

# At CGC hearing tonight Legal service limits to be opposed

By MEREDITH CREWS  
Staff Writer

The Campus Governing Council (CGC) will hear arguments tonight supporting the removal of a CGC resolution that prevents UNC's Student Legal Services (SLS) from handling suits filed against the University by students or student organizations.

Removal of the resolution was made possible by a 1976 U.S. Fourth Circuit Court of Appeals decision that ruled against the University of Maryland's (UM) Board of Regents and UM President Wilson Elkins.

University officials withdrew funding for UM's legal service after the service filed suit against the school. The appeals court found the withdrawal of funds to be unconstitutional under the First Amendment.

The First Amendment guarantees citizens the right to seek legal counsel and to have access to the courts.

UNC student Shelley Droeschler, who will argue for removal of the resolution, said students needed to have a way to sue the University.

"Up to now, student organizations wishing to sue the University had to go to the North Carolina Attorney General's office, which hasn't done anything before," Droeschler said. "No student is able to argue with the University because they can't afford to hire a lawyer." N.C. Deputy Attorney General Andrew Vanore said he was not

certain what other implications of the ruling might be. "I have heard of the Maryland case, but I am not familiar enough with the case to comment on possible implications," Vanore said. "I'll have to wait and see what action is taken by UNC's governing council."

SLS attorney Dorothy Bernholz said she was hired with full knowledge that a CGC resolution prevented the SLS from suing the University.

"I am an employee of the students and I do their will," Bernholz said. "If the CGC passes a resolution giving me the right to sue the University, then I could sue the University."

But Bernholz said she did not have time to handle such cases. "I will recommend (to the CGC) that they be willing to fund it and that they hire an additional attorney, as my case load would be doubled," she said. "I have a full case load just handling cases dealing with students and landlords."

"I can't incorporate this unless they appropriate funds for a second attorney. It would take another attorney to handle cases dealing with housing contracts, tuition, towing and parking fines."

Droeschler said benefits could come from the removal of the resolution, even if no one actually sued the University.

"It could serve as a watchdog," she said. "If the University knew we could sue, they might be more careful."



Dorothy Bernholz, Student Legal Services attorney, awaits CGC's decision whether to give Bernholz the authority to sue the University for student organizations.

## Off-year elections for major offices in several states

By United Press International

Listed below are some of the major off-year elections around the nation today:

**New Jersey** — Governor Brendan Byrne, Democrat, is staging an effective come-from-behind campaign for a second term against veteran Republican State Sen. Ray Bateman.

**Virginia** — The battle for governor is too close to call, but Republican Lt. Gov. John Dalton holds a slim lead in the polls over Democrat Henry Howell.

**New York City** — Rep. Edward Koch, Democrat, is favored to be elected mayor, but Secretary of State Mario Cuomo, running as a Liberal, is staging a late rally.

**Detroit** — Mayor Coleman Young, the city's first black leader, is favored heavily for a second term.

## news briefs

### Students' rights heard

WASHINGTON — A medical school student is entitled to a hearing before being dismissed and thus stigmatized in seeking employment in the field of medicine, a Kansas City lawyer told the Supreme Court Monday.

"If the school slams the door... it is foreclosure of employment opportunities," said the attorney, Arthur Benson.

The case, involving the dismissal of Charlotte Horowitz from the University of Missouri's medical school in Kansas City, is one of several before the court this term dealing with rights of university students.

It will be decided by written opinion later this term.

Justice William Rehnquist asked Benson whether his reasoning wouldn't carry over to the "flunking out" of any student from college or even high school.

Benson said that might well be, but that in many situations hearings can be informal and might consist of no more than a chat with the dean. Many educational institutions follow this custom, he said.

Miss Horowitz was dismissed on grounds of deficiencies in clinical competence, peer and patient relations, personal hygiene and ability to accept criticism.

One of the problems cited was her failure to wear a clean white coat.

She had been admitted to the school with advanced standing, since she held degrees elsewhere.

### Carter postpones trip

WASHINGTON — The State Department announced Monday that President Carter has postponed the nine-day trip he was scheduled to start Nov. 22, but hopes to make the journey in December or January instead.

The reason given for the delay was Carter's desire to remain in Washington until Congress completes work on his energy package, a job it is not likely to finish for several weeks.

## Campus cops trained in firearm use

Continued from page 1

target with a chance to hurt someone else," Giles said. "Don't draw your weapon unless you are prepared to fire. Don't fire unless you are prepared to kill."

Police officers have to be prepared to shoot at all times, Mauer said. Police officers who answered an armed robbery call at Hinton James Dorm in December 1975 were ready for anything, he said. But the two suspects escaped before University Police officers arrived.

O'Daniel said he believes University Police officers only need weapons in cases involving suspects not connected with the University.

"I don't think we would ever need weapons to control the students," O'Daniel

said. "If it were just the students on campus, we probably wouldn't be needed at all, with or without guns."

Handguns are not the only weapons University Police officers carry. Some officers who walk a beat at night carry 18-inch long night sticks.

"The officers felt they needed something for their own protection that wasn't lethal," said Ted Marvin, director of the Department of Security Services. Officers patrolling in squad cars also carry night sticks.

Police officers are not as hesitant to use night sticks as they are to draw their guns, Williams said.

"People figure they can push him (the police officer) farther when he's just got his gun," Williams said. "It's a little different

when a potential troublemaker sees you can wrap a night stick around him."

Marvin said University officers are not allowed to carry their weapons while off-duty. But most officers carry their weapons to and from work and store them at home during off-duty hours.

"Even though they (University Police officers) are commissioned through the Chapel Hill Police Department, we feel they are private citizens when they're off-campus," Marvin said.

Marvin said University Police do not stockpile weapons like chemical pellets or riot gear. If an emergency situation arose and such equipment was needed on campus, Chapel Hill Police would be called.

## Employee charged with Stores theft

University Police arrested a Durham man Friday and charged him with theft of state money. Lt. Charlie Mauer said.

Johnny Moore of 419 Mineral Springs Road, Durham, was arrested after \$15 was discovered missing from a cash drawer at the UNC Student Stores.

Moore, 39, is a UNC student and employee of Student Stores. His trial is scheduled for Nov. 15 in Orange County District Court in Chapel Hill.

## fees

Continued from page 1

organizations that affect in some way every student on campus," the fact sheet states. Among these groups are Student Legal Services, the Carolina Course Review, the Carolina Symposium, the Graduate and Professional Student Federation, the Yackety Yack, WXYC and the Orientation Commission.

Student Government will circulate the fact sheet and leaflets supporting the fee increase around campus during the week.

"This is one of the most important issues the students will have a direct voice in this semester," Moss said Monday. "The money

students pay in activities fees goes to over 30 organizations that affect this campus in a very positive way, from the Daily Tar Heel to the Carolina Course Review."

Moss said most of the efforts toward supporting the referendum were concentrated on residence hall students, and off-campus students would have to be reached through the newspaper.

This is the second attempt in two years to increase student fees. Last year under Student Body President Billy Richardson, a fee referendum was defeated soundly by a student vote.

### TONIGHT'S TOPIC:

Assistant Basketball Coach Eddie Fogler talks about the upcoming season in the A.C.C. — complete with previous game film clips.

Time: 7:00 p.m. Place: Craig Green Room — Refreshments Served

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