

The Daily Tar Heel

Chapel Hill's Morning Newspaper

Vol. 83, No. 106

Chapel Hill, North Carolina, Thursday, February 20, 1975

Founded February 23, 1893

Court delays trial of BSM chairman

by Kevin McCarthy
Staff Writer

The closed trial of Algenon Marbley, Black Student Movement (BSM) Chairman, for alleged disruption of the David Duke speech Jan. 16 in Memorial Hall was postponed at 3 a.m. Wednesday after the Undergraduate Court denied four motions to dismiss the case.

Student Attorney General Nita Mitchell said Wednesday she would decide by Friday or Saturday when to reschedule the trial but said, "It would probably have to be after spring break."

Marbley's counsel — Andromeda Monroe, D. Lester Diggs and Leonard Lee — released Wednesday the details of the motions to dismiss in a statement prepared after consulting Marbley, but refused to answer any questions about it.

Diggs cited four grounds for dismissal:

- "The charge against Marbley, as specified on his summons to court, was not a violation of the Instrument" (of Student Judicial Governance);

- "No. II, Section F of the Instrument assigns to the Chancellor only jurisdiction over matters dealing with disruptive conduct;"

- "James Arthur Pope, who initiated the suit against Marbley, is not a legitimate accuser;"

- "Because the procedure for determining the court make-up was not conducted in the manner prescribed by the Instrument, and because this activity violated Marbley's right as a defendant, jurisdiction could not apply to this case."

Court Chairman Charley Atkins said the defense's statement Wednesday concerning the motions was substantially correct. All motions were denied as unfounded, he added.

A fifth motion to disqualify a court member, he said, was also denied at the four-hour trial.

The sixth motion — to postpone the trial — was granted, but Diggs refused to say on what grounds it was accepted. Mitchell said Wednesday that, to her knowledge, this was the first time a trial was postponed "once a case got to court."

In the release, Diggs also stated that Marbley will file suits against attorney general staff officials "for the delinquent manner in which they have conducted Marbley's trial." Diggs refused to clarify how the officials were delinquent or to identify them. Mitchell could not be reached for comment at deadline.

Diggs also contended that Pope's decision to initiate a suit against Marbley "can only be described as political and unfounded."

"Consequently, the BSM is prepared to deal with Marbley's trial in a manner that is politically expedient and direct," Diggs would not explain this statement.

Pope said Wednesday, "I believe my charges are very well founded and were motivated by a sense of justice and not politics."

"I think it is up to the student honor court to decide if the charges are just and not the BSM."

Pope reiterated that he is a "member of no student groups on the Carolina campus or part of any religious organization."

He added that he had not, in any way, been intimidated by the BSM and had felt only boredom at Tuesday's lengthy trial.

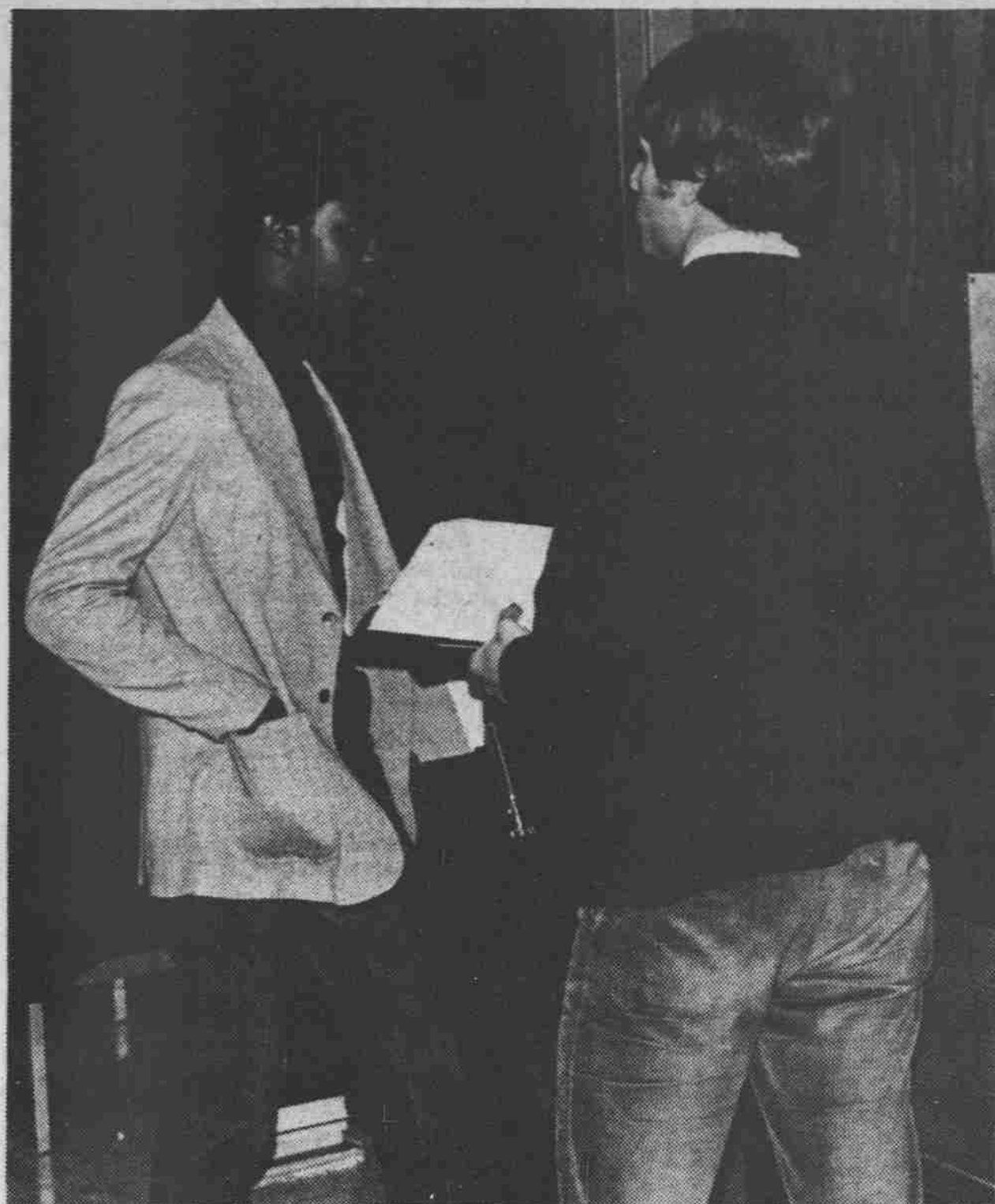
The Marbley case is the first tried under the disruptions clause since it was incorporated on Oct. 2, 1974 into the Instrument of Student Judicial Governance, dean of student affairs Donald A. Boulton said Wednesday.

The UNC Board of Trustees wrote the policy in 1969, during the period of campus unrest, James O. Cansler, associate dean of student affairs, said Wednesday.

"To my knowledge," he said, "there never was a case formally tried" under the policy when it was under the jurisdiction of the trustees.

A court of four blacks and three whites heard the motions. Under the Instrument, Marbley has the right as a minority student to request a minority jury.

Since the new trial will probably not take place until after spring break and, thus, after the campus elections, the composition of the jury may change, Mitchell said Wednesday. Twenty-eight court members will be elected Feb. 26, and 14 more appointed after the election.



Algenon Marbley exchanges a few words Tuesday with prosecutor Larry Larson

Local vote avoided Charter goes to Raleigh

by Mike Horne
Staff Writer

The Board of Aldermen decided Tuesday to send the total package of Town Charter revisions to the state legislature for approval.

By going straight to the General Assembly, the board bypassed the option of calling a local referendum to incorporate the proposals into the charter. The earliest time for a referendum would be this summer when most students would not be in town.

Alderman Gerry Cohen had earlier suggested that the board ask the legislature for permission to delay the referendum until the November election so students could vote.

Some of the board members were also disappointed in the lack of public

concern throughout the Charter Commission's 18 months of deliberations. Only six citizens attended the January public hearing on the charter revisions.

The rewritten Town Charter includes four major changes:

- expanding the board from six to eight members;
- permitting the mayor to vote on all board issues, rather than just to break a tie vote;
- lengthening the mayor's term from two to four years;
- limiting the mayor to two consecutive four-year terms.

The revised charter also replaces the aldermen and separate mayor with a "governing board," to include the mayor.

Out-of-state cut to be introduced

by Greg Nye
Staff Writer

A bill that would reduce the number of out-of-state students in North Carolina's universities will be introduced in the General Assembly this session.

State Sen. George W. Marion Jr., D-Surry, is preparing the bill to limit out-of-state students in UNC's undergraduate and graduate schools.

Marion said he will introduce the bill in answer to a growing number of complaints from North Carolina parents. "I've heard from people who have tried to get their children in the University, but couldn't because the schools were full," Marion said.

But administration officials believe the bill, if passed, could have harmful effects for UNC's 16 campuses. "The graduate program here simply could not draw enough top people from the in-state population," University Registrar Lelian Y. Lehman said Tuesday.

"Students from North Carolina are just as intelligent as those from any other state," Marion said in an interview Wednesday.

This fall at UNC-CH, 17 per cent of the undergraduates and nearly 50 per cent of the graduate students were from out-of-state.

Current law permits only 15 per cent of the student population in North Carolina's universities from out-of-state.

Out-of-state enrollment is considerably higher than this 15 per cent figure because out-of-state residents who are children of UNC alumni are considered to be in-state residents.

"In-state students should be taken in first," Marion said. "Although out-of-state students double the tuition, its only a drop in the bucket when compared to the state's expenditure per pupil."

Marion also wants the 15 per cent figure reduced. "I've sent out letters to state universities, and I'm checking with other states to see what their policy is," Marion said. "But 15 per cent of out-of-state students is too high if in-state students are waiting to get in."

But Harvey Zelon, president of the Graduate and Professional Student Federation, believes the percentage of out-of-state students should not be reduced. "One of the best things about graduate education is the diversity of the students," Zelon said.

Chancellor N. Ferebee Taylor declined comment on the bill until he could talk with Marion. Raymond H. Dawson, vice president for academic affairs for UNC, could not be reached for comment Wednesday.

Housing panel gets student complaints

by George Bacso
Staff Writer

Students aired some of their housing grievances Tuesday night when an informal panel led by Dr. James D. Condie, director of University Housing, was held in the Union.

A question-and-answer session, which followed brief speeches by University administrators, was attended by about 40 students. The program was coordinated by the Current Affairs Committee of the Union.

During the first hour of the meeting, panel members discussed their positions and duties and attempted to explain "the incompatibilities the housing department must deal with."

"The university is a large, complex organization, with different goals . . . some of which conflict with others. I think this is inevitable and I think it is healthy," Cansler said.

In light of recent housing controversies, Condie based his explanation for Housing's recent decisions on economics. Since University Housing can not receive state funds and therefore is entirely self-supporting, Condie said it must be concerned not only with responding to student demands but meeting its budget.

"If you are concerned with having room rents low and you are also self-supporting, you have an incompatible situation. Therefore, when you have vacancies, you must make up for them through some other means of revenue," Condie said.

Condie said a major problem is that the University accepts freshmen without taking into account how many residence hall spaces are vacant, although it requires all freshmen to live on campus.

Cansler also cited economics as a problem. "Nothing comes free — every service offered students must be paid for and the only question is who will do that. The fundamental assumption is that somebody

will have to pay."

Regarding spring room sign-ups, Condie said, "We will hopefully announce rates before spring break, and if not, we will absolutely announce them when you get back."

Condie only touched briefly on his recent decision to house international students in Ruffin dorm.

"We've gotten a plan from the University Planning Department, but we sent it back," Condie said.

Condie said the plan called for the construction of a ramp at the north end of the dorm, and renovations ranging from renovating bathrooms to widening doors. The plan would have cost \$22,000.

The only other main area touched upon was dormitory consolidation. After reiterating points which he had made previously, Condie outlined the future of consolidation (requiring students whose roommates have left to move in with each other.)

"I'm hearing from people now, and I'm ready to believe, that we can make it so consolidation does not have to occur if the situation is no fault of the person left in the room," Condie said.

"I'm willing to accept room rent increase as an answer to this problem."

by George Bacso
Staff Writer

UNC's first stalker of the year dashed into a housing gripe session Tuesday night, uttered the words, "nothing personal," and hurled a lemon meringue pie at James Condie, Director of University Housing.

The pie glanced off Condie's head and shoulders. The naked student ran from the room unapprehended. Condie said "excuse

me," picked up his splattered briefcase, and left. The forty people in rooms 202-204 of the Union sat in stunned silence.

"Nobody laughed — it was like an assassination," one observer said afterwards.

After the meeting, the *Daily Tar Heel* caught up with Condie's slapstick assailant, CB Gaines, a UNC senior.

"I was just sort of in the mood for that type of thing and he seemed the most likely candidate," Gaines said.

"Basically, I did it because of Dr. Condie's

general inaccessibility to be reached in every way. He screwed students in second floor Winston, McIver and Carr last year and he's screwing them in Ruffin and in James this year. Since he's been here, it's been nothing but one big screw job."

Gaines said he wanted to let Condie know how he felt about him, and he said he did not think his actions represented a singular emotion, but one shared by many others.

Gaines made it clear, however, that he represented no group and did not want to be

associated with or undermine the efforts of anyone currently criticizing the housing department.

"I tried to be fair and wait until the students could get their questions answered. But after half an hour of waiting, I saw Condie really wasn't answering anyone's questions, so I did it," he said.

Contacted at his home Wednesday, Condie refused to comment on the incident, but would not rule out the possibility that the action was planned by a particular group.

such as those involved in disputes over consolidation at James.

James O. Cansler, associate dean of student affairs and a member of the housing panel, called the incident "an unfortunate occurrence."

"I think it was a very good meeting, and it's a shame it had to be degenerated by that process," Cansler said.

Werner agreed and said, "It's unfair for one person to have the power to terminate a whole dialogue."

Just what does 'organic' mean? FTC considers banning certain words

by Greg Porter
Staff Writer

If you've seen Euell Gibbons endorse grape-nut cereal — "as good as wild hickory nuts"; if you've seen Mother Nature peddling margarine; or if you've seen the animated maiden who shampoos with the essence of herbs, then you know how powerful the "natural" appeal is in major-league advertising.

But some food producers are riding the "natural" wave to higher profits and leaving the consumer on the rocks.

One national magazine reported the case of a bogus "organic lettuce" grocer who, running out of his product, bought regular lettuce at an establishment across the street, carried it back to his own store, and then sold it at an inflated "organic" price.

The owner of Wildflower Kitchen, a local natural foods restaurant, said she feels food companies are just stamping "natural" and "organic" on their products indiscriminately in order to capitalize on this lucrative sales angle.

In fact, the Federal Trade Commission (FTC) takes the problem so seriously it is now entertaining a proposal that would prohibit any use of the words "organic" or "natural," or reasonable facsimiles thereof, in food advertising.

Lillian Woo, North Carolina's leading consumer advocate, said that instead of banning the words altogether, the FTC ought to define them in a narrow sense and then prosecute for fraudulent usage.

"I've often been offended by other vague words like 'flavoring' that are used in labelling," she said. "But the thrust of the FTC's efforts should be at letting people know what's in their food. The FTC needs to be aiming at problems in food marketing that are dangerous to the health of the consumer."

"They let cyclamates stay on the market for 20 years while they decided what to do," she added, "and that's a lot more important than inane little words. That's why I call them the Federal Trade Omission — they need to apply themselves to really important problems."

The FTC has reached what its staff considers an impasse in seeking a viable definition of the words, particularly "natural." They say there is more hope for a workable, enforceable definition for "organic."

The FTC proposal states, "An advertisement may represent that a food does not contain any artificial or synthetic ingredients . . . that a food has not been grown with or subjected to pesticides or artificial fertilizers or artificial conditioners, if that is a fact."

Marsha Coen of the national Consumer's Union says she can envision "pesticide-free" as the slogan of

the day if the proposal is enacted.

Strong opposition to the FTC proposal has come from Irvin Mann Jr., director of the Oregon State Department of Agriculture. Mann has already established what he feels is a workable definition for "organic," now being used in Oregon.

"Organic farmers are organizing and policing themselves and certifying themselves," Mann said. "They are doing this on a very realistic basis. The certification can easily be checked without abnormal expenditures."

"The Oregon approach is probably far from perfect, but it is an attempt to deal with a widespread attitude on the part of a lot of Americans. This is what I think government is supposed to do to be responsive."

Mann echoes the sentiments of Conrad Williford, manager of Raleigh's General Nutrition Center, who says, "Organic food does exist and it's unfair to those who grow it to ban the words 'natural' and 'organic.'"

"All terms are relative," he said. "Attempts must be made to set up regulatory bodies to make sure 'organic' food really is organic."

Jerome Goldstein of *Organic Garden and Farming* opposes the ban on "organic" and "natural" because he thinks it would discourage the trend toward natural methods of production necessary for "economics, ecology and energy can somehow be harmonized."



Tom Barber checks through the organic merchandise at Harmony Store