

Today will be partly cloudy, breezy and colder with a high in the mid 50s. The overnight low will be in the mid 30s.

The Daily Tar Heel

The Committee on Student Conduct is proposing some changes in the Honor Code. Nine proposals are being considered. Please turn to page 5.

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27-14

Weee-O! Tar Heels devour Wolfpack

Offense jells; Lawrence runs for 216 yards

By GENE UPCHURCH
Sports Editor

RALEIGH — The Wolves weren't howling in Carter Stadium Saturday.

In fact, the only howling to be heard anywhere around was in the Carolina lockerroom as the players celebrated a very satisfying 27-14 victory over the 20th-ranked N.C. State Wolfpack, the first win over the Pack in two years and the first for Carolina in Carter Stadium since 1971.

The win was satisfying for three reasons. For one, Carolina's offense, hampered during the past weeks by injuries and uncertainty, put together four quarters of effective ball-control offense, dominating the Wolfpack in every phase of offense but passing. Carolina's defense played another outstanding game, overpowering and squelching State's offense while the kicking game provided support which has been missing so far.

"This was a tremendous win for us," UNC coach Bill Dooley said after the game. "I can't be prouder of our team. We came over here ready to play an excellent team."

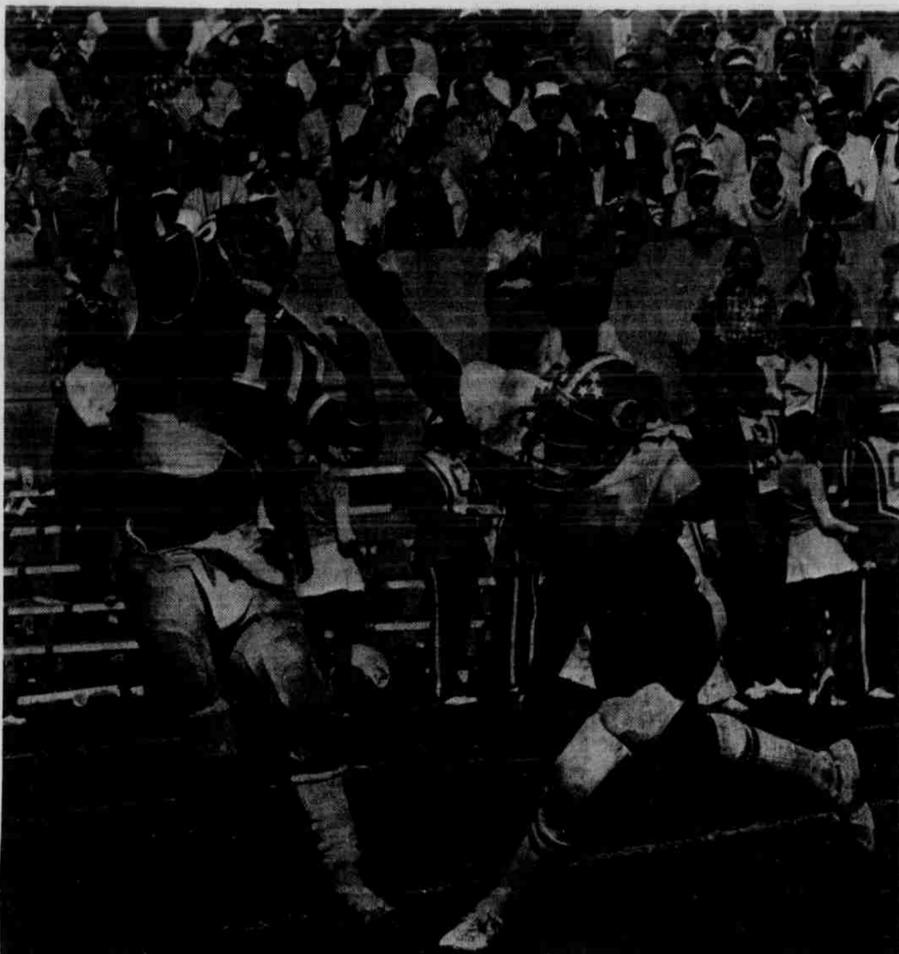
One player who helped to roll up the statistics for Carolina is freshman tailback Amos Lawrence, now a starter for the Tar Heels rather than a reserve. And as he picks up yard after yard in each appearance, the whispers grow louder about the possibility of rookie-of-the-year and all-Atlantic Coast Conference honors. It isn't unreasonable to prognosticate about such possibilities. The small, fleet-footed runner twisted, turned and outran Pack defenders to 216 yards on 28 carries, including a 53-yard gallop that set up a Tar Heel score.

"Amos, he's something," Dooley said. "He's hard to catch. Give him some daylight and he's gone."

Quarterback Matt Kupec, hobbled with a leg injury the past two weeks, recovered and directed the Tar Heel attack.

Carolina's defense, however, was the mainstay of the squad for the afternoon. Linemen and the ends became the pursuers after crashing through State's porous offensive line and trapping State's scrambling quarterback Johnny Evans in the backfield numerous times.

Evans and State running backs proved their potency and explosiveness on big plays throughout the season so far, but the Tar Heel defenders snuffed the Pack fuse before



N.C. State's Johnny Evans saw more of Carolina's defenders than his own players in the Tar Heels' 27-14 smothering of the Wolfpack Saturday. Tar Heel tackle Dee Hardison here closes in on Evans just as the scrambling quarterback throws a pass.

it could be lit. Evans was limited to one yard net rushing on eight tries, while running back Ted Brown led State's rushing with 57 yards on 12 carries and fullback Billy Ray Vickers netted two yards.

But when State had the football, it mingled often with the balloons floating in the air from the nearby State Fair. Evans passed 35 times for 196 yards and the Pack's

two touchdowns, both of which came as flukes late in the game.

"We should've shut them out," tackle Dee Hardison said. "They threw up some passes and they caught them. We ran him (Evans) all over the field and just as we'd hit him, he'd throw it up."

Evans threw the first touchdown pass to tight end Lin Dawson with six minutes left in

the game and barely avoided getting trapped by defenders nearly 20 yards behind the line of scrimmage. The other State score came two minutes later on a desperation pass by Evans into a crowd of Carolina white and State red jerseys in the end zone, which Brown caught.

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No charges coming in 'Avery incident': not enough evidence

This article was written and researched by Elliott Potter, city editor, David Stacks, staff writer, and Chuck Abston, state and national editor.

A group of Avery dormitory residents involved in a water-throwing incident directed at a large group of black students last spring will not face prosecution under the Code of Student Conduct.

Citing a lack of sufficient evidence, Student Attorney General Elson Floyd said Thursday that no charges will be pressed in what has become known as the "Avery incident."

"There is not going to be any charge in it," Floyd said. "There is a lack of sufficient evidence. And we are dealing with a time factor."

While Floyd decided not to prosecute because of insufficient evidence, he held for some months a report, which he was unable to use, compiled by the University Police containing signed confessions of involvement by some of the Avery residents.

Floyd, who would not discuss his investigation at length, would say only that "an eyewitness would have been helpful."

As for the time factor, about six months have transpired since the incident took place.

The incident, the implications

Following the April 19 incident, approximately 10 black students approached Frederic W. Schroeder Jr., director of Students Activities in the Division of Student Affairs, seeking prosecution of the white Avery residents and charging that the incident was racially motivated.

The Code of Student Conduct prohibits the physical abuse or hazing of any member of the University community on state-owned premises. Expulsion, suspension or lesser sanctions may result from a violation of the code.

Under the Instrument of Student Judicial Governance, possible student conduct-code violations are investigated only after a formal complaint is filed. Schroeder said the black students were "formally complaining."

In a letter to a housing department official, dated April 22, Schroeder described the incident denoted in his conversation with the blacks:

"On Tuesday night, April 19, at approximately midnight several groups of black students were assaulted with plastic bags of water and racial and obscene epithets. It is their (the blacks') belief that this physical and verbal abuse was racially motivated rather than being a prank against any students who happened to pass by."

In the letter, Schroeder said he and Harold

Wallace, director of special programs, agreed to "fully investigate the circumstances described by the intentions of bringing such incidents to an immediate halt and referring chargeable incidents to the student judicial system for action."

A subsequent investigation was carried out by University Police Lt. David E. Williams. Following his investigation, Williams filed a comprehensive report on the incident containing accusations by 15 black students in the form of depositions.

The blacks were part of a delegation of Black Student Movement (BSM) members returning from a Campus Governing Council budget meeting.

No racial motivation

In addition, the report contains the accounts of the incident submitted by seven Avery residents. In the report the Avery residents confess to varying degrees of participation in the incident, but all said the incident was not racially motivated.

In his summary of the investigation, Williams agreed with the residents: "The Avery incident appears to have been a prank incident that later turned racial, rather than being racially motivated from the beginning."

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Proposed pipeline gets narrow okay in OWASA vote

The proposed Hillsborough water pipeline was approved by the Orange Water and Sewer Authority (OWASA) Thursday by a narrow 5-4 vote.

The vote marked the town's first action on the water shortage since Durham water purchases ended last week.

OWASA will take bids on the pipeline this week, according to OWASA Executive Director Everett Billingsley. Construction should begin in November, and the pipeline is expected to be completed March 21. Cost of the pipeline will be \$1.5 million.

Thirty percent of the money for the pipeline will be provided by a federal grant, and 70 percent will come from a federal loan. OWASA will repay the loan over a 35-year period.

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Wilmington 10 attorney pities three prosecution witnesses

By DAVID STACKS
Staff Writer

DURHAM — Wilmington 10 defense attorney James Ferguson said Friday he feels sorry for the three prosecution witnesses who changed their testimony as he does for his own imprisoned clients.

"It's not just my clients whose lives have been ruined," Ferguson said. "The witnesses were all used as tools of the system. Their lives have been ruined too. It's a tragedy for everyone involved."

The black Charlotte lawyer told a group of Duke University law students he does not believe prosecutors and judges involved in the case have overtly conspired against the 10. But the case typifies racial injustices built into the judicial system, he said.

"The whole case is an embarrassment to justice," Ferguson said. "We've told that to every judge and juror we've faced."

A jury of two blacks and 10 whites convicted the Wilmington 10 in 1972 after burning, looting and racial violence rocked the port city in 1971. Prosecution witnesses Alan Hall, Jerome Mitchell and Eric Julius testified that Rev. Ben Chavis and nine other defendants were at the scene of one of the burnings.

After the trial, the three prosecution witnesses recanted their testimonies. The 10 were given a post-conviction hearing last spring, where Ferguson unsuccessfully tried to persuade Superior Court Judge George Fountain to grant the 10 a new trial in light of the witnesses' recantations.

Chavis and eight other defendants still are serving prison sentences of up to 30 years. The 10th defendant, a white woman, has been paroled.

Ferguson has appealed the case to the N.C. Court of Appeals and the federal courts, citing improper procedures in selecting the 1972 jury and improper plea bargaining with the three prosecution witnesses. All three were being detained by the state on other charges at the time of the 10's trial. The defense also has accused the prosecution of withholding evidence that could have helped the 10.

Ferguson said the appeals process could take as long as another five years. He said he is prepared to stay with the case until it is resolved in the courts or until Gov. Jim Hunt grants the 10 a pardon of innocence.

"I am prepared to spend the rest of my life on the case," Ferguson said. "I've already spent half of my professional life on it."

Ferguson thanked his Duke audience for giving up Friday afternoon activities to hear him speak on behalf of the 10.

"I understand how you feel," he said. "I've given up my Fridays and Saturdays for the last five years just on this one case."

Ferguson said he sees a fad developing in the 10 case and other North Carolina cases involving black civil rights activists.

"With the Wilmington 10, the Raleigh 2 and the Charlotte 3, I'm going to have to get a numerical filing system just to keep up with which of my clients is which."

One of the points Ferguson is basing the 10's appeal on is the makeup of the 1972 jury that convicted the group.

"I've often said I believe the two black jurors are the same ones prosecutors carry around in their back pockets," he said.

The Charlotte 3 jury also had two black jurors who voted against the defendants.

The defense attorney said he had lost all hope until Alan Hall recanted his testimony.

"Last year Alan Hall called me," Ferguson said. "I dropped everything I was doing, hopped in my car and drove 350 miles so Alan could tell me everything he and Jerome Mitchell had said was not true. Jerome later said he would change his testimony under oath if I would get him out of jail."

"I told him, 'Jerome, I can't even get my own clients out of jail, let alone you,'" Ferguson said.

Ferguson said he believes Fountain did not adequately review defense documents after the post-conviction hearing earlier this year.

"It was a 1,700-page document at the close of the hearing," Ferguson said. "But the judge announced within 10 minutes after the hearing was over that his order would not be

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The shared-ride taxi system in Chapel Hill is having its troubles. The taxis are serving less than an average of 100 persons per day.

Prof confronts industry spokesman

Conference on unionism takes unforeseen turn

By MIKE COYNE
Staff Writer

The conference on unionism and wages in North Carolina held Friday at the Carolina Inn, did not come off entirely as planned.

The purpose of the conference, according to Dr. Thomas Kniesner, conference coordinator, was "to correct popular misconceptions surrounding the economic benefits unions do or do not provide for their members, to identify some of the social costs of increased unionization of the labor force, to explore alternative governmental policy approaches to increasing the incomes of North Carolinians, and to demonstrate the ability of the intellectual community to provide high-quality technical advice on an important social issue."

The conference, however, became an arena where an industry spokesman denied that a low-wage problem existed in North Carolina and that unionization would cause higher unemployment.

In return, a University faculty member charged Burlington Industries with trying to give the impression that its report was sanctioned by UNC, and that it was using the conference as a platform to attack unionism in North Carolina.

In his speech, Burlington Industry spokesperson Richard F. Potthoff said that if North Carolina earnings, ranked 49th nationally, are adjusted in consideration of certain factors, the real earnings will compare favorably with the rest of the nation.

The factors that Potthoff took into account were fringe benefits, earnings loss because of unemployment, cost of living, under-reported earnings of farm residents, age distribution, years of education and quality of education.

Potthoff said that although the original figures show a definite difference between earnings in North Carolina and the rest of the nation, "this earnings differential largely disappears after adjustments are made to

compensate or equalize for the geographical differences in the seven factors just mentioned."

Potthoff said that unions do not raise wages, but rather "that high unemployment is associated both with high percentage of unionization and with high state minimum wages," and therefore, "neither should be encouraged."

Dr. Emil Malizia, associate professor in the Department of City and Regional Planning, opened his speech with an attack on Burlington Industries, saying that it had helped finance the conference in order "to dress up" its report by making it appear to be connected with the University.

"They (Burlington Industries) want people to think that their report is University sanctioned," Malizia said in an interview earlier last week. He restated this belief in his opening remarks Friday.

Malizia said four of the seven points in Potthoff's report were invalid, and that only the fringe benefits, unreported earnings and

cost of living were viable.

The Burlington report was an in-house study, Malizia said, and therefore is biased and unreliable.

"I think that the best way to hide the existence of power is to deny its existence," Malizia said about the Burlington Industries report, "and that is what they have done here."

The conference on unionism and wages had an unexpected twist. Wilbur Hobby, president of the state AFL-CIO, was denied a request to put forth organized labor's views on unionism in North Carolina.

In denying the request, James Murphy, conference chairperson, said that if Hobby were given the time to speak, others also would have to be recognized.

The conference was sponsored by Burlington Industries, UNC and UNC's Department of Economics. Burlington Industries financed approximately 75 percent of it, according to Kniesner.

Shared-ride taxis lack use; student input sought in study

By DAVID WATTERS
Staff Writer

Chapel Hill's shared-ride taxi system will probably experience modifications in November because ridership has not reached the average of 100 persons per evening required to continue the system.

In a contract agreed upon by University and town officials, the 100 figure was set as the minimum tolerable level for ridership of the shared-ride system. The officials agreed that if ridership fell below 100, night transportation would be re-evaluated and modified if necessary.

Although few students have complained to Student Government (SG) about the system, SG's director of transportation is not certain that students are satisfied with the

new system. Taxis serve less than 65 persons per evening, while the fixed-route buses averaged 170 riders last fall.

Paul Arne, SG's director of transportation, said he needs to have more comments from students on the shared-ride taxi system before he makes a recommendation for modifying the system. Arne said he has had almost no comments from students about whether they like or dislike the system.

"If we do not get any input saying students are upset by the lack of a fixed-route bus system, then we have to assume the taxi system is acceptable," Arne said. The shared-ride taxi system is considerably less expensive to operate, according to Arne.

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