

## THE TAR HEEL

## State and Local News

Volume 85, No. 9

Chapel Hill, North Carolina

July 27, 1978

## FBI investigates Orange voting

By DAVID MCKINNON  
News Editor

The Federal Bureau of Investigation has begun an investigation into the possibility of massive violations of voting rights in recent months in eight North Carolina counties, including Orange County.

Herbert L. Monahan Jr., special agent in charge of the FBI's Charlotte office, confirmed reports Tuesday that his office had been ordered to conduct the investigation after the Justice Department received a complaint concerning registration procedures in the eight counties. The complaint charged that the procedures discriminated against voters between the ages of 18 and 21, Monahan said. Such discrimination is a violation of the Voting Rights Act of 1965 and the 26th Amendment, which guarantees the vote to 18-year-olds.

The investigation, which began on Friday, is expected to take about three weeks.

Monahan refused to reveal who had filed the complaint, or to describe the possible areas into which the investigation might lead.

The other counties being investigated include Wake, Pitt, Durham, Guilford, Jackson, Watauga and Mecklenburg.

Superior Court Judge James H. Pou Bailey last March upheld a suit brought by Orange Committee members which charged that between 6,000 and

10,000 students were illegally registered to vote in Orange County.

The Orange Committee is an organization of conservative Orange County Democrats who have generally opposed student, and especially undergraduate, registration in Orange County. Committee member Stewart Barbour said at the time of the suit that his vote had been "diluted and watered down by (registration of) transient students."

In his decision, Judge Bailey ordered the Orange County Board of Elections to remove from the registration rolls the names of all university students who listed home addresses other than Orange County. Bailey also ordered that a list of 15 questions concerning residence be asked of all students attempting to register in the future.

But the North Carolina Court of Appeals later in March stayed Judge Bailey's order until the issue has been decided through the appeals process.

County attorneys Lonnie Coleman and Geoffrey Gledhill have appealed the order from Judge Bailey to the N.C. Court of Appeals, saying the 1972 case Bailey cited was based on an 1843 Massachusetts Supreme Court decision that has since been struck down as unconstitutional.

Orange Committee members and other county residents submitted massive voter challenges to the board of elections in February and March. But many of the voters challenged turned out to be

long-time residents of the county, former residents, non-students or deceased.

Included in the original challenges were UNC Athletic Director Bill Cobey, Vice Chancellor John Temple, Gen. Art Hurov, a member of the Orange Water and Sewer Authority, former Dean of Women Kitty Carmichael and Sara Taylor, daughter of Chancellor N. Ferebee Taylor.

Billy Carmichael, the Chapel Hill native for whom Carmichael Auditorium was named, was also challenged, as was Hillsborough attorney A.W. Turner, a partner in the law firm headed by Orange Committee chairperson Lucius Cheshire.

Barbara Strickland, executive secretary of the elections board, reported in April that 1,590 of the challenges were for persons no longer registered in the county. University officials estimated that only 4,000 students of all kinds were registered to vote. And amid allegations at the time of forgery in the challenge process from at least one elections board member, Orange Committee member Stewart Barbour announced that erroneous challenges would be withdrawn and that only challenges against full-time undergraduates would be maintained.

Later in April the Justice Department began preliminary investigations into possible violation of voting rights in the challenges and suit filed by Orange Committee members and other county voters.

## Carrboro route still in doubt

By BERNARD COOK  
Staff Writer

After a recent series of offers and counter-offers between Chapel Hill and Carrboro, the deadlock over the costs of the "C" bus route remains unbroken.

The Chapel Hill Board of Aldermen took no further action on the problem Monday night in their last regular meeting until September.

Last week, Chapel Hill offered Carrboro a compromise price tag of \$31,000 to provide a bus link between the towns. This represented a sharp reduction of Chapel Hill's original proposal of \$53,000. However, Carrboro paid \$20,500 for the same service last year and the Carrboro Board of Aldermen voted to turn down the compromise offer.

Chapel Hill Town Manager Kurt Jenne said, "The (Chapel Hill) Board of Aldermen has shown no inclination to change the budget limits. I don't see how the limits could have been changed since the budget was balanced."

"The last offer was eminently reasonable," Jenne said. "Carrboro should take advantage of it. There's nothing further we can do. We worked very hard to offer the best terms we could."

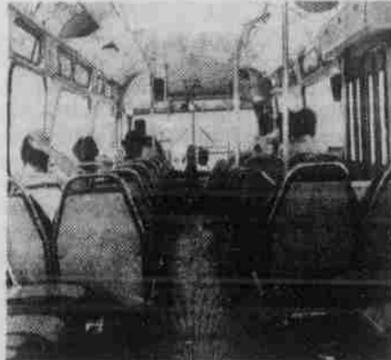
Negotiations have also broken down over the question of what kind of formula should be adopted to determine each unit's contribution. And the towns have been unable to agree on the amount the university should contribute.

Alderman Doug Sharer, Carrboro transportation committee chairperson, said, "Carrboro wants to increase service but must be treated the same as Chapel Hill in terms of assistance."

"UNC would not agree to a formula," Sharer said. "They said that we should renegotiate with Chapel Hill."

Jenne said, "It's a bit late now to determine a formula. All the parties were not comfortable enough with the formula to strike an agreement this year."

In Chapel Hill's latest offer, UNC would contribute \$31,000 to Carrboro and \$229,000 to Chapel Hill for bus service. Based on last year's ridership figures,



"C" bus may not run in fall

Sharer has estimated that Chapel Hill would get a subsidy 2.3 times greater than Carrboro's. He pointed out that Carrboro received only 13.3 percent of UNC contributions although 24 percent of riders with UNC passes lived in Carrboro.

Sharer said Carrboro would receive an extra \$41,480 from UNC if the town was subsidized at the same rate as Chapel Hill.

The Carrboro Board of Aldermen voted 4-2 last week to offer a counter-proposal to UNC such that if UNC increases its contribution to \$72,480 then Carrboro will pay \$31,000.

With this proposal Carrboro added some service changes it would like to be considered. These changes included an extended "L" route to the Villages Apartments and an extension on the Shared-Ride Taxi Service to Carrboro.

Throughout the summer Carrboro has been seeking alternative possibilities for providing bus service. They contacted the Asheboro Bus Co., which offered to provide two lines at a cost lower than Chapel Hill's proposed price.

But in order to run private buses on the streets of Chapel Hill, Carrboro needed a franchise from Chapel Hill. This franchise was denied by the Aldermen two weeks ago.

In turn, Carrboro decided to break off negotiations with Chapel Hill until both the towns and UNC agreed to negotiate on equal terms and a formula was decided on by all three.

In reaction to Chapel Hill's refusal of the franchise, Sharer said, "Chapel Hill has established itself as a monopoly in transportation in this community. The Chapel Hill Aldermen have eliminated the possibility of pursuing an alternative. This has been a disappointment to me."

## Ex-dean to be judge

By KAREN GUNTER  
Staff Writer

J. Dickson Phillips, former dean of the Law School of the University of North Carolina at Chapel Hill, was nominated last Thursday to become the next 4th Circuit Court of Appeals judge. His appointment was made amid controversy over the way a Justice Department selection committee chose five candidates as possible nominees for the post.

Sen. Robert B. Morgan, D-N.C., made the announcement. Morgan had endorsed Phillips for the post in early June.

A spokesman for Sen. Jesse A. Helms, R-N.C., confirmed reports Monday that Helms would not oppose the nomination but would continue to protest the selection process. Helms called on President Carter Thursday to reconsider the appointment so that some "very fine judges who were passed over" may be considered for the position. He cited James Exum and Sam Ervin Jr., as potential nominees who were not tapped.

Gov. Jim Hunt praised the appointment and said Phillips had been his professor in law school. "He is a rare man in that he has a vision for his country and his state. But at the same time he is a hard-nosed realist," Hunt said.

The nomination ended a year of speculation over who would be appointed to fill the judgeship vacated last year by the death of Judge J. Braxton Craven Jr.

The other four candidates considered for the position were U.S. District Judge James B. McMillan of Charlotte, Duke University Chancellor Kenneth Pye, civil-rights lawyer Julius B. Chambers of

Charlotte and William Van Alstyne, a former Duke University law professor.

The controversy over Phillip's selection stems from Carter's avowed desire to take the process away from politics. In making nominations in the past, presidents sought advice from



J. Dickson Phillips

the elected officials of the state, such as senators, the attorney general and the governor. In this case, the Justice Department was asked to draw up a committee to suggest names.

Both Morgan and Helms have expressed displeasure with the selection process. Morgan said at the time of the nomination that the panel "had failed to make a very thorough, exhaustive search."

Phillips, 56, is a Laurinburg native. He was dean of the UNC Law School from 1964 until 1974, and in recent years has taught civil procedure, trial advocacy and appellate review.