

The Daily Tar Heel

Chapel Hill's Morning Newspaper

Chapel Hill, North Carolina, Tuesday, January 21, 1975

Founded February 23, 1893

Vol. 83, No. 84



Staff photo by Peter Ray

NAACP local president Robert Kelley reveals demonstration plans Monday

State-of-state address

Fiscal plans aired

by Eliot Brenner
United Press International

RALEIGH—Gov. James E. Holshouser Jr. Monday night unveiled an economic-legislative-budget proposal which included

Zoning law bars sales at Foxcroft

by Andy Sidden
Staff Writer

Foxcroft Apartments is in violation of a town zoning ordinance and could lose its special use permit, a zoning official said Monday.

"Any retail selling of food items out there," planning and zoning administrator Art Berger said, "whether to the public or to the tenants is a violation."

Beer, steaks, hamburgers, and hot dogs are being sold in the apartment's clubhouse. In addition, band parties, where beer was sold to the public, have also been held.

Town Manager Chet Kendzior said the selling was definitely a violation since the apartments are located in a single-family residential zone. The special use permit which allowed the apartments to be built in the zone, he said, would be revoked if this continues.

Building inspector John Davis said he felt Daniel Vogel, owner-builder of the apartments, would comply with the ordinance and stop the selling.

Vogel said, however, that Foxcroft was only inviting the Chapel Hill residents to see what the complex has to offer, and he felt this has not violated any zoning ordinance.

"They could take steps to get the permit modified and have a restaurant or country-club like facility for their tenants," Berger said.

Getting this modification, however, would not be easy, Berger said, because the Board of Aldermen has already considered revoking Foxcroft's special use permit for failing to build a second access road.

Vogel began providing social entertainment to increase rentals with an hors d'oeuvre party on Thursday nights. Last summer poolside parties were held with live entertainment as promotional efforts.

The weekend band parties were the first social activities open to the public. They were also the first where beer was sold.

Campus elections today

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Coalition of black groups to picket Ervin's banquet

by Kevin McCarthy
Staff Writer

The local chapter of the National Association for the Advancement of Colored People (NAACP) and the Black Student Movement (BSM) will picket a dinner honoring former Sen. Sam Ervin Jr. at 6:30 p.m. Wednesday at the Carolina Inn. During a news conference Monday, local NAACP president Robert Kelley said "The same elements will be involved in this demonstration" that booted and shouted at David Duke, national information director

Ervin's spring visit also raises protest

by Kevin McCarthy
Staff Writer

Former Sen. Sam Ervin's appearance this spring as a visiting professor has raised a storm of protest from the local chapter of the National Association for the Advancement of Colored People (NAACP).

Chapter president Robert Kelley said he met Monday with Chancellor N. Ferebee Taylor to express his dismay at the University for inviting Ervin to lecture here. The senator is scheduled to begin teaching a week of classes in law and political science beginning March 31.

"I did ask him (Taylor) to clarify Ervin's position on civil rights," Kelley said. Ervin's voting record was "one of the most racist in Congress," he said Monday at a news conference.

The chancellor is obligated to clarify Ervin's stand on civil rights, Kelley said, since the senator will be asked to speak on such related subjects as the Constitution, public law and individual rights.

"The Chancellor has possibly recognized that he has stepped on a bad egg, and that if he had looked into Ervin's record on civil rights he might not have invited him."

Taylor said, "I told him (Kelley) that Sen. Ervin had been invited to come this spring,

of the Knights of the Ku Klux Klan, Jan. 16, in Memorial Hall.

Speaking for campus blacks, Kelley said, "We have tried to be moderate in the past few years, but it hasn't worked. The temperature is going to be stepped up."

The NAACP-BSM coalition, which also includes other groups Kelly declined to identify, is organizing the new movement.

The purpose of the protest, he said, is to inform the banquet guests and University community about Ervin's civil rights voting record, which he denounced as "one of the

most racist records in Congress."

"Sam is worse than the Duke; his record is worse than the Duke, let's face it."

In a news release, Kelley reported the senator voted against 20 human rights bills, including the Civil Rights Acts of 1964, Equal Rights Amendment, Headstart, Model Cities and the Voting Rights Act of 1965.

Ervin will receive the North Carolina Public Service Award at the Wednesday night banquet, the proceeds of which will go to the North Carolina chapter of the National Cystic Fibrosis Research Foundation. Past recipients include Gov. Robert W. Scott and the late Sen. B. Everett Jordan.

After learning of the protest Monday, Ervin commented, "I don't care whether people demonstrate or not, but if they want to do some good, they could contribute to a very good cause to help cure a dreadful disease."

Although he could not guarantee that the demonstrators would not become disruptive, Kelley said he "called upon them to use restraint."

Student Body President Marcus Williams said Monday, "I think the Duke thing was a unique situation and I don't foresee any recurrences." He added that "Student Government apparatus is prepared to deal" with any such situation but refused to clarify his statement.

Kelley said the BSM voted in executive session Sunday night to participate in the demonstration which he said may involve as many as 250 blacks.

While the purpose of the protest is to inform the guests of Ervin's voting record, Kelley admitted in a telephone interview Monday that all 250 protesters would not be handing out information, but declined to say exactly what they would be doing.

The NAACP president also said he asked Duke University President Terry Sanford, honorary chairman of the banquet, to allow him to read Ervin's voting record before the guests "so they could have a better perspective as to what his record was, who they were honoring and for what."

He said Sanford told him the award society had asked Sanford to "use his name as honorary chairman for this affair and that

he said, 'Yes, they could,' but that he had no idea who was to be honored."

"When I asked him was he going to attend, he hedged on the fact that he was there to honor Sam Ervin. He said 'My name is being used as honorary chairman but that doesn't mean I'm there to honor Sam Ervin.'"

"I was totally misquoted," Sanford said Monday, his voice rising in anger. "I am delighted to be part of the program to honor Senator Ervin."

He said he thought Kelley's request to read Ervin's record at the banquet was ridiculous and that "of course, I knew who the banquet was for."

"If they want to have a dinner berating Senator Ervin, they could have one," Sanford said.

Kelley said he planned to apply to the Chapel Hill Police Department for a permit to picket, but added that he hoped the permit would not place too many restrictions on the protesters.

Chapel Hill Police Chief William Blake said Monday that no permit to picket is required but that a town ordinance requires that protesters remain in single-file, not less than 10 feet apart, carry signs not more than 2 feet square and keep entrances clear.

Violations are punishable by 30 days in jail or a \$50 fine.

Blake said there might be a problem since it would be difficult for 250 protesters to keep in single-file and abide by the 10-foot regulation.

Since the Carolina Inn is part of University property, he said the campus police would handle the situation unless the University requested aid from the Chapel Hill police.

Campus police spokesman Ted Marvin said, "We're in the process right now of checking out the University's position on the protest through legal counsel."

During the press conference, Kelley described the protest as symptomatic of a general frustration with the University administration, which refuses to hire an independent affirmative action officer but has "the funds to hire Sam Ervin" as a visiting professor.

Ervin is scheduled to speak to law and political science classes this spring.

FBI keeps congressmen on file

by Ed Rogers
United Press International

WASHINGTON—The FBI disclosed Monday its files contain information on the personal lives of congressmen, including reports on their "loyalty, character and reputation."

A spokesman said the FBI does not compile such information into actual dossiers on individual members of Congress. But he said the bureau maintains a cross-reference index card file showing each time a congressman is mentioned in any investigatory file.

If the FBI ever wants to find information about a particular member of Congress, the spokesman said, it would use the index card system to locate the various files containing references to that individual.

The bureau's disclosure followed a Washington Post report Sunday that the FBI under the late director J. Edgar Hoover compiled files on congressmen, including reports on their drinking habits and illicit sexual activities.

The newspaper quoted former Hoover aides as saying the information was neither obtained by direct surveillance nor kept for blackmail purposes.

Reports of the files triggered a sharp reaction on Capitol Hill.

The spokesman for the bureau, asked what might be found by someone using the cross-index system, replied that the FBI saves any information volunteered to agents or received by letter from informants concerning a person's "loyalty, character and reputation."

He said the cross-reference index contains entries on any person about whom such information is obtained. The names of members of Congress, he said, are mingled with all the others.

The spokesman said the information is put

in the file of the investigation that produced it even though it might not be relevant to that investigation.

Such material, the spokesman said, is never used unless the person to whom the references apply becomes the subject of an investigation himself. "Should that happen," he said, the cross-reference index gives the FBI a head start.

The spokesman said an investigation involving the congressional material might result from a member of Congress being nominated for a position such as a Cabinet-level job which requires an FBI check.

A file is then created on the congressman himself for what is called a "background" investigation.

The spokesman also noted that members of Congress sometimes also become the subjects of criminal investigations.

The spokesman stressed that the cross-reference index is not a "secret" record. He said although the public cannot use it, the system is available to all FBI agents who need to use it in the course of their official duties.

Group eyes Lee's race for Lt. Gov.

If Chapel Hill Mayor Howard Lee decides to run for lieutenant governor in 1976, he will find that he already has some supporters.

Citizens For Lee has been formed to foster Lee's candidacy and to provide a means to determine whether his campaign is feasible. Gretchen Dunn, a local lawyer and treasurer of the organization, said.

Organization of the committee was formally announced Monday but Dunn said it has been in the planning stages for several weeks.

The committee wants to raise money in small amounts from as many people as possible to finance a statewide poll to investigate Lee's chances in 1976, Dunn said. There has been "some indication of support (for the mayor) and we want to see how deep it is," she said.

Citizens for Lee has been listed as a political committee in accordance with the Campaign Reporting Act, which was ratified in April, 1974. The organization's address is P.O. Box 1414, Raleigh, N.C. 27602.



Sens. Ted Kennedy (l) and Henry Jackson (r) at a Sunday news conference