

There is a 60 percent chance of rain through tonight. The high today and Friday will be in the upper-60s and the low tonight will be in the upper-50s.

The Daily Tar Heel

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Thursday, November 3, 1977, Chapel Hill, North Carolina

The UNC field hockey team won the NCAAIAW tournament Wednesday in Durham with a 2-1 overtime win over Duke and a 3-0 win over High Point. Details Friday in the DTH.

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It's not too early for Christmas, at least not in the mind of Sid Rothy, who sells his hand-blown wares on N.C. 86 north of Chapel Hill. Although the last leaf has yet to fall from the trees, Rothy peddles his glass sculptures in an effort to attract early-bird Christmas shoppers. Staff photo by Allen Jernigan.

Arguments made in Bakke reverse discrimination debate

By ROBERT THOMASON
Staff Writer

Arguments ranging from the issue of group participation versus individual rights to the relative qualifications of applicants to professional schools were presented at a debate on the Allan Bakke reverse discrimination case Tuesday night.

Cosponsored by the Black Student Movement and the National Coalition to Overturn the Bakke Decision, the debate pitted Dean Morton Teicher of the School of Social Work against Professor Charles Daye of the School of Law.

Teicher, a white, argued that the quota systems designed to increase minority enrollment erode the equal rights principle that individuals should be considered for admission to schools on their own merit and not on their race.

Daye, a black, argued that discrimination is used in all phases of the law, that sometimes this discrimination is based on rational premises and that the quota used to deny Allan Bakke admission to the medical school of the University of California at Davis (Cal-Davis) did not admit any unqualified students in his place.

In a case now before the Supreme Court, Allan Bakke, a white male, contends he was unfairly discriminated against when Cal-Davis rejected his medical school application but accepted some minority applicants with lower test scores.

If a person is assigned to a group because of racial qualities and then is admitted to a school or profession because he is a member of that group, Teicher said, then that person is denied his right to prove himself on his own merit. "The Civil Rights Act of 1964 was passed to grant and protect individual rights, not group rights," he said.

"When the person has primacy, then we do not need to rely on government with its mass, depersonalized solutions. Government produces dislocation and the devaluation of

the individual, and this is reflected in obsessive preoccupation with the problems of society as a whole."

Teicher contended that by grouping people into racially distinct sets, the individual becomes an abstraction and less a human.

"If we are to realize our potential to actualize ourselves, we do not need group excuses to account for our success or our failure. We need to perceive our own purposes and our own capacities.

"Policies of numerical representation in employment, education and housing are...in opposition to the American consensus which holds that the group characteristics of an individual are of no concern to government — that government must take no account of race, creed, color or national origin.

"To concentrate on the rights of racial and ethnic groups means that we mistakenly attach benefits and penalties to individual human beings on the basis of their race, color, creed or national origin.

"My position is, simply stated, discrimination of any kind — affirmative discrimination, benign discrimination, reverse discrimination, whatever you call it — discrimination of any kind is wrong."

Daye began his presentation by saying, "If the world were perfect, I would have no quarrel with Dean Teicher." Then Daye commented that for nearly 300 years blacks were either held in slavery or subjected to racist laws.

Daye said he could not say whether Cal-Davis' rejection of Bakke as a medical student was legal or not.

Discrimination of some sort is used in many laws, Daye said, citing voter registration laws which discriminate against those under the age of 18.

"Discrimination may be acceptable if its intent is not malicious or invidious," Daye said. "If the state has a rational purpose in

Greenways construction may begin

By AMY McRARY
Staff Writer

Construction may begin in January on a long-awaited, long-planned system of recreational paths along Chapel Hill streams, Town Planner Liz Rooks said recently.

The asphalt paths, called the Greenways System, were first proposed in 1973 to preserve natural land areas and to join town parks using "scenic recreational trails," Rooks said.

The system will consist of two paths approximately three miles long. When completed, the Greenways System will form a semicircle around the northern and eastern area of the town.

The eastern path will be the first part of the system constructed. The 0.83 mile path will be built along Battle Branch and extend from University Mall to Weaver Road.

Plans for the northern trail call for a 2.09 mile path along Bolin Creek. This part of the Greenways System will join the Battle Branch path at the mall and continue to Umstead Park.

Surveying is almost completed along Battle Branch, and construction is set for January, Rooks said. The \$44,000 funding for the path will come from the \$1.75 million bond referendum approved in November 1976.

The land for the 7- to 8-foot wide paths is located in the Chapel Hill flood plain. "This land is perfect for the system," Rooks said.

An ordinance forbids the construction of buildings in the plain. The flood plain is defined as land along the town's streams that would be covered by a 100-foot flood.

"This land is also a mostly wooded,

natural area," Rooks said. "And this is a part of Chapel Hill we should be concerned with preserving."

Chapel Hill has been working on the project for four years. A recreational path system was first proposed in 1973 when the Board of Aldermen voted to apply money from a 1968 bond referendum to construct a Greenways System.

Chapel Hill voters had approved \$100,000 in the referendum for the town to acquire parks. After buying the Cedar Falls, Charlie Jones and Ephesus Road Parks, the board voted to use the remaining \$10,000 for the paths. The money then was used to survey the Bolin Creek area.

Former Alderman Alice Welsh said she became a supporter of the Greenways System because it would connect the parks the town had bought. Welsh was chairperson of the committee that bought the parks until her retirement from the board in 1975.

The Battle Branch trail will join Glendale and Emilie Braswell Perry Parks. Its boundary also will join University-owned Battle Park, enabling the walker or biker to travel to UNC, Rooks said.

Umstead Park and the Carlisle Property between Estes Drive and Franklin Street will be connected by the Bolin Creek path.

"But the problem in 1973 was after we surveyed the land, we didn't have any more funds to actually construct the paths," Welsh recalled. Because there was no more money, Assistant Town Attorney David Drake and Welsh's committee began asking property owners in the Bolin Creek area to donate land for the Greenways System.

All but four owners initially donated land varying from one-half to three acres. Because the town already owned land along

Battle Branch, no donations were necessary in that area.

Agreements with three of the four landowners have been reached, and flood-plain land will be sold to the town, Drake said Wednesday.

The fourth owner, Wilbur Kutz, has opposed construction of the trail through his Dickerson Court property near Franklin Street. Kutz built the rental development in the flood plain before the ordinance forbidding construction in the area was enacted.

Because of Kutz's opposition, the Board of Aldermen voted Sept. 12 to give the town authority to condemn the part of his property necessary for the path. Condemnation of property means the town decides it is in the public good to acquire the land.

The town must get two or three appraisals of the land needed and then pay the "fair market value" for the property. If the landowner still does not want to sell his property, he can go to court.

Drake said Wednesday the town has not yet used its authority to condemn Kutz's property, hoping that further negotiations would prevent condemnation.

Because the Battle Branch trail will be built first, negotiations do not have to be completed yet, Rooks said. "We don't have all the land, but we don't have any money allocated for the Bolin Creek path yet, either," she said.

The purpose of building a Greenways System is more than just to preserve wooded areas in Chapel Hill or to connect parks, Rooks said. "They're more than just trails, they're a way to get to your destination.

University files writ with Supreme Court

By CHUCK ALSTON
State and National Editor

The University of North Carolina filed an application with the U.S. Supreme Court last week requesting a hearing on a reverse discrimination case dealing with required minority representation on UNC's Campus Governing Council (CGC) and Honor Court.

The application, filed last Thursday by Andrew Vanore, N.C. senior deputy attorney general, requests a new hearing on grounds that the Fourth Circuit Court of Appeals ignored various criteria in awarding the case to the plaintiffs.

The plaintiffs, Lawrence A. Uzzell and Robert Lane Arrington, filed suit in June 1974 charging that provisions in the Student Constitution and Instrument of Student Judicial Governance are discriminatory.

They object to provisions requiring the student body president to appoint two black and two female members to the CGC if they are not elected, and permitting an accused student before the Honor Court to request that four of the seven judges be members of his or her race or sex.

Since that time, the Honor Court has been reduced to five judges, but the minority court provision remains in the Instrument.

The suit claims that the laws violate the Fourteenth Amendment, the Civil Rights Act of 1871 and the Civil Rights Act of 1964. They contend in the suit that these federal laws guarantee them the right to attend a state university free from officially approved discrimination and that tax money should not be used to subsidize such practices.

On January 5, 1977, the Fourth Circuit Court of Appeals upheld the suit's contentions, saying "...the composition of the Council (CGC) is formulated on the basis of race. This blatantly touts the letter and the spirit of both the Civil Rights Acts and the Fourteenth Amendment."

The court ruled the same on the Honor Court.

In making the ruling, the three-judge panel of the appeals court overturned an earlier ruling made by U.S. Middle District Court Chief Judge Eugene B. Gordon in favor of UNC.

A re-examination of the case was conducted by the entire court of appeals

bench, which upheld the ruling with a 4-3 vote.

Ed Speas, a special N.C. deputy attorney general for education, said Wednesday, "The provisions of the Student Constitution and the Instrument of Student Governance do not offend the Fourteenth Amendment."

Speas said racial and sexual guidelines can be used for these purposes so long as they do not harm some other group. It is the University's contention in this case that no one is harmed.

The application, called a writ of certiorari, filed with the Supreme Court states that the court of appeals "ignored the distinction between the benign or harmless use of racial classifications and their invidious use."

The writ further states, "The Court of Appeals also ignored the principle that harm is an essential predicate to standing and the existence of a real and concrete controversy."

Speas also said, "The Fourth Circuit Court erred in not giving the state an opportunity to show the reasons at hand."

The original suit also challenged the use of

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Voting procedure raises controversy

By KATHY HART
Staff Writer

Voting procedures and planning for the Homecoming Queen election Wednesday upset some UNC students, including the 1976 Homecoming Queen.

Students expressed concern that ballot counters would be unable to distinguish between the votes for candidate six and candidate nine and that some students were voting more than once.

Students were asked to write their favorite candidate's number on a blank slip of paper. There was some question as to whether there would be a distinguishable difference between the sixes and nines. Crew Club members at the ballot boxes sometimes failed to ask

students to make their votes clear, by either underlining or spelling out the number.

But a *Daily Tar Heel* reporter who examined the election results found that few of the ballots were questionable. The few questionable ballots would make no difference in the outcome of the election.

The Homecoming Queen election was sponsored by the Carolina Athletic Association (CAA) and voting boxes were manned by Crew Club members.

"If there is any discrepancy in any of the ballots, we just won't count them," said Paul McDonald, Crew Club president. "We plan to examine each ballot closely so that everything will be fair."

Sherri Parks, president of Alpha Kappa Alpha and 1976 Homecoming Queen, said she was not satisfied with the way the election was handled. "They should have printed ballots," she said. "It was poorly organized and poorly planned."

Parks also criticized the failure to check student IDs because that made it possible for students to vote several times. To vote, a student simply had to write his name and year on a legal pad. No identification was required.

"We had no authority to clip IDs as they do in Student Government elections," said Mike Egan, CAA vice president. "We simply had to rely on the honesty and integrity of the students."

"If there is any question at all we will rerun the election Friday," said CAA President David Royle, "but I don't anticipate that happening at all."

The ballots were small cut pieces of blank paper. Because of the large turnout, the balloting box in front of the Undergraduate Library ran out of these ballots and torn pieces of notebook paper were used. It was reported that one student simply tore his torn paper ballot again and voted twice.

"Royle and I decided last night how the ballots would be made," McDonald said. "We wanted to do it the fastest and least expensive way possible."

Voting boxes were located in front of the Undergraduate Library, at the Y-Court and at Chase Cafeteria. Only the box at the Undergraduate Library included a picture of the girls so voters could link names with faces.

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Shared-ride taxi experiment still afloat after board meeting

By KEITH HOLLAR
Staff Writer

The Chapel Hill Transportation Board tossed around several options for modifying the shared-ride taxi service Tuesday night before deciding to leave the service as it is.

Under the terms of a contract signed Sept. 30 between the town and the University, the town agreed to modify the night service if ridership did not reach an average of 100 riders per night by Oct. 31.

Although it did not decide on any modifications, the board agreed to recommend to Town Manager Kurt J. Jenne that promotional efforts be continued in an attempt to increase the ridership of the nighttime service.

If such efforts fail, the board decided it would recommend dropping the 25-cent surcharge and, if necessary, reinstating some form of fixed-route bus service.

The final decision on the fate of the shared-ride service rests with Jenne and John L. Temple, UNC vice chancellor for business and finance. Neither could be reached for comment Wednesday afternoon.

The shared-ride taxi service is currently available only to bus pass holders, who must pay a 25 cent surcharge for trips from bus stop to bus stop.

Ridership on the experimental service is averaging slightly more than 50 persons per night, according to dispatcher David Jones.

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Yackety Yack appointments still available

Appointment or no, be prepared to wait when you go to have your picture made for the Yackety Yack.

A freshman waiting in line Wednesday had an appointment at 1:50 p.m. At 2:50 p.m., he walked out of Room 205 of the Carolina Union, having just finished his picture-taking session. "I had no idea it would take this long," he said.

"We're doing the best we can, and it's a free service for the students," Yack editor Ted Kyle said. "There are 12,000 students here."

Also, Kyle said many students don't bring their appointment cards to the portrait session. No fair way exists to distinguish between students who failed to make appointments and students who made appointments but forgot their cards, Kyle said.

Another factor contributing to long lines and long waits is the amount of time photographers spend taking pictures. Appointment sheets allow five minutes for this, but the photographers sometimes spend as much as 20 minutes on one sitting.

"I can understand people getting upset," Kyle said. "But we do have an obligation to try to take pictures of all these students."

— MARTHA WAGGONER



The first segment of the Greenways System will be a 0.83-mile segment along Battle Branch from University Mall to Weaver Road. Construction may begin in January on the long-awaited, long-planned system. Photo by Joseph Thomas.