

More rain

The rain hasn't finished yet, as showers are expected today, tonight and Tuesday. Temperatures should be in the mid-50s during the day and near 30 tonight.

# The Daily Tar Heel

Serving the students and the University community since 1893

Weekend roundup

There were other Tar Heel sports played this weekend besides basketball and wrestling. See page 5 for the weekend results.

Volume 86, Issue No. 112 104

Monday, February 26, 1979, Chapel Hill, North Carolina

Please call us: 933-0245

## Student court to rule

# Board won't certify runoff vote

By EDDIE MARKS  
Staff Writer

The Daily Tar Heel editorship Friday was placed in limbo when the Elections Board voted not to certify the results from Wednesday's runoff election between DTH candidates Allen Jernigan and David Stacks.

The board made its decision at a hearing Friday afternoon after Jernigan complained about irregularities at the runoff polls. Jernigan presented petitions which said many people did not get a chance to vote because several polls were not opened on schedule. Stacks won the runoff by about 200 votes.

Elections Board Chairperson Jil Linker said a new runoff election will be held March 14, but Stacks said he will appeal to the Student Supreme Court to overturn the board's decision. The case will be the first the court has heard since January 1976. None of the present court members has ever heard an elections case.

"I feel like we have a good case," Stacks said. "In years past the Student Supreme Court has been reluctant to call for a new election."

"The court will have to consider how the Elections Board applied the election laws to this case. I think the board had no grounds to refuse to certify this election. I think that they acted improperly."

Stacks said Student Government Executive Assistant Craig Brown will represent him at the Supreme Court hearing. Brown was instrumental in writing the current election laws.

"We feel that the Elections Board acted improperly because Jernigan did not file a formal complaint," Brown said. "The Elections Board is a regulatory body. It cannot act on its own initiative."

"There is also no proof that the poll irregularities damaged one party more than the other. You can't say that the low voter turnout was caused by the irregularities. I think it was caused by the bad weather and the fact that there was only one major race on the ballot."

"It is our belief that the board's decision was not based on the law but rather on what they feel is a moral obligation to hold a fair election."

Although he did not file a formal protest at Friday's hearing, Jernigan said he did reserve the right to appeal to the Supreme Court if the board certified the runoff results.

"I think I have given prima facie evidence that the election was materially affected," Jernigan said. "I felt that I owed it to my supporters who worked so hard during the campaign to bring these grievances to the board's attention."

"I think it was very magnanimous on the part of the Elections Board to say they goofed and couldn't certify the election. I think if the board says the election was mismanaged, then we ought to go out and do it one more time."

Controversy continued to surround the board's decision, however, as sources close to the campaign said Stacks has said that at least one of the five Supreme Court members who will hear his appeal was linked to the Stacks campaign.

But Stacks denied the reports, saying that none of the court members ever worked for his campaign staff.

"I've never even met three of the court members," Stacks said. "I asked Roy Cooper to help with the campaign before I knew he was on the court, but he didn't help us. Of course I know Greg Porter (former DTH editor, also on the court) real well, but he never helped us either."

The court members also denied any involvement with either the Stacks or Jernigan campaigns.

"I was totally neutral in his (Stacks') campaign, as I'm sure all the candidates could tell you," Porter said. "I

See RERUNOFF on page 2



Craig Brown (left) will represent Stacks before court ...first case for Chief Justice Roy Cooper (right)

# HEW: system 'separate, unequal'

By MARK MURRELL  
Staff Writer

Department of Health, Education and Welfare officials who made a three-day swing through the UNC system last week say the state's effort to upgrade its black institutions is a case of too little too late, and that the state has failed to make up for past neglect.

The officials, who were in Chapel Hill Friday to tour the campus, met with Chancellor N. Ferebee Taylor, saw the core of the campus and had an unexpected meeting with members of the Black Student Movement, before lunching with President William C. Friday and traveling to Elizabeth City State University to conclude their tour.

When the HEW officials arrived at South Building, they met with Taylor in a morning meeting to discuss admission of blacks, desegregation plans of the University, recruitment of black students and the role of blacks in administrative positions.

"Chapel Hill is a flagship institution where the professions are taught in all varieties," said Mary Berry, assistant secretary of education. "It is a widely respected institution. We are particularly interested that black students have the right to attend it."

Taylor gave the group a report saying black enrollment in the freshman class has increased by 33 percent from last year. But later in the day, members of the BSM met with Berry and David S. Tatel, director of HEW's Office of Civil Rights, and told them qualified blacks had been refused admission to the institution.

The HEW officials must decide by March 14 what to do about plans of the UNC system to desegregate its 16 campuses. If they find UNC is not in compliance, they could act to cut off federal funds to the UNC system which total \$90 million a year. Observers say the chances of HEW and UNC reaching a settlement by the March 14 deadline are slim.

After meeting in the chancellor's office, the HEW group produced umbrellas to face the rain while touring the core of the campus. Berry led the way, taking notes on all that she saw.

When asked to see a typical classroom building, the group was taken to Murphey Hall, which was built in the early 1920s and now houses the classics

See HEW on page 2



HEW official Mary Berry with BSM head Allen Johnson

# BSM repeats charges during visit

By MARK MURRELL  
Staff Writer

The Black Student Movement held a demonstration Friday calling for immediate action on desegregation by the Department of Health, Education and Welfare, after BSM chairman Allen Johnson and Byron Horton, president of the North Carolina Black Coalition, met with HEW civil rights officials Mary Berry and David Tatel.

About 75 students marched to South Building while shouting, "No more talk UNC we want action HEW." The demonstration was held to show that the concerns expressed in the meeting were concerns of the mass of black students, Johnson said.

Chris McCauley, a BSM member, met Berry during the officials' walking tour of the campus in Wilson Library and requested that the HEW officials meet with students.

"The University officials would not give us your itinerary," McCauley said. He said BSM representatives were interested in talking to the officials because there were many things that the HEW officials should know before leaving the campus.

Berry said the officials were interested in talking with the group, and a meeting was set up for the end of the tour in Dean Hayden B. Renwick's office.

At the meeting, Johnson and Horton accused the University of denying admission to qualified black students. Renwick charged

See BSM on page 2



Chancellor N. Ferebee Taylor (right) with HEW's David Tatel ...walked campus Friday as part of statewide tour

## Heels win bye

# Carolina, Duke split ACC title

By LEE PACE  
Sports Editor

DURHAM—Jim Spanarkel's last home game. The Atlantic Coast Conference regular season championship riding on the outcome. More than 8,000 noisy basketball fans, some of whom had been waiting in line for tickets since Wednesday afternoon. Duke and Carolina. Dark blue vs. baby blue.

A fitting climax, it seemed, to another winter of ACC madness. And it was only one year ago they were doing the same thing for the same ACC pennant, only that time it was in Chapel Hill's Carmichael Auditorium, and it was Phil Ford's farewell. Carolina won that classic by four points.

This year it was Duke's turn. And though Duke's 47-40 win wasn't a classic, nobody's going to forget it anytime soon. After all, Carolina doesn't go scoreless for an entire half very often, and Mike Gminski doesn't get ejected every game.

But don't bother the Blue Devils with picky details at this point. Bill Foster's just relieved his team was able to salvage one-half of the ACC championship, a prized commodity the experts said in November the Blue Devils would acquire with relative ease.

And although the Tar Heels are still scratching their heads over what happened in Cameron Indoor Stadium Saturday, their half of the championship was a pleasant reward for what many felt would be an off year for Dean Smith and Carolina.

So much for predictions. Carolina entered the game 9-2 in the league, Duke 8-3. Duke needed a win to force a tie, while a Tar Heel victory would have given them their fourth consecutive ACC title.

Everyone involved expected another of those wild and woolly race-horse basketball games.

Again, so much for predictions. Duke had been clobbered by 21 points three nights earlier when Clemson used a deliberate, spread offense, so Smith thought a similar attack might negate the Duke running game, which, when clicking, can be awesome, and might help negate Duke's homecourt advantage.

So much for planning. Little did Blue Devil freshman Vince Taylor realize, 30 seconds into the game, how important his follow shot of a Gminski miss would be. That gave Duke a 2-0 lead that allowed it to sit back in its zone when Carolina came downcourt.

See SPLIT on page 5



Mike O'Koren (right), trainer Mark Davis (center) huddle over Al Wood ...Duke center Mike Gminski elbowed Wood to the floor

# Commissioners again nix Press building approval

By TYRE THOMPSON  
Staff Writer

The future of the proposed University Press Building remains unclear after Chapel Hill's Historic District Commission voted 5-4 Thursday to deny for the second time University officials' request for a Certificate of Appropriateness.

Commission members opposing the building cited its size as the major problem. University officials did not indicate what they would do next.

Last October, the commission first voted to deny the certificate, which is necessary to build on land within the Historic District. University officials questioned the applicability of the commission's certificate and legal action between the town and University seemed imminent until the two parties resumed negotiations concerning the building's appearance.

The commission subsequently amended its rules of procedure two weeks ago to allow the University to reapply for the certificate. University architects

changed the roof slope and shape, the window shapes and the landscaping to make the building blend better with the surrounding homes.

Joe Herzenberg, commission chairman, said the small changes in the building do not solve the real problem.

"I'm afraid that despite good will between University officials and members of this commission, the original problem is still there," Herzenberg said. "It (the building) is just too large."

Commission member Jim Webb said that although the University's architects showed originality in their modifications, they could not disguise the size of the 10,725 square-foot building.

"On my part I have all praise and congratulations for the planner's attempt to solve the problem," Webb said. "I don't believe there is a significant change in this point (the building's size) over the previous application."

Although there was no change in the building's actual size, alterations of the

See PRESS on page 2

# Wrestlers win first ACC title, as 4 Tar Heels take top honors

By GEORGE BENEDICT  
Staff Writer

CLEMSON—UNC's wrestling team made it official this weekend in Clamson. After three straight years of second-place finishes, the Tar Heels won their first ever ACC wrestling tournament.

Carolina scored 82 points in the tourney, winning four weight classes. Clemson and N.C. State tied for second with 70 points.

For UNC, it was a fitting end to one of its most successful wrestling seasons ever. During the regular season the Heels were

15-1 overall and 5-0 in the conference. They had won the regular season championship, and were favored to win the tournament.

Four Carolina wrestlers took individual conference championships. Two took second in their weight classes.

C.D. Mock led the Carolina effort. At 126 pounds, Mock pinned Virginia's Steve Silverberg at 4:09 to win his second consecutive ACC title. Mock was also named the tournament's most outstanding wrestler.

See TITLE on page 5