribed on the bricks. The masterpieces may be gone by this afternoon if the predicted rains come. (Staff Photo by Scott Stewart)

Well-rested Tar Heels face Clemson

by David Zucchini
Sports Editor

Too much rest is just as bad as too little. Did you ever sleep for 12 hours, then still get up feeling whipped? It's enough to make you sit in bed and play with your toes for the rest of the day.

So it goes with Carolina football. The Tar Heels somehow got saddled with three open dates this season, which is like getting a free steak after eating two hamburgers. It's nice, but hardly necessary.

After blanking Wake Forest, 21-0, two weeks ago, Bill Dooley's squad got two whole weeks to prepare for Clemson. One would have been plenty.

"It's like starting another season," says Dooley, whose Tar Heels travel to the South Carolina wasteland Saturday for a 1:30 meeting with Clemson. "I have mixed emotions about open dates. They give you some extra time and rest, but you also lose any momentum you might have had."

"When we had the open date after the Ohio State game earlier, I welcomed it. A lot of our players were banged up. But now I would rather play out the season, and I think our players feel the same way. We're just gonna have to rededicate ourselves."

Well, dedication has never been a problem with Dooley-coached teams. A more immediate problem is winning Carolina's second consecutive ACC football title.

Clemson, with a 2-1 conference record, figures to get in the way. The Tigers were 1-4 at one point in the season but have come up with two straight ACC wins since then. One more loss, though, and Clemson is all but out of the race.

As for the Tar Heels, a win Saturday would ensure at least a tie for first as long as they split their two remaining ACC games with Virginia and Duke. So the Clemson game, if not the game of the year it was billed as before the start of the season, is at least the game of the week.

"How much bigger can you get a ballgame?" Dooley wants to know. "I mean, there's no way. This is as big as they come. It's not gonna be any, uh, picnic, either. We'd better be ready."

The Tar Heels, after two weeks of working and waiting, should be. Carolina emerged from the Wake victory with two physical worries—quarterback Nick Vidnovic was knocked into semi-consciousness and linebacker Steve Early ripped some ligaments in his knee.

Vidnovic is fully recovered, but Early had to be operated on and will be out for the season. Dooley has promoted a freshman, Terry Beattie, to replace Early. Beattie and David Barrett will sub for inside linebackers Mike Mansfield and Terry Taylor on alternating series.

Elsewhere, Dooley will go with the same lineup that has produced a 5-1 overall record and a perfect 3-0 ACC mark. Vidnovic is the starting quarterback. Behind him is sophomore Chris Kupec, who played for more than two quarters against Wake.

At tailback, Dooley will shuttle his usual three players—like Oglesby, Billy Hite and Tommy Bradley. Hite leads all UNC rushers with 355 yards, but Oglesby (332 and 4.7 per carry) has been coming on strong.

Another tailback, Sammy Johnson, sometimes plays fullback, along with starter Tim Kirkpatrick and reserve Dick Oliver. Jimmy Jerome and Ted Leverniz are the wingbacks.

The starters on the front line, the ACC's best, haven't changed. The same goes for the entire defensive team, with the exception of Beattie and Barrett as reserve linebackers.

Now for Clemson. Believe it or not, the Tigers aren't quite as hapless as the team that lost 52-3 to Oklahoma five weeks ago. They're more like the team that whipped Virginia 37-21, and Wake Forest 31-0, the past two weekends.

"They'll be sky-high to win the ACC championship," Dooley offers. "It's the same as a year ago (UNC won, 26-13). They started off slow and then picked up speed. They don't even look like the same team anymore."

It could be the schedule. Clemson coach Hootie Ingram, who once coached alongside Dooley at Georgia, likes to start off every season with SEC teams and then work down to the ACC. Nevertheless, Dooley is impressed.

"Hootie and I are old buddies," he says. "You know, they say Hootie's Hollow has

the same reputation as Frank Howard's Death Valley. I believe it."

But the way opposing teams have been hosted the past three seasons, Hootie's Hotel is more appropriate. Clemson's home record is 6-8 since Ingram took over from Howard in 1970.

Still, the Tigers are deep and inexperienced. And really, they have shown signs of life lately. A change in Ingram's offensive outlook has made the biggest difference.

Quarterback Joe Pengitore started out the season as a straight drop-back passer and got absolutely nowhere. Since then, however, Ingram has gone to a more balanced attack. Now Pengitore runs sprint outs, play action passes and options. "They run the belly option, the Texas Wishbone—they run every option in the book," says Dooley.

Pengitore throws mostly to flankers Dennis Goss and David Thomas, a pair of 9.6 and 9.8 sprinters. Wade Hughes, the ACC's number four rusher, and tailback Smiley Sanders do most of the running. Neither is flashy, but both are sturdy and dependable.

Clemson's front line got steamrolled earlier in the year, but it's starting to fire out more. The Tigers pounded out more than 300 yards total offense the past two weeks against Virginia and Wake Forest.

But defense is Clemson's strong suit. After the 52-3 disaster in Norman, Oklahoma coach Chuck Fairbanks called the Tiger defense the best he'd seen up to that point.

Defensive tackle Frank Wirth (6-2, 225) is supposed to be the meanest and the best of the bunch. Dooley thinks he's one of the very best linemen in the ACC. Clemson's secondary features two three-year starters in Ben Anderson and Bobby Johnson. Johnson, says Dooley, is "quick as a jackrabbit and makes things happen."

Carolina's Vidnovic will be trying to make things happen too. Vidnovic has passed for 434 yards and five touchdowns this year and has been intercepted only twice, but he had problems against Kentucky and Wake Forest.

Vidnovic, buoyed by the league's finest rushing attack, will find enough open men Saturday for Carolina's 13th straight ACC win, a new record unless Clemson pulls some surprises.

It's not likely, though, against a team that's at least nine points better and has twice as much rest.