

Appeals court upholds unconstitutionality decision on SG regulations

By STEVE HUETTEL
Staff Writer

The U.S. Fourth Circuit Court of Appeals last month upheld an earlier decision that declared unconstitutional Student Government regulations providing for minority courts and the appointment of minority members to the Campus Governing Council (CGC).

The minority court rule permits an accused student to request that four of the seven judges on the trial bench of the Honor Court be of his or her race or sex. The Student Constitution stipulates that the CGC speaker appoint at least two representatives of a minority race to the council if an annual election does not produce such representation.

The North Carolina Attorney General's office, representing UNC, will petition the U.S. Supreme Court for a writ of certiorari, a document that would allow the high court to rule on the case.

The office has requested a stay on the appeals court order, pending Supreme Court action on the petition.

The case dates back to June 13, 1974, when two UNC students, Lawrence A. Uzzell and Robert Lane Arrington, brought suit against UNC for the continuance of two things — an allotment of student fees to the Black Student Movement (BSM) and CGC and Honor Court appointments made on the basis of race.

The plaintiffs argued that these practices violate the Fourteenth Amendment and the Civil Rights Acts of 1871 and 1964, which prohibit discrimination because of race.

The University contended that BSM membership was open to all students because of changes in the organization's constitution and that no rights of the plaintiffs had been affected by the other two regulations.

The U.S. Middle District Court in Durham ruled in favor of the University on all three counts on September 16, 1976, but in January the U.S. Fourth Circuit Court of Appeals reversed the lower court's decision on the minority court and CGC minority representation issues.

In his decision on the CGC issue, Chief Judge Albert V. Bryan wrote: "We reverse now on the plain and simple ground that, without either reasonable basis or compelling interest, the composition of the Council is formulated on the basis of race. This form of constituency blatantly fouls the letter and the spirit of both the Civil Rights Acts and the Fourteenth Amendment."

The University obtained a rehearing before the full appeals court, but the court upheld the previous decision by a 4-3 margin on July 28.

"We are taking all the steps available to us to have the matter reconsidered," said Susan Ehringhaus, assistant to the chancellor, "and we are now attempting to obtain a hearing before the Supreme Court."

The Attorney General's office must file its request for the Supreme Court to hear the case by Oct. 26. The appellants will be given 30 days to reply, and the Supreme Court will take between one and three months to rule on the request, said Senior Deputy Attorney General Andrew A. Vanore, who is handling the case.

UNC plan calls for 32 per cent increase

Continued from page 1

The UNC plan also calls for white-enrollment increases at traditionally black institutions, a goal not required by HEW.

Several board members voiced their opinions on UNC's plan Monday. Board chairman William A. Johnson applauded the plan, saying, "In the first place, the Criteria sent down by HEW...are unrealistic, unwarranted, unreasonable and unworkable."

Johnson also said North Carolina has no obligation to obey HEW or Judge Pratt in

matters concerning its universities.

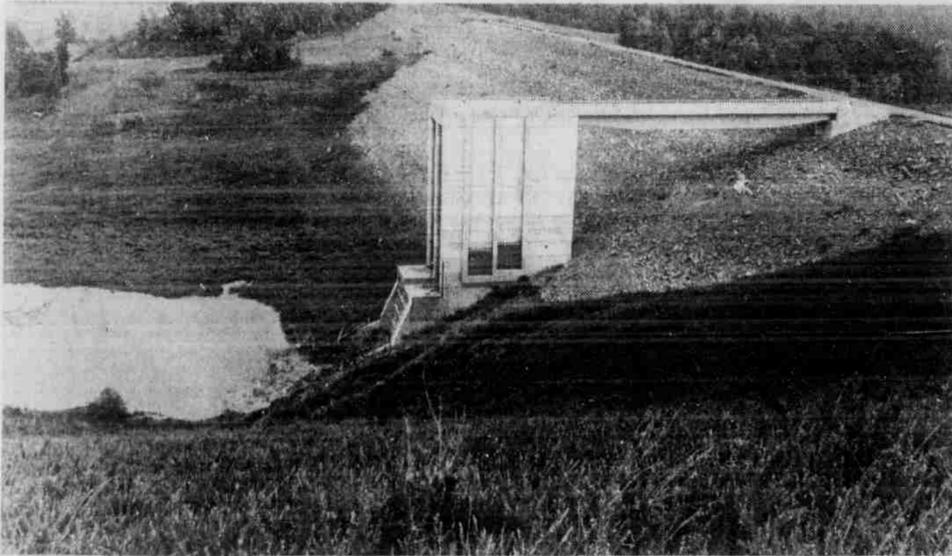
Dr. Hugh Daniel, chairman of the board's Committee on Education Planning and Policy, recommended passage of the plan. He said an important principle underlying the plan is that racial segregation does not exist in the system, although the system is a racially dual system due to non-compulsory attendance. Racial duality, Daniel said, is "a consequence of the past," and can be corrected by the plan.

One of the board's members, J. J. Sansom, Jr., was the only person to vote against the plan. He

criticized the state and said it had "been negligent for years."

Sansom disagreed with Friday's assertion that the University system is not racially segregated. He said the system might not be segregated under the law but that it was in fact.

"If it weren't segregated, we wouldn't be in court now," he said. Another black member, Louis T. Randolph, abstained from voting. The two other black Board members voted in favor of the plan.



A federal judge in Greensboro recently ruled that the Army Corps of Engineers could go ahead with plans to fill the 14,300-acre B. Everett Jordan Lake. Environmentalists fought a seven-year battle to head off filling, the final stage of the project. Chapel Hill is appealing the decision.

Federal judge gives go-ahead to U.S. Army Corps of Engineers for construction of Jordan Lake

More than seven years of bickering between environmentalists and the U.S. Army Corps of Engineers over the filling of the B. Everett Jordan Lake came to a temporary halt last month when a federal judge ruled that the Army may go ahead with plans to fill the reservoir.

It is the conclusion of this court that the Corps of Engineers' decision to create the Jordan Lake was not arbitrary, capricious or an abuse of discretion.

—Gordon

The town of Chapel Hill, an intervening plaintiff in the suit, filed notice of appeal to the Fourth Circuit Court of Appeals after a special meeting of the Board of Aldermen.

In his July 28 ruling, U.S. Middle District Court Chief Judge Eugene A. Gordon said the Army had complied with all environmental laws in formulating their plans to build the 14,300-acre lake to be located primarily in Chatham County.

"It is the conclusion of this court that the Corps of Engineers' decision to create the Jordan Lake was not arbitrary, capricious or an abuse of discretion," Gordon said, "and further, that this decision was made in good faith after a consideration of all relevant factors, including all possible alternative or mitigative measures."

"The court has made a conscientious

effort to review all the objections raised by the plaintiffs with the relevant data and material which was available to the Army, and concludes that it cannot in good faith block the final completion of this project."

The original plaintiffs were the Conservation Council of North Carolina, ECOS and several landowners.

"More than 31 years after Congress recognized the need for the project, and more than seven years after this litigation began, the Army Corps of Engineers has concluded that the relevant environmental factors and goals set by Congress have mandated the completion of the final stage of this project; that is, the creation of the B. Everett Jordan Lake," the ruling stated.

The 112-foot high earth dam is located about three-tenths of a mile below the confluence of the Haw and New Hope rivers, about 20 miles south of Chapel Hill.

In their suit, environmentalists contended that the project would create a lake unfit for water supply, boating or fishing.

Chapel Hill and Durham, which were intervening plaintiffs, charged that the reservoir would require them to upgrade their waste treatment plants at a

considerable cost which should be borne by the Army.

Judge Gordon ruled, however, that no order exists forcing the two towns to upgrade facilities and turned down their request.

"The lake that will be created by the impoundment of the B. Everett Jordan Dam," Gordon ruled, "will provide the surrounding area, both above and below the dam site, with the benefits of flood control, water quality control, water supply, fish and wildlife conservation and recreation. Additionally the remaining 33,000 acres of land in the project will support extensive non-water recreation and wildlife and plant conservation."

Intervening on the side of the Army were Fayetteville, Wilmington, Dunn, Erwin and Lillington along with Harnett, New Hanover, Pender and Columbus counties.

The downstream interveners argued that the lake was needed for flood control and supplying the Cape Fear during low level periods.

While notice of appeal has been filed, no restraining order exists to enjoin the Army from going ahead with plans to fill the lake. The Army, though, does not plan to begin for at least a year.

Bose, AR, Epicure, BIC, Philips, Technics, Allison, Pioneer, Sherwood, Sansui, TDK, TEAC, AAL, Craig, Discwasher, Empire, Sire, AR, Epicure, BIC, Philips, Technics, Allison, Pioneer, Sherwood, Sansui, TDK, TEAC, AAL

See our sale ad in the Wednesday August 24th Village Advocate

Buying a Hi-Fi System? Don't!

Not until you've checked out the incredible values at **Woofers & Tweeters Hi-Fi**
The Alternative to the plush, high priced stereo salons.

Woofers & Tweeters

Hi-Fi Systems

W. End of Franklin St. Chapel Hill, N.C.



967-2462

Quits before desegregation decision

Chambers leaves UNC Board

By NANCY HARTIS
Staff Writer

UNC Board of Governors member Julius Chambers, a black Charlotte lawyer, resigned Monday, moments before the board passed a desegregation plan that disregards several federal desegregation criteria.

In a move that caught board members by surprise, Chambers requested the floor and told the board he believed he could do more for North Carolina blacks by resigning.

Chambers is president of the NAACP Legal Defense and Education Fund (LDF), the group that filed the original court suit resulting in the HEW desegregation criteria for North Carolina universities.

Although he led the LDF while being a member of the board, Chambers consistently denied any conflict of interest, and said so again Monday.

"I have compared my roles as a member of this board and off," he said, "and I feel I can best serve off the board."

Chambers said he felt the University could and must reach all people in the state but he raised the question of how effectively the Board deals with desegregation issues, citing the UNC plan as evidence.

He emphasized he was not resigning because of pressure from anyone on the board or staff and said he had no animosity towards anyone on the Board.

Often a critic of the Board's desegregation plans in the past, Chambers said later he was upset by the "manner and tenor of the way the board does what it does."

After Chamber's resignation, UNC President William C. Friday addressed the board, expressing appreciation for Chamber's achievements and said, "We shall miss him."

Board chairman William A. Johnson said of Chambers, "While he and I have not always agreed on things, I respect his willingness to stand by those things he thinks are right and proper...I respect his sincerity and I personally regret his leaving the Board."

Last week, Chambers told the *Charlotte Observer* he had written President Friday a letter expressing a willingness to resign from the board if Friday felt there was a conflict from Chamber's dual interests.

In the same report, Friday confirmed he had received Chamber's letter but declined to comment on the possible conflict.

Chambers was a member of the UNC Board of Governors since its formation in 1972.

'Yack' ready by Christmas

Yackets-Yack staff members are still working on the 1976-77 edition of the UNC yearbook, but business manager Betsy Gillette says it should be ready for distribution by Christmas.

Gillette blamed the increased size of the 1976-77 *Yack* for the production slowdown. The *Yack* will contain 672 pages, 200 more than last year's.

A limited number of copies of the 1976-77 *Yack* will be printed for students who did not subscribe last year. Students interested in obtaining one of these must sign a waiting list in the *Yack* office in the Carolina Union.

Visit North Carolina's Tropical Paradise

The Potted Plant has over 8,000 square feet of covered greenhouses filled with thousands of tropical and desert plants for your room, apartment or house.

In addition there's a forest full of large potted plants and baskets for you to wander in and select just the right plant.

Greenhouse Coupon	
FREE: \$2.50 Jade (One Group)	
With Any \$5.00 or More Purchase And Student I.D. and Athletic Pass And This Coupon. Valid Through September 5, 1977. Limit One \$2.50 Jade plant per person.	
Greenhouse Specials	
1.00 Cactus (Selected Varieties)	.25
20.00 Schefflera, Rubber Plant, Philodendron	\$14.00
selloum Areca Palm	\$29.00
\$45.00 Dracaena Marginata (One Group)	\$29.00
Basket Specials	
The Potted Plant Continues To Sell Most of Their 10" and 8" Hanging Baskets At The Unbelievably Low Prices of \$6.50 and \$4.50 Respectively. Where Else But At The Potted Plant Can You Find Such Prices. There Are Only A Few Exceptions.	
10" Ferns, (Most Varieties), Spider Plants, Bridalveil, Wandering Jew, Swedish Ivy, Asparagus Fern, Peperomia, Pothos (8" Basket), Philodendron (8" Basket) —	\$6.50
8" Ferns, Spider Plants, Bridalveil, Wandering Jew, Swedish Ivy, Peperomia, Etc.	\$4.50
University Mall Or Northgate Coupon	
Free: .70 Artillery Plant or .75 Macrame Hanger	
With Any Plant Purchase With Student I.D., Athletic Pass and This Coupon. Offer Valid Through September 5, 1977. Limit One of Either of These Items Free Per Person.	
6" Super Specials	
The Potted Plant GUARANTEES That These Are The Lowest Prices In The Area For These Plants. WE GUARANTEE TO REFUND THE PRICE DIFFERENCE IF YOU CAN FIND THESE PLANTS OF SIMILAR QUALITY ELSEWHERE FOR LESS.	
4.50 Rubber Plants	\$2.50
4.50 Dracaena Marginata (one group)	\$2.50
5.00 Jades	\$3.50
6.00 Philodendron (Assorted Varieties)	\$4.25
6.00 Dieffenbachia Amoena	\$4.25
Dial Our New Hotline For FREE ADVICE	
Call And Ask The Pros About All Your Houseplant Problems. We Try To Have The Answers. Call 967-8568 in Chapel Hill And 489-3893 or 286-1860 in Durham	
Specials Good Thru August 30, 1977	
OUR GREENHOUSES (Off State Road 1732) 489-3893 University Mall (Beside McDonald's) 967-8568 Northgate Mall (Opposite Thriftymers) 286-1860 ALL LOCATIONS OPEN SUNDAY	

5 cu. ft. dorm size refrigerator - \$179.95

Hot plates, ovens, fans, desk lamps, lamp repairs

Electric Construction Co.
121 Main St. Carrboro
Parking in rear or by White Oaks Cloisters