

Cold, clear

It will be clear and cold today with no chance of rain. The low last night was 15.

# The Daily Tar Heel

Christian athletes

Athletes in Action (AIA) created a controversy recently at a basketball game. See story page 7.

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## Flames gut frat house over break

### Arson ruled out as cause of fire

by Elizabeth Swaringen  
Staff Writer

A fire of undetermined origin destroyed the Pi Lambda Phi fraternity house at 107 Fraternity Court last Wednesday afternoon. No one was hurt, although Dwight Ferguson, a sophomore brother of the fraternity from Greensboro, was asleep in the house at the time. He escaped uninjured through a second-floor window.

Two other brothers, Tom Steinberg, a senior from Baltimore, Md. and Claude Snow, a graduate student from Red Springs, N.C., had left the house before noon, but returned shortly after the fire began.

According to Snow, no official estimates of damage have been made.

The fire apparently started in the living room and spread throughout the first floor. The first and second floors were gutted, and the third floor received extensive smoke and water damage. The dining room and kitchen are additions to the original building and were not damaged.

After the fire was discovered at 2:16 p.m. by several persons in Abernathy Hall, 30 firemen and three trucks responded and had the fire under control within 30 to 45 minutes. One truck and a group of firemen remained until 5:30 p.m.

The Chapel Hill Fire Department, the Detective Bureau of the Chapel Hill Police Department and two teams from the State Bureau of Investigation have investigated the fire and ruled out arson as a cause.

Most of the 20 brothers who lived in the house last semester lost all of their possessions in the fire, as most were out-of-state students and had not taken many things home.

"The fire was a great loss to a number of brothers," Snow said. "It would be safe to say that each brother lost between \$2,000 and \$4,000 of personal property in the fire."

Most personal losses will be compensated through the brothers' parents' home owner's insurance policies. According to Snow, all but one of the brothers were partially covered by their parents' policies.

The national Pi Lambda Phi organization has assured rebuilding the house, providing the present outside structure can be used. Currently the brothers are awaiting the fire inspectors' reports before taking action.

"If the report gives us the go-ahead, we plan to begin building within the next 30 days and hope to live in the house by the end of the semester," Snow said.

The majority of the brothers are living in Granville Towers and apartments of friends until their house is rebuilt.

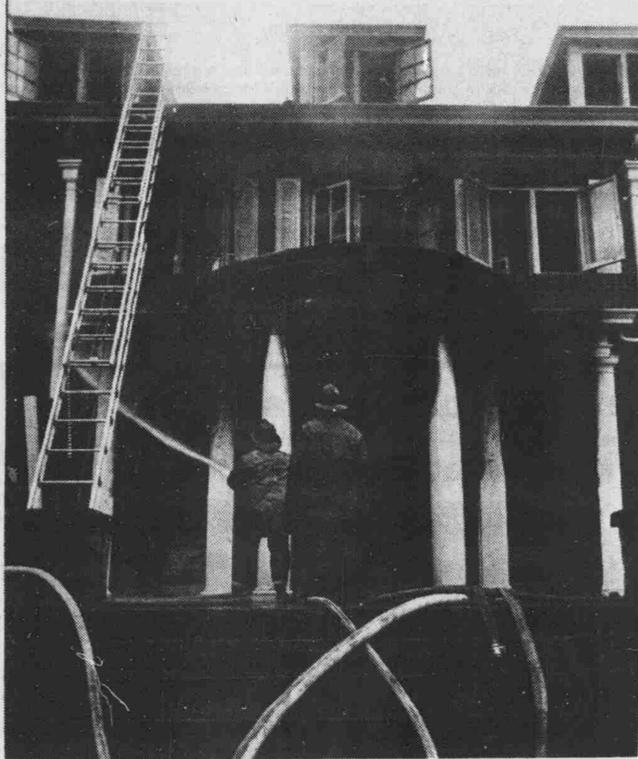
"All the brothers are especially grateful to the Office of Student Affairs and Granville Towers," Snow said. "They have helped us in every way possible, and we are very appreciative."

The Pi Lambda Phi house is the fourth UNC fraternity house damaged by fire in the past two years.

The Pi Kappa Phi house at 216 Finley Road was destroyed on Dec. 1, 1976 by a fire that possibly started from a burning candle or a faulty electrical switch.

Fire, smoke and water extensively damaged the Sigma Nu and Delta Kappa Epsilon (DKE) houses around 3 a.m. on Oct. 6, 1975. A lone arsonist was suspected, but investigations revealed no leads.

According to the Chapel Hill Police Department none of the fires is related.



Firemen finish putting out the blaze that destroyed the Pi Lambda Phi fraternity house last Wednesday. No one was injured.

## Stewart loses appeal; Gaskin denies tenure

by Tony Gunn  
Staff Writer

Assistant professor of geology David Stewart was unsuccessful in the first of what may be several attempts to reverse a December decision that denied him tenure.

Stewart's appeal to James Gaskin, dean of the college of arts and sciences, was denied Dec. 9 after Gaskin heard arguments by Stewart and Roy Ingram, chairperson of the geology department.

Stewart will now appeal to the Faculty Hearings Committee at 3:30 p.m. Tuesday in Coker Hall. The hearing will be closed to the public.

Gaskin said his decision "was centered on the manner the decision was reached in the department. The decision was a professional decision made in a professional way." He added that he tried to make sure everyone received a fair shake.

Stewart said that Gaskin did not rule on the merits of the case but only made sure the geology department followed the correct procedures in denying tenure to Stewart.

"The regulations don't require him to do anything else," Stewart said.

According to University rules, the Faculty Hearing Committee will deal with the written specification of reasons for the intended discharge.

The department's reasons for denying tenure to Stewart were unfavorable comments by his colleagues, only a fair quality of scientific achievement and an insufficient potential for future contributions to geophysics and geology.

The department cannot consider personal malice, discrimination based upon the race, sex, religion or national origin of the faculty member, or exercise by the faculty member of rights of freedom of speech guaranteed by the First Amendment.

"Freedom of speech is subjective," Stewart said. "It opens the door for them (the Faculty Hearings Committee) to make a judgment.

They will have to draw the line at their discretion."

In a letter to Eugen Merzbacher, chairperson of the Faculty Hearings Committee, Stewart requested a hearing and stated, "It is my intention to present a case to the committee demonstrating that my rights to freedom of speech have been violated and that, in addition, there has been a considerable element of personal malice in the making of the decision for my nonreappointment."

Stewart pointed out that until his earthquake prediction last January, the department was friendly toward him. After that, several remained friendly, but the majority of them changed, he wrote.

Stewart wrote that the department attempted to limit his freedom to speak out by the threat of losing his job. "It was their intent, I believe, to intimidate me into silence."

Stewart added that one geology professor, David Dunn, has made no secret of his intention to put him to professional ruin. Dunn once wrote to the journal that published Stewart's article on the possibility of earthquakes occurring in Wilmington and apparently criticized them for printing the article.

"Dunn's personal vendetta against me," Stewart wrote, "has unduly influenced others in this department, particularly the chairman, Roy Ingram, and constitutes an instance of malice entering into a tenure decision."

The newly formed Faculty Hearings Committee is composed of Kenan Prof. in the School of Law Daniel H. Pollitt, acting chairperson; Prof. in the School of Nursing Betty Sue Johnson; Kenan Prof. in the Department of Environmental Sciences and Engineering Daniel A. Okun; Asst. Prof. in the School of Social Work Barbara H. Cleveland, and Prof. in the School of Law Kenneth S. Brown. The Stewart appeal will be its first action of this kind, Pollitt said.

The committee will make its recommendations to Chancellor N. Ferebee Taylor within 10 days after its hearing concludes. If Taylor decides against Stewart, then Stewart may also appeal to the UNC Board of Governors.

## Bernholz, Richardson file complaint against legal aid law

by Chip Pearsall  
Staff Writer

Student Atty. Dorothy Bernholz and Student Body President Billy Richardson are among four plaintiffs who have filed a complaint in Federal District Court challenging the constitutionality of a North Carolina statute that prohibits a program of prepaid legal services for UNC students.

Bernholz said Tuesday that the court's decision could affect the future of student legal aid services both here and in other states.

The complaint arose when a legal services program submitted by Student Government was rejected by the North Carolina State Bar Council last February. The program would have allowed Student Government to contract an attorney for student legal services while paying for the service with student fees.

The council rejected the plan on the

grounds that it violated a statute prohibiting prepaid legal services which restrict the right of a client to select his own attorney.

The Student Government proposal was then amended to include a provision allowing students to select their own attorney if they choose not to use the one provided by Student Government. Students would be partially reimbursed for fees charged by the outside attorneys.

The amended proposal was approved by the council on April 16, 1976, and the UNC student body had its first student attorney in its 181-year history.

But by amending the system to allow for reimbursements of students using other attorneys, the state had "reduced the amount of legal service we can provide for the students," Bernholz said. Even a partial reimbursement from Student Government substantially reduces the funds we have to work with, because we're on a fixed budget

of \$20,000 for this year."

Bernholz explained that there are two types of prepaid legal services. One, the open-panel system, uses the services of several attorneys, while the other, the closed panel system, uses only one attorney. "The closed panel system that was proposed (and later amended) is analogous to the Student Health Service," she said. "The student pays the fee for the service as part of his student fee, then he uses that particular service when he needs it."

The difference in expense between the open- and closed-panel systems seems to indicate that a closed-panel system is better for the students from the standpoint of costs and amount of service, Bernholz said. But she added that the plaintiffs were not simply seeking approval for a closed-panel system.

In the filed complaint, Bernholz and the other plaintiffs say the statute is unconstitutional because:

—the statute resulted in a more expensive plan and fewer legal services for students

—Attorney Bernholz has been limited by a fixed budget from carrying out all the services possible for students under the plan and could possibly suffer a decrease in salary in the event that budgeted money must be paid to outside attorneys consulted by students

—Student Government and the students it represents "have a protected right, under the First and Fourteenth Amendments, to seek legal representation; of their choice under conditions of their choice, including representation under a closed-panel group legal-service plan."

The North Carolina State Bar Council and its president, George J. Miller, have been named as defendants in the complaint, which was filed on Dec. 14, 1976 in U.S. District Court for the Western District of North Carolina.



Staff photo by David Dalton

Bernholz

## Transfer of electricity ownership to result in higher rates

by Russell Gardner  
Staff Writer

The Dec. 31 transfer of ownership of the area's electric utility from the University to Duke Power Co. will result in higher utility bills this month for most residents, utility officials said Tuesday.

The UNC Board of Trustees voted last spring to sell the electric system, which serves the University, Chapel Hill, Carrboro and parts of Orange County, to Duke Power. The final selling price was \$14,387,235. University officials received a check for the full amount on Dec. 31.

Grey Culbreth, former UNC utilities director and now an assistant to the vice-president of Duke Power's eastern

division, said the first electricity bills affected by the transfer of the utility will be mailed Jan. 11.

Duke Power's rate structure is approximately 15 per cent higher than the rate structure used in the University-owned system, but the exact increase in individual utility bills will not be uniform, Culbreth said.

However, students living on campus should not expect a major hike in dorm rents due to the utility sale because UNC will still be able to generate some of its own electricity and because electricity is not a major part of a dorm's operating budget.

Duke Power sends out bills three times a month. Bills mailed on Jan. 1 were computed on the basis of the University's rate structure and will not

be affected by the utility transfer. The next cycle of bills was mailed on Jan. 11 and covers approximately 20 days in December and 10 days in January. Service prior to Dec. 31 will be billed according to the University's rate structure, and service after that date will be computed on the basis of Duke Power's rate structure.

The third cycle of bills will be mailed on Jan. 21 and will cover the last 10 days in December up to Jan. 20.

Both Duke Power and the University set electric rates according to the total number of kilowatt hours (KWH) of electricity used in a residence during the month. A quantity discount is applied so that the more electricity a consumer uses, the less he pays per KWH.

In addition, residences are classified into one of three categories according to their rate of electricity use. The highest rate per KWH is levied to those residences without electric water or space heating. The lowest rate per KWH is levied to all-electric residences.

Culbreth said increased consumption of electricity will also be a factor in increased electric bills this month.

"Increases will be due either entirely to the rate increase or to a combination of increased consumption plus rate increase," Culbreth said.

Electric bills can be paid at the Duke Power office in Kroger Plaza in person or by mail (P.O. Box 2000, Chapel Hill) or at most local banks. Persons having complaints about their electric bill

should contact the Kroger Plaza office. All unpaid balances due the University have been transferred to Duke Power and must be paid to the Duke Power office at Kroger Plaza.

UNC has maintained ownership of the Gore steam plant, which generates steam used in heating, air conditioning and providing hot water for most campus buildings.

Although there is no way to predict how much electricity will be needed on campus, assistant vice chancellor John Temple estimates the steam plant might be able to generate as much as 30 per cent of the electricity needed. The additional power needed will be purchased from Duke Power on a commercial rate.



While UNC student braved long lines to pick up their schedules and go through drop-add, other students in the University system got their schedules by mail. Staff photo by David Dalton

## Schedule pick-up goes on; mailing is too expensive

by Leslie Scism  
Staff Writer

It may be cold outside, but there are reasons why UNC students must trek to the Student Union to pick up class schedules while students elsewhere receive schedules in the mail.

For example, registration officials at UNC-G mail computer print-out schedules and cards to each of the approximately 9,200 students prior to Christmas break.

According to UNC Director of Records and Registration Raymond E. Strong, mailing schedules presents too many problems for a school the size of UNC. The University numbers more than 17,000 students.

In an interview Tuesday, Strong cited three reasons for UNC's distribution policy: postage would cost too much, students are not always available at their home addresses during break and University officials keep a tally of the number of students enrolled by totaling the number of schedules picked up.

"We need to know how many students are not here, so that we can release their positions in classes to other people," Strong explained.

Numa Andrews, a data processing coordinator in the Registrar's Office at UNC-G, agreed that postage costs are undesirable, but said no plans have been made to change UNC-G's distribution policy.

"Every year the cost comes up for discussion, but we plan to stick with the system for the foreseeable future," he said. "This system has evolved over the years and works for us."

Postage costs for mailing schedules at UNC-G range from \$700 to \$1,250 per semester, depending on the letter weights. UNC-G officials do not pay postage for on-campus mailing, but only about a third of the students live on campus, Andrews said.

Andrews said the distribution policy allows students to stay home until the last minute, unless students wish to change their schedules. When the

schedules are mailed to students, they have the option of approving the schedule and returning the computer cards to the registrar's office, or going through drop-add in January and exchanging computer cards for other classes.

A spot check of area schools showed most schools do not mail schedules to students. N.C. State mails schedules to graduate students, but undergraduates must pick up their schedules. At N.C. Central University in Durham, students pick up schedules. Duke University does not mail schedules.

In addition to the monetary factor, UNC's Strong said there is no urgent need to mail the schedules. He said UNC's policy has worked fairly well over the years, and no major complaints have been made.

"I know it's cold out there," Strong said. But he said students could avoid the lines by going after the rush hours, which are 8 to 10 a.m., the first day.

"We run them through there mighty fast," Strong said.