



Student Supreme Court Chief Justice Roy Cooper (left) and Justice Greg Porter... eight-hour hearing ends Monday without verdict

## After Monday marathon

# Court rules on runoff today

By BEN ESTES  
and MARTHA WAGGONER  
Staff Writers

After hearing more than eight hours of testimony and argument in Allen Jernigan's challenge of the Feb. 21 *Daily Tar Heel* editor runoff, the Student Supreme Court decided Monday night to sleep on it and resume deliberations at 3 p.m. today.

The court will meet in chambers in Suite C of the Carolina Union. "Tonight we're just going to lay down the issues we need to decide," Student Supreme Court Justice Roy Cooper said after the hearing. "We're going to outline our homework and go home to read cases."

"I'm mentally exhausted. I'm going to sleep on it," he said. Throughout the day Monday, the Student Supreme Court heard arguments on both sides as to whether another election should be held due to irregularities in voting and in the certification of the runoff.

Editorial candidate David Stacks and Elections Board Chairperson Jil Linker are named as principal defendants in the suit.

Suzie Mitchell, student attorney general and counsel for the Elections Board, said the defense must accept the poll-opening times contained in *DTH* candidate Allen Jernigan's brief as fact. "However, no one factor is enough," she said.

"No one at the Elections Board or in Suite C was notified to rectify this (late openings and other irregularities). No one was aware of it that could do anything about it."

Craig Brown, counsel for Stacks, supported Mitchell's statement. "No where had the plaintiff shown that the outcome of the election was affected by these irregularities. No where had fraud been proven or even suggested."

"We ask the court to uphold the will of the student body," Brown said in his closing remarks.

David McKinnon, counsel for Jernigan, argued that the certification of the election 168 hours after it occurred, rather than the 96 hours specified in student statutes "has created an atmosphere extremely unfavorable to the cooperation of witnesses." Because of the five days in between the board's reversal of its first decision not to certify the race and due to Spring Break, "memories were irreparably damaged, attitudes changed because people felt it was a dead issue," McKinnon said.

But Mitchell said the defense had not had problems with uncooperative witnesses and she could only take this to mean that the will of the people is that David Stacks be *DTH* editor.

Debate in the court centered on McKinnon's claim that the clear probability for fraud is enough evidence to call for another election and

on Mitchell's claim that there was no evidence of actual fraud or need for another election. Both counsels used past cases to back up their claims and both tried to define "reasonable probability" as stated in student statutes of fraud.

Discussion also focused on which candidate was most affected by the late openings of polls. Jernigan contended that because many irregularities occurred in off-campus boxes which he won in the first election, he lost the most votes.

But Mitchell said voters for Stacks as well as voters for Jernigan could have been disenfranchised by the late openings. "Errors must be proven prejudicial to the plaintiff," Mitchell said. "Existence of some irregularity is not enough."

However, the plaintiff held that the irregularities of the election runoff created a strong probability that the outcome had been changed. "We've established that there was error," McKinnon said. "And we've established that it was an especially substantive error in this case."

The errors which the plaintiff claimed included late openings of boxes, partisans tending the polls, uncertainty on the part of some voters as to what time the polls would open, and the absence of records of polltenders.

## Prof says U.S. talks with Arabs 'polite' rather than substantive

By JIM HUMMEL  
Staff Writer

The recent journey to Arab nations in the Middle East by an American delegation seeking Arab support for a peace treaty between Egypt and Israel was merely a "matter of politeness," says UNC political science professor Edward Azar.

Azar, who has consulted for high Middle Eastern and U.S. government officials, is involved with government activities pertaining to the peace process.

"I think the Brzezinski trip is too late, and the American government knows that," Azar says. He said he doubts the U.S. government expects any major development from the trip.

Zbigniew Brzezinski, President Carter's national security adviser, met with the leaders of both Jordan and Saudi Arabia Saturday and Sunday but failed to change their stands in opposition to a peace treaty.

King Hussein of Jordan is dissatisfied because Carter did not consult him during the Camp David talks last fall. Arab pressure on Hussein has been increasing and Israeli policy on West Bank Palestinian settlements provides Hussein with no incentives to join the peace process, and the weekend meeting apparently failed to substantially change his position.

"The Americans expect that there will

be opposition to the Egyptian-Israeli treaty, possibly even a violent reaction," Azar says. "The PLO (Palestine Liberation Organization) has threatened to make the atmosphere of peace very undesirable."

"The Americans are worried about the Baghdad Conference, which stated that when Egypt signs a peace treaty with Israel, the Arab League headquarters will move out of Cairo and an economic boycott which is now applied to Israel will be applied to Egypt as well."

Saudi Arabia has threatened to cut off \$1 billion in aid to Egypt. The United States probably will supply Egypt with the difference, but economic considerations are not as important as the implications of peace, Azar says.

"Right now, the U.S. sends about \$2 billion a year to Israel and \$1 billion to Egypt anyway," he says. "Having to support Egypt would be an added burden, but more important is the isolation of Egypt from the rest of the Arab world."

"Since the American interest is in trying to get an overall peace treaty, the trip Brzezinski is taking is extremely serious."

U.S. relations with both Saudi Arabia and Jordan have worsened in recent months. The Saudis have been unhappy with American involvement in the peace treaty and feel the United States did not make a strong enough attempt to save the

Shah of Iran's government.

"We definitely have a tense relationship with the Saudis," Azar says. "They, also, were not consulted at the Camp David talks."

"As for Hussein, there is nothing in the deal for him. Sadat had the inducement of the Sinai, but the West Bank is not being given to him."

Much of the Arab opposition to the treaty is based on their feeling that the treaty will be of greater benefit to Israel than Egypt, Azar says.

One aspect of the peace treaty involves control of air bases on the Sinai Peninsula. Israel wants the United States to take over bases that would otherwise go to Egypt.

"I think that the air bases Egypt will take over will be hospitable air bases for American forces," Azar says. "I think the United States will use these air bases in time of need, to have an American presence in the area and protect the smooth flow of oil throughout the Red Sea and Persian Gulf."

"Because of this, the investment the U.S. has decided to put into the Egyptian-Israeli peace situation is probably worth it."

Some estimates have gone as high as \$10 billion over the next several years, but government officials say the figure is closer to \$5 billion. However, Azar points out, the cost of peace is much less than the cost of war.



Edward Azar

Azar says the signing of the peace treaty, expected in the next few weeks, is very important, but what happens between Israel and the Palestinians in occupied areas will be much more significant for the future of the Middle East.

"Don't let there be any mistake," he says. "It's a giant step in relations, but is not at all the answer to the question of peace in the Middle East. The Palestinians are not going to give up

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## Cabinet OKs treaty; Sinai pact pending

From Wire Reports

The Israeli Cabinet took its last historic step toward peace with Egypt on Monday, approving the treaty nailed down by President Carter and passing it to Parliament for ratification. And in Washington, the defense ministers of Egypt and Israel concluded talks on Israeli withdrawal from the Sinai without agreeing on a timetable.

But while both defense ministers expressed confidence a treaty between the two nations will be signed next week, there were fresh signs in Israel that post-treaty talks on Palestinian autonomy could run into serious problems.

At a farewell meeting with Egyptian defense Minister Kamal Hassan Ali, Israeli Defense Minister Ezer Weizman said the agreement under which the Israelis will withdraw from the Sinai and turn over the oil fields is still incomplete.

Earlier, at the Pentagon, Weizman concluded talks with U.S. defense officials and told reporters: "Everything is settled." But then he departed for the final session with Ali, which he said would "finalize everything."

And, meeting with Ali at a downtown hotel, with reporters present, Weizman said the agreement was not complete.

He said the unresolved question is precisely when Israel will withdraw from the Sinai oilfields it developed after capturing the Egyptian territory in 1967.

The dispute is over "a stupid 60 days or 90 days—not much," Weizman said.

An American source said Weizman

was "imprecise" about the status of the talks when he talked to reporters at the Pentagon, perhaps due to his elation at winning a compromise military aid package of \$3 billion instead of the \$2.5 billion the United States offered.

"I'm convinced we can complete it. I'll be extremely surprised if we don't," he said. Ali nodded in agreement.

Weizman said eight Israeli Cabinet members are planning to fly to Washington for a signing ceremony. He said the ceremony is tentatively scheduled for next Monday morning in the White House so that it can be televised during prime time to the Middle East.

The Israeli Parliament is scheduled to begin debate on the treaty today and vote on it Wednesday. The treaty passed the Cabinet by a 15-2 margin. It is expected to garner more than 100 votes in the 120-member Knesset, the Israeli Parliament.

But the signing of the treaty will open a new stage in the peace process—negotiating the political future of the Palestinians. The success of those talks, scheduled to begin about one month after the treaty is signed, may rest on a compromise reached by Prime Minister Menachem Begin with the Cabinet in order to secure approval for the treaty at hand.

Begin agreed to demands of Cabinet right-wingers that Israel take a tough stand before opening the talks on the Palestinian question. Right-wing

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## News In Brief

### Iran skirmish leaves 170 dead

TEHRAN, Iran (AP)—An uneasy cease-fire settled over northwestern Iran Monday night after a day of battles between Kurdish rebels and forces of Iran's new revolutionary government.

Reports from the scene said at least 170 people were killed and that rebels held the radio and television station at Sanandaj, scene of most of the fighting. Radio Tehran said the cease-fire was arranged by the military and by leaders of the rival Sunni and Shiite Moslem sects.

In Tehran, remnants of what once was the Persian Gulf's most powerful army paraded in the streets in a show of support for Ayatollah Ruhollah Khomeini and the Islamic revolution he led to topple the shah and his monarchy last month.

Meanwhile, American feminist leader Kate Millett arrived in Paris after being sent packing by Iranian officials who objected to her feminist activities.

### Contempt order against Bell vacated

NEW YORK (AP)—A contempt of court order against Attorney General Griffin Bell for refusing to identify FBI informants was vacated Monday by the 2nd U.S. Circuit Court of Appeals.

The appellate court directed U.S. District Judge Thomas P. Griesa, who cited Bell for contempt in July 1978, to impose some sort of "issue-related sanctions" as an alternative measure.

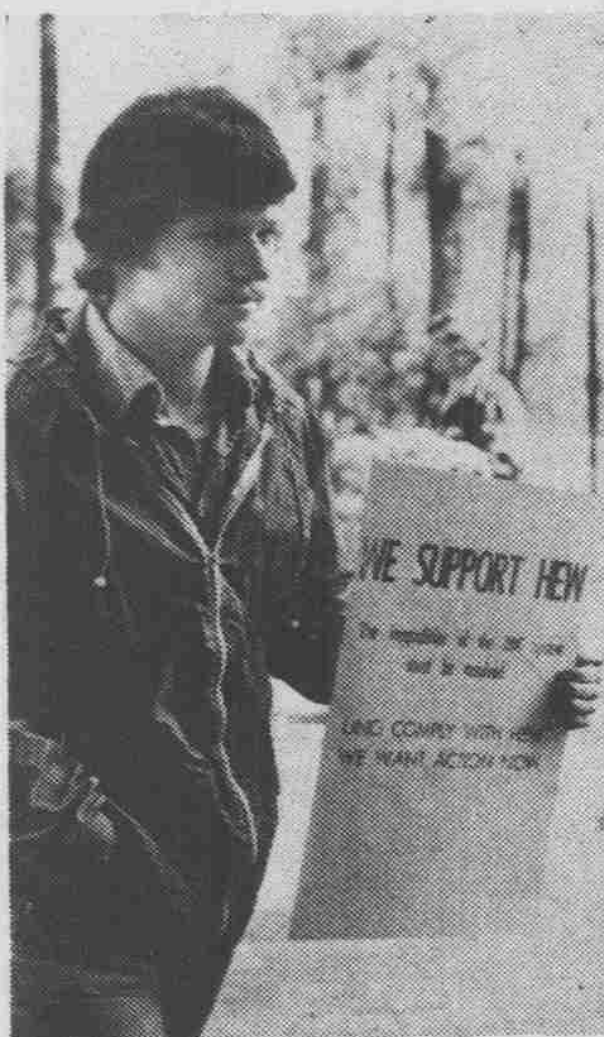
The appellate case was considered a significant first test of the government's contention that it had a right to default in certain court actions and pay monetary or other penalties rather than disclose the identity of its informants and endanger their lives and national security.

The current dispute arose in a case before Griesa in which the Socialist Workers Party seeks \$40 million in damages for alleged illegal acts by the government during FBI surveillance of its members since 1938.

### Carter, aides meet on energy

WASHINGTON (AP)—President Carter huddled Monday with the vice president and senior economic and energy advisers, wrestling all day with options to cut disruptions caused by the shortage of Iranian oil.

The president summoned the officials to the presidential retreat at Camp David for discussions focusing on oil price controls, his wage and price guidelines and the impact each can have on inflation.



Leo Warshauer...hasn't changed mind

## After meeting with Friday

# Student maintains HEW stand

From Staff and Wire Reports

Leading a pro-HEW protest last Friday has meant more work for Leo Warshauer than he originally expected, although he said a meeting Monday with UNC President William C. Friday hasn't changed his thinking any.

At the meeting, Warshauer, a junior from Greenville, was greeted by a mass of reports prepared by the UNC Board of Governors assessing deficiencies on the predominantly black campuses and the board's plans to correct them. "There's your homework for the next week," said Friday, handing Warshauer the ponderous reports, including the plan for the elimination of racial duality and a building study completed in August 1978.

Friday said many persons were not even aware the building study had been done. This study examined every building on the predominantly black campuses, assessed repairs that were needed and estimated the cost.

HEW's tour of the university system created the impression that the Board of Governors had not moved on this issue, said Friday. However, he added that the group was fully aware of the report before its visit to the UNC system.

"You just can't renovate everything at once," Friday said. "We're talking about 100 years we're trying to correct."

Friday added that the report identified many deficiencies on the campuses, and the Board of Governors was committed to remove the conditions. "It's six years of work, so you just can't snap your fingers and have it happen," Friday said.

"We have never said all the deficiencies have been removed,

but that we will continue to remove them," Friday said. He added that the five schools which teach 13 percent of the students in the university system are now receiving 18 percent of the money for capital improvements in the system.

When Warshauer asked why the HEW dispute was still dragging on, Friday replied, "It's because they won't settle with us. It's their problem."

Commenting on the meeting, Warshauer said it still seems that the University "is moving at a snail's pace" in dealing with the situation. Now that he has the information regarding the five predominantly black institutions, Warshauer said he will compare it to information regarding the rest of the institutions.

Meanwhile on Monday, federal officials were expected to meet for a late strategy session to discuss the next move in their battle with UNC.

Friday told the Board of Governors last week he was "confident something will happen Monday," although he did not know what.

It was not clear from sources in Washington whether HEW Secretary Joseph A. Califano Jr. and his civil rights chiefs would make a decision at the meeting or simply discuss the options available to them.

While they have refused to accept North Carolina's plan for desegregating the formerly dual state college system, HEW officials have so far declined to reject it formally, despite the passing last Wednesday of a federal court's deadline for a decision.

## SG waiting for third band, postpones ticket sales

By PAM HILDEBRAN  
Staff Writer

With the concert date only four weeks away, Student Government is still waiting to hear from a third band to play with Jimmy Buffett and Nantucket at the Springfest extravaganza in Kenan Stadium, Student Body President J.B. Kelly said Monday.

Kelly would not reveal the name of the group under consideration, but did say that it would be a black band.

Tickets for the event were scheduled to go on sale Wednesday, but Kelly said the date would be postponed. Publicity for the concert is supposed to start Friday, he said.

Kelly said he does not think the delay will hurt ticket

sales even though it might have the appearance of doing so.

"We're sort of at the mercy of the promoters," Kelly said. "It's not like there's not going to be another band. Beach Club was contracted to find three bands and there will be three bands."

The normal time for selling tickets is three or four weeks, Kelly said. People are worried because there has been a lot of publicity about the event, he said.

Ticket distribution sites still have not been chosen, Kelly said.

Springfest Committee chairman Jay Tervo said he will meet with promoter Wilson Howard today to discuss the concert. Kelly said they hope to have a definite commitment from a band in a few days.

"The reason (for the delay) is that the promoter is trying to find a third band," Kelly said. "The way they go about it is they offer a band a sum of money and have to wait for a reply." Kelly said a band then waits to see if it can get a better offer from someone else if it can work the concert into its schedule.

"That's what happened with Firefall," he said. "They had a commitment in Chicago and couldn't come."

Tervo said he met Monday with Andrew Vanore, state deputy attorney general, to go over the contracts for Buffett and Nantucket. There were no legal problems with the signings, he said.

The concert is scheduled for April 21 with a rain date set for April 22.