

Clear
Today will be clear with no chance of rain. The low last night was about 42, and the high today will be about 75.

The Daily Tar Heel

Voter Apathy
Not since 1924 has American voter apathy been so severe, and leading the trend are the young voters. See stories on page 3.

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Board rejects DU plans; dance moved to Tin Can

by Elliott Potter
Staff Writer

The Chapel Hill Board of Aldermen rejected by a 6-2 vote Monday a request by the Delta Upsilon (DU) fraternity to close a portion of Rosemary Street during the "Beat State Extravaganza."

The "Beat State Extravaganza," scheduled for Oct. 15, is co-sponsored by the DUs and the Carolina Union. The week-long event, held annually to raise money for the American Cancer Society, was to climax with a pep rally and dance at the DU house at 407 E. Rosemary St. Friday.

The fraternity requested that the portion of Rosemary Street between Hillsborough Street and the Alpha Delta Pi sorority house be closed between 2:30 p.m. and 4:30 p.m. and 6:30 p.m. and 10:30 p.m. Friday.

Dan Walker, DU chairperson for the event, said plans for the extravaganza will continue because the fraternity and the Carolina Union feels the purpose is worthwhile.

DU representatives met with Town Manager Kurt Jenne Tuesday afternoon and were informed that they would not be granted a sound amplification permit for its

dance featuring the Brice St. Band. Because the fraternity was not able to secure the permit, the dance was rescheduled for 8 p.m. Friday in the Tin Can.

Walker and Mike Cannon, chairperson Carolina Union Recreation Committee, jointly announced Tuesday that the extravaganza parade featuring the Marching Tarheels, the cheerleaders, members of the football team and local sports celebrities will end at the DU house at 6:30 p.m. Friday. A beer chug, joke contest and other activities will be held at the DU house from 2:30 p.m. to 5:30 p.m. Friday.

Jenne, who recommended that the board reject the request, told the board that he had suggested Sept. 13 that the fraternity find a more suitable location for the events.

Jenne said he had received a stream of complaints last year when the street was closed for the rally. "I do not hold the DUs in blame. On the contrary, I think the gentlemen are sincere in their efforts. The area is not conducive to heavy crowds and high amplification," he said.

The fraternity presented the board with a letter from the American Cancer Society and a petition from the fraternity's neighbors supporting their efforts.

Walker said Tuesday, "We were told to work with the Carolina Union, the city and the neighborhood in preparation for the event."

Walker said they had informed neighbors of their plans and had worked with city officials and included their suggestions in determining solutions to the traffic problem.

"But at the alderman meeting all our efforts seemed to be of no avail."

In other action, the board also refused by a 6-2 vote a request to overrule a Planning Department decision to delay action on a request for a special-use permit by the Delta Delta Delta (Tri-Delt) sorority for property at 407 E. Franklin St.

Gary Giles, a Chapel Hill architect, presented a petition which asked the aldermen to overrule the decision. The request for the permit was scheduled to appear on the Planning Board agenda Tuesday but was later moved to a meeting Nov. 4.

The Planning Department had refused to forward its recommendation on the request to the Planning Board until the aldermen had resolved a sewer allocation policy at the Monday meeting. Members of the board voiced concern that the single day which

separated the meetings of the Board of Aldermen and the Planning Board would not allow enough time for the Planning Board to evaluate the request.

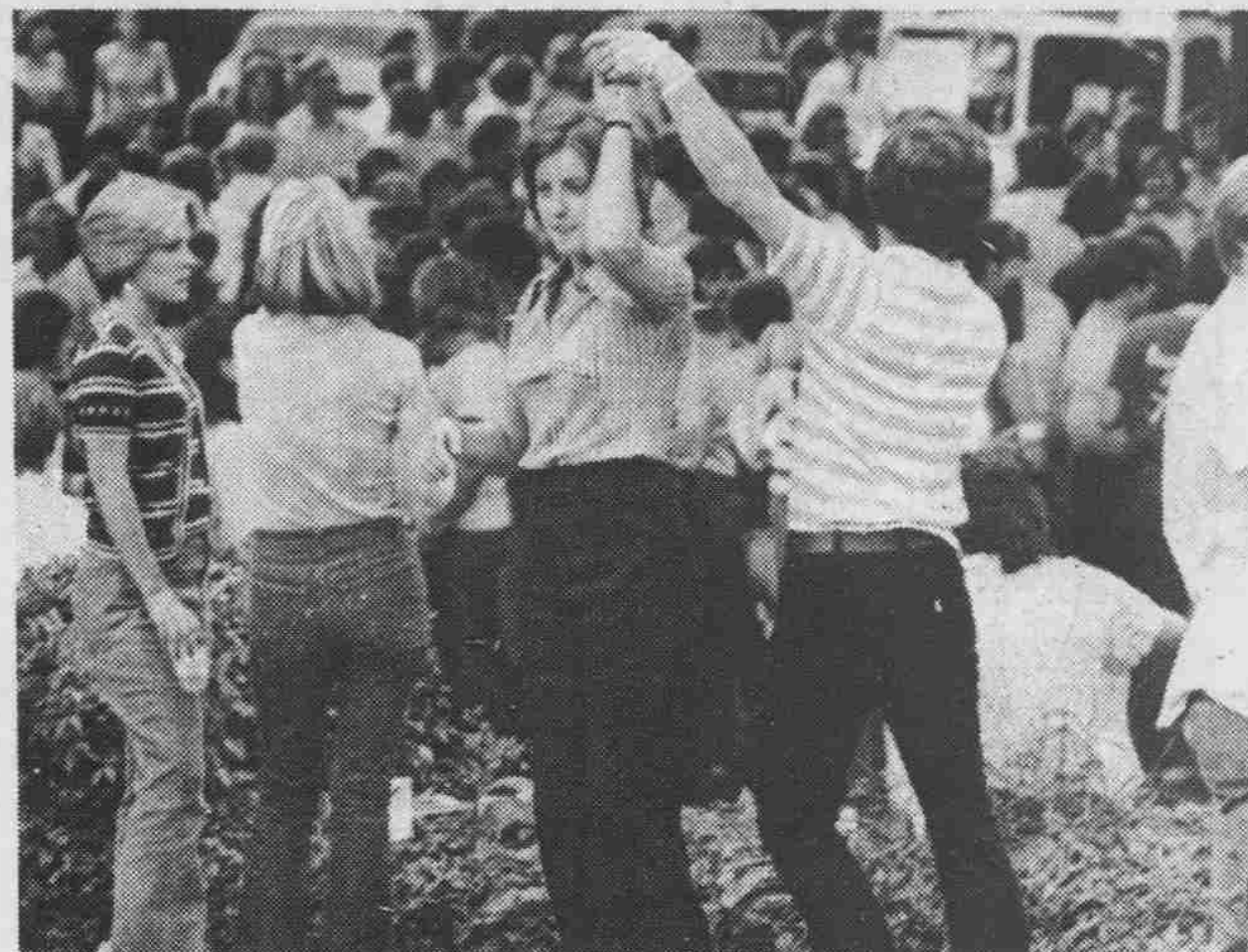
The board refused a request by a vote of 5-3 made by Carolista Baum of 515 E. Rosemary St. that the aldermen set another public hearing concerning the Tri-Delt request for a special-use permit.

Baum said she had acquired additional information that she felt needed to be considered by the Planning Board.

According to Planning Board policy, the board can consider only information presented at a public hearing when it considers permit requests. Baum said that she had been unable to attend the Sept. 27 public hearing but added that she had sent Mayor Jimmy Wallace a letter stating her concern.

In other action, the board unanimously "approved in concept" the Historical Conservation Ordinance which requires any changes made to the exterior of buildings in the historical district to be approved by a Historic District Commission.

The ordinance will now be sent to the State Division of Archives and History in Raleigh



Two students enjoyed themselves at Delta Upsilon's "Beat State Extravaganza" last year. This year, permission was denied the DU's to block off Rosemary Street to hold similar festivities.

for approval. The board also approved a "first in, first out" sewer allocation policy for individual applicants for sewer tap-ons. The policy sets annual limits on allocations that are designed to insure that the Chapel Hill Sanitary Sewer Treatment Plant will meet limitations placed on the system by the State

Department of Environmental Management.

Tap-ons will be permitted until the annual capacity placed on the system is exhausted. The policy places limits on the system until 1982. The capacity allotted for 1976 is 175,000 gallons and a 260,000 gallons capacity has been set for 1977.

Space Committee to review decision

Black protesters join procession

by Toni Gilbert
and Laura Scism
Staff Writers

Approximately 200 black students marched silently from the Pit to Memorial Hall during University Day ceremonies Tuesday to protest the University Space Committee's decision to reallocate space in Chase Cafeteria used by the Black Student Movement (BSM)-operated Upendo Lounge to Servomation, Inc.

Student Body President Billy Richardson joined the protest by not attending the ceremonies. Traditionally, the president has sat on the stage with University officials.

"I felt that a significant number of students thought something's wrong with the University. When there's a time that students feel like their rights have been violated, I have to show to the Administration that these rights have been violated, and this is the way I choose to show it. It was the hardest decision in my life," he said.

Later that afternoon, approximately 75 BSM members met with the Space Committee to present their case for retaining Upendo on the first floor of Chase.

Space Committee Chairperson Claiborne Jones told the students the committee would meet again within 10 days to make a final decision. He said the architectural plans for Chase must be reviewed first.

That review will take at least a week, according to planning office personnel.

Jones said the protest had no effect one way or the other on the Space Committee's decision. "We think that's just an expression of their feelings," he said. "They also expressed their feelings more fully at the meeting."

Jackie Lucas, chairperson of the Black Student Movement (BSM) and one of the organizers of the march, said the protest was not an official action of the BSM.

"It's just a group of students who want to participate in University Day," she said.

Carrying signs written in red, green and black ink, colors associated with the black liberation movement, the demonstrators marched through Polk Place to Memorial Hall where they followed the faculty procession to the University Day convocation.

They also carried leaflets explaining the issue and requesting the University Space

Committee to review and reverse their Upendo decision.

As the protestors approached the steps of Memorial, they were stopped by Frederic Schroeder Jr., associate dean of student life.

Schroeder whispered something to one of the marchers, but would not reveal what he said.

The demonstrators then filed quietly into the auditorium and lined up along the sides, standing behind the seats and displaying their posters.

They neither spoke nor applauded during the ceremony.

Some of the demonstrators' posters stated: "We will not stand by and be insulted," "Save Upendo," "UNC Administration strikes again" and "Space Committee: Where is Upendo?"

Another poster stated: "The American tradition: 1776-they took their freedom, 1876-they took our vote, 1976-they took Upendo. How long will this bullshit go on?"

The protestors left the auditorium halfway through UNC President William Friday's address and lined up outside Memorial's doors along the sidewalk and Cameron Ave. They stood quietly and displayed their posters as the faculty left the auditorium, then filed in behind the procession.

The demonstrators marched back to the Pit where they chanted: "Power to the African people. Black, black power to the African

people. We shall survive in America."

Lucas then spoke to the demonstrators and called the protest a success.

"We were unified and accomplished what we set out to do. I cannot begin to stress the importance of what we have done."

She then requested the marchers to attend the Space Committee meeting to be held that afternoon.

Donald Boulton, dean of Student Affairs, said he was impressed by the way the demonstration was conducted.

"I appreciate very sincerely the way in which they (the demonstrators) handled the protest, and the sincerity behind their action. I thought it displayed dignity and quiet strength," he said.

When the Space Committee allocated the entire first floor of Chase to Servomation, it also allocated space on the second floor to the Health Sciences Research Center, the Speech and Hearing Clinic, the personnel department and the Division of Student Affairs.

BSM members criticized the decision because no attempt was made to guarantee space for Upendo on the second floor.

Jones said that space on the second floor might be assigned to the BSM. "But that is not a decision of the Space Committee," he said.

The Division of Student Affairs must determine how it will allocate its 5,400 square feet on the second floor, he said.



Staff photo by David Dalton

Black marchers with signs filed into Memorial Hall to protest the decision of the Space Committee to reallocate space formerly occupied by the Upendo Lounge.

Ex-UNC cheerleader convicted of assault

Rabbit gets 10 to 15 for tricks

by Chris Fuller
Staff Writer

Robert E. (Rabbit) Giles, former UNC head cheerleader, was sentenced Tuesday to 10 to 15 years for assault with intent to rape a young Raleigh policewoman.

Giles, 26, was found guilty by a Wake County Superior Court jury after 55 minutes of deliberation. The jury also recommended that Giles undergo psychiatric evaluation.

Giles filed a notice of appeal immediately after the verdict was handed down.

The policewoman, Carroll Simmons, testified that Giles grabbed her from behind May 5 on the North Carolina State University campus while she was working as a decoy for an antirape squad.

Asst. Dist. Atty. Kyle Hall, who requested the maximum sentence of 15 years, presented evidence during the trial revealing that Giles has committed

15 sexual offenses since he was 14 years old.

Hall said he presented evidence showing that Giles had assaulted and exposed himself to a neighborhood girl when Giles was 14 years old.

A girl raped earlier this year identified Giles as her attacker, but because of emotional problems involved in a rape trial, she refused to testify against him, Hall said.

Giles has been connected with at least seven misdemeanor assaults and indecent exposures, Hall said. The prosecution rested its case Monday, and the defense did not offer testimony.

The central issue in the case was

whether Giles intended to commit rape. In his closing statement, defense attorney Roger Smith asked, "Does a man take off all his clothes—even his shoes—to commit rape?" Smith also said that there was no evidence that Giles had tried to tamper with Simmons' clothing.

But in Hall's closing statement, he asked "Take a naked man, greased down with lotion, who kept his victim from screaming, who fondled her—what other intent would he have besides rape?"

Simmons testified that she was walking on the NCSU campus when a man jogged past her. Shortly afterward, a pair of hands grabbed her from behind and covered her mouth, preventing her from signalling other police officers who were following, she said.

Simmons said she was able to signal the officers only after the assailant moved his hand from her mouth to her groin.

Members of the Raleigh Police Selective Enforcement Unit responded immediately to Simmons' scream but were unable to subdue Giles because his body was greased.

Several college students joined the pursuit of Giles, and one student finally tackled him. Officer W.W. Stewart said Giles was difficult to handcuff because he was hard to hold and would not keep still.

Giles was taken to the police station naked.

Evidence during the trial included a blue and gray checked shirt and blue pants found on the steps of NCSU's Alumni Building. Simmons testified the clothing was similar to that worn by a jogger, who passed her before the attack.

Giles lives in Raleigh and is employed by Jefferson Standard Life Insurance Company.

Giles filed a notice of appeal immediately after the verdict.

Sirica decisions upheld

WASHINGTON (UPI)—The U.S. Court of Appeals, citing "overwhelming evidence of their guilt," Tuesday affirmed the Watergate coverup convictions and eight-year prison sentences of former Nixon John N. Mitchell, John Ehrlichman and H. R. Haldeman.

With a single exception in its 201-page opinion, the appeals panel upheld dozens of decisions and instructions by Judge John J. Sirica during the three-month trial.

The seven appeals judges, dealing separately with numerous claims by the three defendants, held that Sirica did not abuse his discretion, commit legal error or reveal prejudice.

All three men remain free, but Sirica now can set a date for them to report to federal marshals and begin serving their coverup sentences.

The court found a single reversible error in the companion appeal by former Assistant Attorney General Robert Mardian. The court said Sirica should have permitted Mardian to stand trial apart from the other three because his lawyer was hospitalized early in the trial and Mardian had relatively little involvement in the Watergate coverup.

The court said there was no evidence the jury verdict "rested on anything other than the overwhelming evidence of their guilt." It said Sirica "took particular care" in questioning prospective jurors "to ensure that the trial was a fair one."

On one major point raised by Haldeman, Ehrlichman and Mitchell, the appeals court ruled 6 to 1 that their cases were not prejudiced by pre-trial publicity.

The four men were convicted by a jury Jan. 1, 1975, on charges they conspired to obstruct justice and lied to a grand jury to cover up White House involvement in the 1972 break-in at national Democratic headquarters.

Haldeman, once President Nixon's chief of staff, Ehrlichman, the one-time No. 2 man at the White House and Mitchell, the former attorney general, each drew a 2 1/2 to eight-year prison sentence. Mardian, convicted only of conspiracy, was sentenced to 10 months to three years in prison.

There was no immediate comment from Haldeman, Ehrlichman or Mitchell. But their lawyers said they would take their appeal to the Supreme Court.

As for Mardian, the Watergate Special

Prosecutor's Office can drop the charges, retry him or appeal its defeat to the Supreme Court.

If Mitchell's conviction stands, he could become the first former member of the Cabinet to go behind bars since former Interior Secretary Albert B. Fall was imprisoned for his role in the Teapot Dome scandal of the 1920s.

Ehrlichman already is asking the Supreme Court to reverse his conviction and 20-month to five-year sentence for approving the break-in by White House "plumbers" at the office of Daniel Ellsberg's psychiatrist.

On the question of pre-trial publicity, the six-judge majority held that most of the press coverage of Watergate and its aftermath amounted to "straightforward, unemotional factual accounts of events."

Judge George MacKinnon said in dissent that new trials should be ordered because "if ever in the history of our country there was a criminal case which by law had to be transferred to another place for trial because of prejudicial pretrial publicity alone, this is that case."

But MacKinnon joined the majority upholding Sirica's actions and those of the special prosecutor.