

The Daily Tar Heel

Vol. 83, No. 21

Chapel Hill's Morning Newspaper
Chapel Hill, North Carolina, Thursday, September 26, 1974

Founded February 23, 1893



James Carson (left) debates Rufus Edmisten (right) in Memorial Hall Tuesday

Staff photo by Martha Stevens

Evaders don't show 49 seek clemency

United Press International

At least 49 servicemen seeking clemency under President Ford's amnesty program have had claims processed in North Carolina, but none of the state's 40 draft evaders have sought interviews with the state Justice Department.

Military officials are checking the claims of eligibility from 23 other enlisted men at Ft. Bragg.

Sixteen marines were released from confinement at Camp Lejeune Tuesday and sent to the central clemency processing center at Ft. Benjamin Harrison in Indiana. Four enlisted men have been sent to Indiana from Ft. Bragg and 29 other soldiers are awaiting orders following their release from the post stockade.

A spokesman for Seymour Johnson Air Force Base at Goldsboro said no servicemen have surrendered themselves to take advantage of the amnesty offer.

Keith Snyder, U.S. Attorney for North Carolina's western district at Asheville, said no draft resisters have asked his office for interviews.

There had been some inquiries regarding the amnesty program from persons other than evaders, he said. One person called, claiming to be a deserter, but refused to identify himself.

Two other callers who had been convicted for refusing to be inducted and placed on probation were referred to the clemency board in Washington D.C., Snyder said.

Under the proclamation, his duty is to handle only those persons who are of fugitive status, Snyder said, those who have left the country or refused to go on trial.

He said there are currently 13 persons of fugitive status in western North Carolina.

Thomas McNamara, U.S. Attorney for North Carolina's eastern district, said he had two calls from families of fugitive draft evaders but the callers refused to identify themselves.

Although there are 12 persons of fugitive status in the eastern district, no one has appeared for an interview, McNamara said.

In North Carolina's middle district, 15 persons are listed as fugitives, but none have called or requested interviews, U.S. Attorney N. Carlton Tilley said.

Edmisten's taxes probed; may be 'criminal defendant'

by Bill Welch
Staff Writer

Aides to Rufus L. Edmisten, Democratic nominee for state attorney general, spent Wednesday trying to clarify the candidate's tax status, while the state secretary of revenue said Edmisten "could become a criminal defendant."

J. Howard Coble, who as head of the state's revenue department has the power to prosecute tax-law violators, said Edmisten's case is under investigation as a result of the candidate's admission that he has not filed North Carolina income tax returns since 1963.

Edmisten's failure to file tax returns came to light Tuesday during a face-to-face encounter with his opponent, Republican Attorney General James H. Carson Jr., at a candidates forum on the UNC campus.

As Edmisten made the admission about his taxes, Carson immediately stood up from his seat on the Memorial Hall stage and accused Edmisten of violating state criminal law.

Edmisten, who has lived in a suburb of Washington since 1963 while serving as an aide to Sen. Sam Ervin, said he filed returns in Virginia for 10 years but not in North Carolina.

Carson accused his opponent of violating

North Carolina criminal and civil law by maintaining residency in this state without filing tax returns.

After the confrontation, Edmisten told reporters he maintained a residency in North Carolina while working in Washington. He said he has voted in Watauga County, N.C. and has paid property taxes on land he owns there for the past decade.

Following the forum, Edmisten issued a statement charging Carson with illegally gaining access to his tax records.

Carson replied in a written statement Wednesday. He called the Edmisten statement "irresponsible, reckless, and unfounded" and labeled the charge "a futile

attempt to fuzz over the truth."

Edmisten was asked about his tax status by UNC law student Ernie Pearson, who works for Carson on a volunteer basis, a Carson aide said. Pearson could not be reached for comment.

Aides to Carson denied they had contacted Coble about Edmisten's taxes prior to the Chapel Hill forum.

However, Edmisten aide Harvey Stuart said Wednesday he "had confirmed through a reliable source" that Coble met with the attorney general Tuesday night in Raleigh immediately following the Chapel Hill speeches.

Aides to Carson confirmed that the Republican cancelled a speech to the Durham Jaycees Tuesday night to return directly to Raleigh. Coble however denied Stuart's charge.

Coble said he learned of Edmisten's tax problem from reporters who called his home Tuesday night. He said his only contact with Carson was by telephone later to discuss the attorney general's accusations against Edmisten.

Coble confirmed, however, that he donated \$100 to Carson's campaign in August. He characterized himself as a "close friend" of the attorney general.

Coble is a registered Republican and was appointed to his post by Governor James Holshouser.

Coble said he could not comment on the investigation of Edmisten's taxes. He did say, however, "the fact that I contributed to Mr. Carson's campaign will have no bearing on the handling of this case. That should go without saying."

Meanwhile, Stuart said he has received differing opinions on the legal status of the candidate's taxes.

"We're studying the situation to see if Rufus unintentionally violated the law," Stuart said.

North Carolina law is unclear, he said, on whether a resident who is earning his living in another state must file a North Carolina return. "The law does not specifically say that (he must file), but it may be interpreted that way," he said.

Stuart said if it is determined Edmisten was required to file a return, the candidate can now do so. Edmisten, while in Chapel Hill, said he did not file the state returns because he was unaware he was supposed to. "There was no intent to violate the law," Edmisten said.

When asked by a reporter in Chapel Hill, Edmisten said he did not plan to release his tax information. Stuart said Wednesday however, Edmisten now plans to make public all his federal and state tax returns filed since 1963 as soon as they are compiled.

Meanwhile, sources in Raleigh said Edmisten's wife, who is a Washington tax attorney and has been ill, is struggling to compile her husband's tax information "as best as she is able."

Calley ordered released Judge overturns his murder conviction

United Press International

COLUMBUS, Ga.—A federal judge Wednesday overturned the My Lai murder conviction of former Lt. William L. Calley, saying the Supreme Court had decided the Calley case in a ruling dealing with former President Nixon and the Watergate tapes.

The 31-year-old Calley currently is serving a 10-year-prison term at Fort Leavenworth, Kan., for slaughtering civilians when his army unit made a sweep through the Vietnamese village of My Lai on March 16, 1968.

U.S. District Judge J. Robert Elliott ordered Calley released "forthwith," but since his order will be mailed to Kansas, it will give the Army time to file an appeal, if it so desires. A Pentagon source said the matter would be taken under consideration.

The judge cited three constitutional grounds in ordering Calley freed. He said the former soldier was the victim of unrestrained and uncontrolled pre-trial publicity, that he had been denied his right to confront unfriendly witnesses and that the charges against him were improperly drawn.

Sources close to the case said the decision on whether to appeal would likely be made at the highest level of government, possibly by President Ford.

Ford recently put forth an amnesty plan for Vietnam deserters and draft dodgers,

permitting them to resume normal lives in exchange for two years service in such non-military organizations as the Peace Corps.

Elliott tied the Calley case to Watergate in his 132-page opinion.

"The Supreme Court held that the assertion of privilege must yield to the need for evidence in a pending criminal trial and the fundamental demands of due process of law in the fair administration of justice,"

Atlanta won't lease any buses to town

by Henry Farber
Staff Writer

Town Transportation Director John Pappas looked as if he might make it through the meeting without having to break the not-so-good news to a not-so-friendly audience.

But after his speech to the local Sertoma Club Tuesday, a member asked the question of immediate importance: What of the six buses the town is supposed to lease from MARTA (Metropolitan Atlanta Rapid Transit Authority) to ease rush hour crowding?

"Atlanta turned us down," Pappas replied. "They said they were not in the leasing business."

The question was ill-timed, posed after a series of complaints by club members who said the buses could not get them to work on time.

MARTA's refusal to act on the town request came as a surprise. Pappas said earlier this week he had already prepared a \$40,000 contract for the lease and no indications were given that MARTA might refuse.

Word of the refusal, first released at a bus finance committee meeting Tuesday, means that relief for rush hour overcrowding will probably come no earlier than next week. Pappas said four new 42-seat buses are expected to arrive from General Motors in mid-November.

A nickel more

Dig a little bit further into your pockets, folks. The cost of canned drinks is going up again.

On Oct. 1, the price of Coca-Cola, Dr. Pepper, Sun-Drop, Sun Crest, Tab, Sprite, Fresca and Santita sold in this area will be 30 cents a can.

David Veasey, vice president and general manager of the Durham Coca-Cola Bottling Co., attributes the rise to increases in the price of canning and sugar.

"We do not do our own canning. Since April, the processing charge for each drink has risen four cents a can," Veasey said.

He said he regretted the change but said the high cost of tin and steel for the cans and rising sugar prices necessitated it.

CGC skirts 'Sounds' issue

by Art Eisenstadt
Staff Writer

What didn't happen at Tuesday night's Campus Governing Council (CGC) meeting has the potential of being more controversial than what did happen.

And what did happen was rather uncontroversial as the legislators breezed through their quickest meeting of the 56th session.

A resolution concerning the phasing out of WCAR's *Black Sounds* radio program, which created about 45 minutes of debate at last week's CGC meeting, was not listed on the agenda Tuesday night.

Carl Fox, who introduced the original resolution, suggested the council discuss the matter after all scheduled legislation had been acted upon.

Speaker Johnny Kaleel, however, ruled Fox's appeal to be out of order since Fox did not present a specific bill or resolution on the matter.

"It is out of order to consider a general question," Kaleel said. An ensuing vote at the request of Fox to bring the discussion to the floor failed, 5-4.

The council passed a resolution last week which strongly advised WCAR to reinstate *Black Sounds*, a popular black music

program, to its five-times-weekly 11 p.m. to 3 a.m. time slot. The station had rescheduled the show from 10 p.m. until 3 a.m. Sunday nights only.

A second clause in the resolution, which recommended that WCAR issue a public apology for the action, was referred to the Appointments Committee for further study.

The committee voted to drop the clause altogether last Thursday after questioning WCAR Station Manager Gary Rendsburg.

Rendsburg was present at last night's meeting by Fox's invitation, as were several members of the Black Student Movement (BSM). The BSM members had a 391-name petition urging that *Black Sounds* be reinstated to its original time slot.

Rendsburg has said the show was moved in order to preserve continuity in the station's programming. After meeting with Fox and Student Body President Marcus Williams, he assigned a black disc jockey to do a progressive black music program Monday through Friday from 6 to 8 p.m.

The CGC has no real power to adjust WCAR's programming, and Rendsburg said only student input could force the student-government-funded station to adjust its schedule.

"I think the petition here certainly signifies this input," Fox said at the meeting, adding

that he considered the time for the new program unsatisfactory.

After the request to discuss the question was voted down, Williams said, "I consider the resolution that was passed by CGC last week as a mandate. According to the constitution, I am supposed to uphold the mandates of CGC."

Both Williams and Fox said they did not consider the matter closed. When asked after the meeting if he planned to introduce another bill concerning WCAR, Williams said, "Not necessarily."

He declined, however, to say if he was considering any kind of executive action.

The Student Government Constitution does not give the president the right to directly interfere with the operation of the station.

Murray Fogler, executive assistant to Williams, said Wednesday, "We're not going to do anything radical. There's no real executive action he (Williams) can take."

Fogler said Williams wrote a letter to Rendsburg Wednesday morning, which Fogler described as gentle persuasion.

"The only action we could take would be to present before CGC some kind of economic sanction," Fogler said. Asked whether the president would resort to this, Fogler said, "I would hope not."

Publications Board Chairman Mark Dearmon said Wednesday he does not expect Williams to take any action against WCAR.

"If he says, 'I'm going to do such-and-such because of the programming,' it would be unconstitutional," Dearmon said. "He would be digging his own grave as far as I'm concerned."

The council did pass a resolution urging the University to provide adequate office and lounge space to the International Student Center (ISC). The organization's headquarters in Carr Dormitory are going to be taken over by the Housing Department.

Ben Steelman, who introduced the bill, said the ISC could use the former offices of the State Employees' Credit Union, in the basement of Smith Building, as a short term solution.

The council also instructed its Rules Committee to aid the three Institute of Government students who are codifying past bills from CGC and its predecessor, the Student Legislature.

John Scott, one of the Institute of Government students working on the codification, said he encountered questions on the status of old bills that for some reason hadn't been signed, or were unreadable.



Cicely Tyson

Cicely Tyson appeared Wednesday night in a program of poetic and dramatic readings at Memorial Hall. Tyson most recently made television history by portraying the 110-year-old heroine of 'The Autobiography of Miss Jane Pittman.' She received an Academy Award for best actress for her role in the movie 'Sounder.' Among her other movie credits are 'The Heart Is A Lonely Hunter' and 'Tiger, Tiger Burning Bright.' Tyson was the guest of the Carolina Forum.

Staff photo by Charles Hardy