

The weather today will be clear and cold. There is no chance of rain. The low last night dipped to 15, and the high today will reach 38.

The Daily Tar Heel

A UNC grad student quit school last year to play with electric trains full-time—he opened a Lionel dealership in Carrboro. See story on page 4.

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Profs deny tenure to Stewart

by Tony Gunn
Staff Writer

David M. Stewart, assistant professor of geology, was denied tenure last week by the UNC Department of Geology. Stewart said Tuesday he will appeal the decision.

A majority of the professors in the geology department voted not to renew Stewart's contract. His present contract expires in one-and-a-half years.

Stewart was notified of the decision Nov. 23 by Roy L. Ingram, chairperson of the Department of Geology, who approved the professors' ruling. Stewart formally requested the reasons for the decision, which the department does not have to disclose unless asked.

"Then they don't have to tell you any more than you have to know," Stewart said.

According to a letter from Ingram, Stewart was denied tenure for three reasons. They were:

- unfavorable comments by his colleagues, both at UNC and other universities as well as from other scientists.
- the quality of his scientific achievement is "only fair at best."
- his "potential for future contributions to geophysics and geology are not judged to be very good."

Stewart was then informed that no factors other than his research were taken into account. "They're supposed to consider your whole record," Stewart said.

"I think my research is good enough, as

least as good as the average in the department," he said. "They did not consider my teaching nor the grants that have come to the department because of my work."

Stewart said that Ingram made a veiled threat to him after the committee's decision. According to Stewart, Ingram said he hoped the professor would not make the denial an issue. "If you do," Stewart said Ingram told him, "it could get nasty. You could consider it like a divorce proceeding. You don't want to drag it out into the public. It could get gory."

"There's nothing I have to be embarrassed about," Stewart said.

Ingram refused to comment. "On a personnel matter such as this, it is very inappropriate for me to discuss it."

Stewart is now appealing the decision to James R. Gaskin, dean of the College of Arts and Sciences. Stewart said he expects Gaskin to grant him a conference this week. After the conference, Gaskin will recommend approval or denial of Stewart's appeal request. The final decision is up to Ingram.

If Stewart has still not received the appeal, he may present the case to the Faculty Hearing Council, which can also make recommendations to the department chairperson. The appeal can be taken a step further to Chancellor N. Ferebee Taylor, who can overrule the department chairperson.

"I don't know what other resources are left after that, but I will go through with them," Stewart said. "I can only assume I will get a fair hearing."

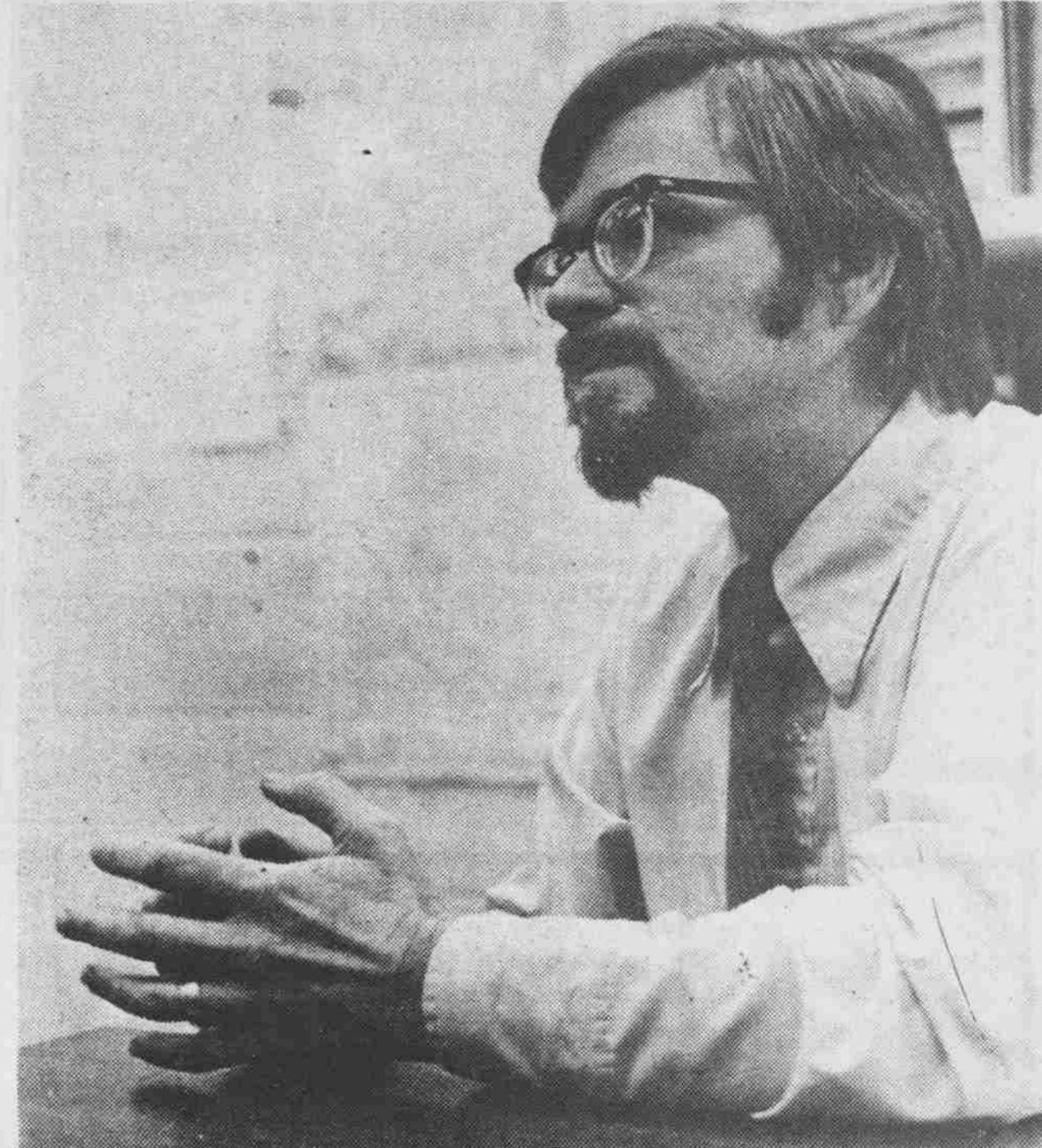
Stewart came under fire last January when he scientifically predicted an earthquake would occur in the Wilmington area within a decade. A California psychic, Clarisa Bernhardt, visited the state at the request of Stewart and also predicted that an earthquake would occur within one year in the same area.

That prediction, Stewart said, "had everything in the world to do with the denial. Up to January 1976, I had nothing but friends in this department. There was no indication that I would have a problem with tenure when it came up."

He said that after his predictions he was criticized by members in his department.

"Academic freedom is not honored in this department, nor freedom of scientific inquiry," Stewart said. "What this department has done has taken a vote and voted my new ideas down."

"Tenure," Stewart said, "assures academic freedom for the professor. It allows him to speak his conscience, his views, and not be in jeopardy of losing his job. For five years you must prove you do not have the intention of using that freedom. If you do prove that you intend to use it, you will not get tenure."



David Stewart

Staff photo by Charles Hardy

Carrboro bond election voted down narrowly

by Chip Pearsall
Staff Writer

Carrboro voters narrowly defeated a street bond election Tuesday that would have provided \$1 million for paving, curbing and guttering involving more than half of the town's streets.

Cold weather and apparent voter disinterest produced a meager voter turnout of less than 20 per cent for the election. The bond was defeated by 42 votes, with 338 cast in favor of the bond and 380 opposed.

Supporters of the bond election had hoped that students living in Carrboro, who make up 70 per cent of the town's population, would support the bond. That support materialized, but very low student voter turnout in predominantly student precincts was not enough to offset the heavy opposition.

Gilmore wins right to die by Utah firing squad

SALT LAKE CITY (UPI)—Condemned killer Gary Gilmore Tuesday convinced the Utah Board of Pardons to let him die, setting the stage for his execution by firing squad within a week.

"Thank you, Mr. Latimer," the 35-year-old slayer told Board Chairperson George Latimer after he announced the 2-1 decision not to commute or delay imposition of the death penalty.

Gilmore was described in good spirits after the ruling by his lawyer, who said his client was happy about both the proceedings and the outcome.

The board's two-hour hearing and the announcement of its decision after an hour and 10 minutes of closed door deliberation were broadcast live on both radio and television in Utah.

The board listened to Gilmore argue that his sentence for the slaying of a motel clerk last summer was proper and that delays in carrying it out were much ado about nothing.

"I did not request to die," said the condemned man, who sat at the end of a large table flanked by the three board members. "I simply accepted the sentence of the court. That's not a request to die."

Gilmore was convicted of first degree murder for the execution-style slaying of Bennie Bushnell, 25, Provo, Utah, during a holdup last summer.

He has admitted slaying a young service station attendant the previous night.

Gilmore, who wore prison whites with handcuffs on his wrists and shackles on his ankles, appeared gaunt

and nervous but spoke calmly and firmly. He had lost 20 pounds during a 11-day hunger strike.

"I'd like to make it clear I'm not a proponent of capital punishment," he said. "I don't have an opinion one way or another, but I do see the virtue and the logic of the maxim, 'An eye for an eye.'"

"This is my life and my death. I seek nothing from you. I haven't earned anything and I don't deserve anything. I simply accepted the sentence that was given me. I believe the sentence was proper."

The pardons board immediately prepared papers on its decision for transmittal to Fourth District Judge J. Robert Bullock in Provo, who must set a new execution date.

Gilmore's lawyer Ronald Stanger and state authorities predicted the execution would be set for next Monday or sooner to avoid possible legal questions over a state law requiring executions within 60 days of sentencing.



Gary Gilmore

UPI photo

LATE NEWS

The Pi Kappa Phi fraternity house on Finley Golf Course Road was ablaze as the *Daily Tar Heel* went to press early this morning.

Four Chapel Hill fire-fighting crews had responded to the alarm by 1:30 a.m. There were no reports of injuries.

The house was believed to be empty at the time of the fire. Fraternity members were at a nearby church attending pledge initiation ceremonies.

The fire, which appeared to start on the north side of the house, spread throughout the second floor and through the roof.

The cause of the fire is not known at this time.

There will be more details in tomorrow's *DTH*.

—Ben Cornelius

Rape, assault: law changes studied

by Toni Gilbert
Staff Writer

A proposal to restructure and redefine rape and assault laws and to prohibit as court evidence the past sexual experiences of a rape victim has been drafted by a N.C. state legislative study committee.

The proposal would classify a sexual and nonsexual assaults, including rape, as one offense with varying degrees of seriousness, said Thomas J. Andrews, a UNC law professor and primary author of the proposal.

Andrews said that by striking as inadmissible evidence the past sexual experiences of rape victims, more persons would come forward and report a rape, not having to fear that their sex lives would be dragged out in court.

Andrews is a member of the legislative Study Committee on Sexual Assaults, a subcommittee of the Legislative Research Committee. Other members of the study committee include two state representatives, two state senators and a representative from the Charlotte Rape Crisis Center. The study committee was organized in October 1975 to study the problem of sexual assaults as

defined under the present laws.

The proposal would redefine assault laws and penalties as follows:

- A misdemeanor assault—when a defendant only points a gun at the victim but does not physically attack him—would carry a sentence of at least one day but not more than 30 days.
- A third-degree felonious assault—when there is rape in which the defendant uses no weapon—would carry a penalty of two to five years.
- A first-degree felonious assault—when there is a rape in which the defendant carries a weapon and physically injures the victim—would carry a penalty of 15 to 30 years.

If a defendant has been convicted for sexual assault before, he may receive a life sentence. As the rape statute now stands, a person convicted of rape may be sentenced to life imprisonment.

Thomas, in explaining the proposal, said, "It made sense criminally to treat rape as a specific kind of assault and then deal with the whole problem of assault. There was a problem in that rape was considered a crime of last resort. That's not true. It's a crime, an assault with sex."

He said that by bringing the punishment in

line with the seriousness of the crime, the committee seeks to increase the possibility of convictions for rape. Andrews said that juries now may be reluctant to convict a rape defendant because the punishment may be too severe for the offense committed.

In preparing the proposal, the study committee, in several sessions throughout the year, heard testimony from rape victims, representatives from various rape crisis centers and from the N.C. Memorial Hospital rape treatment clinic, prison psychiatrists and psychologists and law enforcement officers.

According to Durward Gunnells, staff attorney for the legislature, the proposal must now be submitted to the Legislative Research Committee for final approval. The committee's final report is then sent to the legislature as a bill for approval.

Gunnells said he does not know if the proposal will be presented to the General Assembly this session.

Andrews said that the bill will probably be revised several times before it is sent to the research committee. A public hearing on the proposal is set for 9:30 a.m. Dec. 8 in room 1027 of the Legislative Building in Raleigh.

Forgoes Space Committee apology BSM accepts space in Chase

by Laura Scism
Staff Writer

The Black Student Movement (BSM) will accept second-floor space in Chase Hall to replace first-floor space allocated to Servomation Corporation in September.

BSM members had earlier requested a formal written apology from the University Space Committee, which allocated approximately 2,000 square feet of BSM space on the first floor to Servomation.

But BSM members voted before Thanksgiving to accept equivalent space on the second floor with or without an apology. Dean of Student Affairs Donald Boulton, whose office was allocated approximately 5,400 square feet on the second floor of Chase, promised the BSM the equivalent

space.

BSM members criticized the new space allocation because the Space Committee did not involve the BSM in the decision-making process and did not specifically assign the BSM space on the second floor.

The BSM's Upendo Lounge, a center for the organization's social, cultural and educational programs, occupied the first-floor space. Because of the reallocation, BSM members must vacate the first floor lounge after May 15.

"We decided to accept the space because we did want an Upendo," BSM Chairperson Jackie Lucas said Monday. "So we got an Upendo, and it's as close to what we could expect from the administration after they had already taken it away from us."

Lucas said the Upendo controversy—which has involved two meetings between Space Committee and BSM members, a protest march by black students on University Day, *Daily Tar Heel* editorials and letters to the editor—has affected the BSM's relationships with University administration and the student body.

"To some people, it was seen as 'just another BSM uproar,'" Lucas said.

The real issue, she said, was the University's handling of the BSM and their failure to involve BSM members in the initial decision to allocate space to Servomation.

Space Committee Chairperson Claiborne Jones said the committee has met twice to discuss the apology but has reached no decision yet.

Poison suspected in dog's death; vet treats four other affected pets

by Jaci Hughes
Staff Writer

One dog has died and four others have become ill from what might be strychnine poisoning in the Hillsborough Street area of Carrboro.

Dr. Louis Vine, a Chapel Hill veterinarian, said Tuesday he has treated five dogs suffering from symptoms which he said were caused by strychnine poisoning.

"There was no doubt that it was strychnine," Vine said. Vine based his assumption on the symptoms which affected the dogs.

Capt. Ken Horne of the Carrboro Police acknowledged only two instances of possible dog poisonings in the past two weeks.

"We have no evidence of contents in the dogs' stomachs. I'm not saying they were not poisoned, just that we don't have any evidence to support it," Horne said.

Four of the poisoned dogs that Vine treated have recovered, but a golden retriever belonging to Abbie Miller of 810 Hillsborough St. died as a result of respiratory problems allegedly caused by the poisoning.

Miller said the dog was poisoned between 11:30 p.m. and

midnight Nov. 20. "I always keep the dogs tied up because there's a leash law in Carrboro," Miller said. "But I let them run for a while at night."

One of her dogs did not come home immediately, Miller said. "When he came back, he seemed all right, but later he started having convulsions and couldn't stand," she said.

According to Vine, a dog that ingests a lethal dose of strychnine will die within two hours if it is not treated. The poison causes severe spasms and convulsions, increased heart rate and eventual death.

Horne, who investigated similar dog poisonings last spring, said that there were 14 confirmed cases of strychnine poisoning during the summer. "Some idiot was running around throwing out hamburger balls with mole poisoning in them."

Mole poison, resembling blue peanuts, contained small doses of strychnine.

Police said they have not found any of the poison peanuts in the Hillsborough Street area since the new rash of dog poisonings began. The investigation is continuing.

Horne also said that the strychnine presents a danger to small children because dogs will often eat the meat and leave some of the peanuts lying on the ground where children can find them.



Parade faithfuls

Frolicking clowns teased cold kids who awaited Saint Nick at last night's annual Christmas parade.