

Partly cloudy
It will be partly cloudy today and tomorrow with highs still reaching the upper 60s. The chance of rain is only 20 percent.

The Daily Tar Heel

Serving the students and the University community since 1893

Cartography

Professor Richard Kopec is taking cartography in some new directions. See story on page 4.

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Please call us: 933-0245

After 4-1 court vote

Stacks gains editorship

By MARTHA WAGGONER
Staff Writer

The Student Supreme Court voted 4-1 Tuesday to uphold *Daily Tar Heel* editor candidate David Stacks' election victory, denying candidate Allen Jernigan's challenge of the Feb. 21 run-off results.

Justice Charlie Allen cast the dissenting vote. Jernigan challenged the Elections Board's certification of the run-off vote, charging that polling irregularities occurred which could have materially affected the results of the election.

The court decision came after four hours of deliberation Tuesday and approximately 1½ hours of deliberation Monday night, said Chief Justice Roy Cooper. He said the court's full opinion should be released later this week. "Hopefully, it'll be this week," he said. "I can't guarantee it."

Cooper refused to comment on the reasons for the decision until the opinion is written.

After hearing the decision, Stacks said transition will begin this week, with his name appearing on the *DTH* masthead Monday. "We're speeding through the transition as rapidly as possible," he said. "It's been a long five months."

DTH Editor Lou Bilionis said he will be around next

week to help the transition, but he will leave the office by March 28.

"It's time for the *Daily Tar Heel* to start putting out newspapers under the new administration," Jernigan said. He said he hopes a restructuring of the elections laws will result from his case.

David McKinnon, counsel for Jernigan, said, "They (the Supreme Court) just didn't believe the errors we established substantially affected the results of the election."

Jernigan would not comment on whether he will work at the *DTH* under Stacks. Stacks said he has not made any decisions about staff positions. "Since the run-off, I have gained a new respect for Allen Jernigan," Stacks said. "I have acquired a great respect for his convictions of conscience."

"He's been very tenacious throughout the campaign, especially since litigation began," Stacks said. "In light of that, I will have to evaluate him as an editor at the *Daily Tar Heel* rather than as a candidate for the editor of the *Daily Tar Heel*."

"Allen and I have been friends since the campaign began five months ago and I hope and I believe that our friendship will continue."

Jil Linker, Elections Board chairperson, was the only member of the board present when the decision was

announced. "I think it's appropriate," she said. "I think the outcome was valid."

Linker assisted the Supreme Court Tuesday by bringing it information about previous elections laws. She said some of the information she brought to the court involved the legislative history behind the inclusion of the words "reasonable probability" in a 1967 election reform law.

"They (the court) were pleased that this language was used as far back as 1967," she said.

Cooper refused to comment on whether the majority opinion was based on this information.

Stacks said he was unsure of the outcome of the hearing until the decision was announced. "We thought we were going to lose because in questioning, the court was much more active than we believed it would be," he said. Stacks said he felt the decision came down to a definition of "reasonable probability."

"We were at an advantage because we had proof of our contentions and the plaintiff did not," he said. "The plaintiff's entire argument was based on the idea that the possibility of fraud was enough to overturn the election."

Stacks said he will begin interviewing people for staff positions from 3 p.m. to 6 p.m. today. There is no need for people who interviewed previously to come by again.



Chief Justice Roy Cooper (left) announces decision... David Stacks (inset) to take office next week

Owasa 'flooded'

EMC panel opposes permit

By CAROL CARNEVALE
Staff Writer

A three-member panel of the state Environmental Management Commission surprised the Orange Water and Sewer Authority on Monday by recommending against issuing a permit that would allow the authority to condemn land for the now-controversial Cane Creek reservoir.

If the full EMC concurs with the panel's recommendation and denies OWASA the condemnation permit, the Cane Creek project faces a major obstacle, because residents of the area are unlikely to sell their land for the reservoir to be built. The full commission will vote on the permit in April.

OWASA Chairman Flo Garrett said she was "flooded" upon hearing the recommendation. "We just assumed that our cause was just," she said.

OWASA Executive Director Everett Billingsley said if the full EMC board votes against the permit in April, OWASA will then examine both other methods of obtaining the necessary land and other alternative water sources. He did not rule out taking the matter to Wake County Superior Court.

"Until we are convinced that Cane Creek cannot be built we are committed to Cane Creek," Billingsley said.

Billingsley also said it would be unlikely that OWASA could build the Cane Creek reservoir without the right of eminent domain (condemnation). "It's very unlikely because of the position that some of the people (who live on the site of the proposed reservoir) have taken. Even one small parcel (of land) could hold up the whole project if we did not have the right of eminent domain," he said.

Since October 1976, residents of the Cane Creek area have been fighting the proposed reservoir. Many are dairy farmers who argue that construction of the reservoir would hurt the dairy industry and have adverse effects on the community.

OWASA and the Cane Creek Conservation Authority will now send the EMC their response to the recommendation.

The opinion issued by the two panel members who voted against the permit said OWASA failed to show that building the reservoir on Cane Creek was consistent with the maximum beneficial use of the state's water resources.

"Because of agreements associated with the transfer of the University's water utility system to OWASA, OWASA has never given serious, objective consideration to alternatives other than Cane Creek. And, in fact, OWASA must secure University approval for construction of any project other than Cane Creek," the opinion said.

The opinion said state policy favors regional

sources of water supply and that the Cane Creek project is not regional in scope. The opinion added that OWASA has a major alternative designed for regional water supply purposes—the soon-to-be-filled Jordan Lake.

The opinion cited projections by the Army Corps of Engineers and the Department of Natural Resources and Community Development that the water in Jordan Lake would be of sufficient quality for drinking. However, OWASA officials among others argue that treating water from Jordan Lake would be much more expensive than treating water from Cane Creek because of industrial discharges into the Haw River which will feed the Jordan.

The EMC opinion also termed "deficient" the environmental and economic analyses that OWASA made of the project. It said OWASA had underestimated the costs of the Cane Creek project as compared with the estimated costs of other alternatives.

The opinion said there would be substantial impact on the dairy industry in the area and on "the sense of community growing out of historic kinship ties and common community life."

The three-member panel made its recommendation after hearing testimony from OWASA and CCCA, witnesses last spring, and a summation by attorneys for both parties on March 8. OWASA first petitioned for the condemnation permit in December of 1977.



Springfest's Jay Tervo... concert now set

Spinners signed to complete trio in Kenan concert

By EDDIE MARKS
University Editor

The Spinners, a Top 40 and soul band, will join Jimmy Buffett and Nantucket April 21 at the Springfest Concert in Kenan Stadium. Springfest Committee member Jay Tervo said Tuesday.

"We met Tuesday afternoon with the promoter and went over all the contracts," Tervo said. "The three bands are coming."

Lyndon Fuller, Springfest publicity chairman, said tickets for the event will go on sale Monday.

"The tickets will be sold only on the UNC campus during the first week," Fuller said. "You must have a valid ID to buy them. We're giving students the first chance at tickets."

Tickets will be sold on campus only at the Carolina Union desk, Fuller said. Off-campus ticket sales will begin April 2, he said. Tickets are \$4 for UNC students and \$8 for all others.

Nantucket will be the opening act for the concert, Fuller said. The Spinners will play second and Buffett will close the show, he said. Publicity for the concert is scheduled to begin Friday.

Student Body President J.B. Kelly said Tuesday he is optimistic about the concert's chances for success now that the three bands have been signed.

"There are still some details that need to be worked out concerning lighting, publicity and ticket sales," Kelly said. "But I am pleased that it will come off."

"Given the amount of money we had to work with and the time constraints, I think we've done very well," he said.

A maximum of 20,000 tickets will be sold for the event, Kelly said. Rain date for the concert is April 22.

Carter energy plan may remove controls

WASHINGTON (AP)—President Carter plans to announce late this month a new energy plan that may remove controls from crude oil prices and tax excess oil-industry profits, it was disclosed Tuesday.

Members of Congress who participated in a leadership breakfast with Carter at the White House quoted the president as saying he still hasn't made up his mind on many details of the new plan.

House speaker Thomas P. O'Neill, D-Mass., said Carter intends to consult further with key lawmakers before delivering his energy speech to the nation March 29.

Meanwhile, a congressional staff study suggested a presidential decision to lift price controls from crude oil could cost consumers from \$5 billion to \$14 billion a

year in higher fuel costs.

At the conclusion of the White House session, House Democratic Leader Jim Wright of Texas told reporters that while Carter didn't dwell on specifics, "he mentioned the possibility of a tax, accompanied by decontrol of oil, over a period of time."

Wright, a longtime proponent of oil price deregulation, said such an excess profits tax would likely contain a "plowback" provision exempting profits that oil companies funnel back into the exploration for new U.S. supplies of energy.

Existing law gives the president the option of lifting price controls on oil on June 1 or extending them until September 1981, when they come off

See ENERGY on page 7



Jimmy Carter... energy plan soon

Foxcrofters refuse to pay rent; landlord may force collections

By EVELYN SAHR
Staff Writer

Foxcroft residents who deducted part of their monthly rents because water was not provided for their apartments for several days in late February are breaking the state laws on rental agreements, Mark Sternlicht, Student Legal Services attorney, said Tuesday.

But Sternlicht said the residents may have some legal recourse for gaining a rebate for the days their apartments went without water.

Approximately 150 residents in the Britt, Cobblestone, and Butler Court sections of the Foxcroft complex went without water for several days in late February, according to John Schaeffer, a resident of the complex.

Schaeffer, a graduate in the business school, said the water pressure in his apartment started getting weak on Thursday morning Feb. 22 and by Friday the water was off completely. Schaeffer's apartment did not receive water again until Feb. 26.

Schaeffer said he and other residents of the apartment complex decided to deduct part of their March rents for the days the apartments went without water.

"Since we didn't receive water for those four days, my roommate and I just decided to deduct that amount (about \$45) from our rent for February," Schaeffer said.

Sternlicht said the Foxcroft residents' action in not paying the full rent is a breach of their contracts.

"The tenant may not unilaterally withhold rent prior to a judicial determination of a right to do so," Sternlicht said.

However, Sternlicht said that while it was improper under the law to withhold rent, the tenant, under the Residential Rental Agreements Act, is entitled to a premises that is in a "fit and habitable condition." Since an apartment with no water can be considered to be uninhabitable, the residents may be entitled to some abatement of rent for those days their apartments were without water, Sternlicht said.

On March 6, Schaeffer, as well as other Foxcroft residents who also reduced their rent payments, received letters from Daniel Vogel, the apartment complex's owner, saying that if the remainder of their rent is not paid by March 23, their cases will be referred to the Chapel Hill-Carrboro Chamber of Commerce for collection purposes.

See RENTS on page 7

X-rated

Bookstore manager finds satisfaction

By ADRIAN GASKINS
Special to the Daily Tar Heel

Two months ago Lenny Reel had never been inside an adult bookstore.

Now he manages one. "It's about the wildest job I've ever had," said Reel, which is not his real name. "It took a while to get used to it."

Reel, who works alone on the evening shift, said two activities take up most of his time in the Triangle-area store: making change and hyping merchandise.

It takes eight quarters to see one film in each of the 15 mini-movie booths at the darkened rear of the store. Each time a customer requests change, Reel said he promotes the store's goods.

"We have some new sound movies in booths three, five and six," he told a customer as he handed him some quarters. "We had a real good one in four, but I think they've about wore that one out."

Reel said such comments are good for business. "We have a sales gimmick—talk a lot of crap," he said. "We play it up as much as possible."

He brought out a vinyl vagina that sells for \$20 to illustrate his point. "If they wanted to buy it, I'd sell it to them and tell them we'd sold two or three today," he said, adding that the product actually does not sell that well.

About half of his customers seem embarrassed when making such purchases, he said, and he takes that into consideration when making his sales pitches.

"If they're bashful, you be firm with them and they're usually hit-

and-go. If they're hell-raisers, you raise hell with them. You can't tell when an individual walks in what he'll buy. You can't peg 'em. You sort of have to psychoanalyze what people want."

When business is slow, Reel uses the time to put up stock, which includes books and magazines as well as condoms, lubricants, vibrators and a variety of other items.

"It seems the grosser it is, the faster it sells, but what's gross to one person isn't gross to another," he added.

ON THE JOB

Reel said when he first came to work at the adult bookstore, he did not feel comfortable with the types of merchandise sold there. "But after you work here two days, you don't even see it any more."

Reel gave his own explanation for why the male clientele to stores like his is high: "They're tired of seeing the same old woman, so they come in here to get a little variety."

As the store's manager, he said he discourages theft by keeping shelves well-stocked. "We don't leave any empty spaces on the shelves," he said.

He keeps a knife and a pistol in the store "just for his personal protection," but he doesn't criticize the behavior of his customers. "Some people go to ball games for fun," he said, "and some come here. Who's to say this isn't better for some people?"



DTH/Richard Kendrick

"The grosser it is... the faster it sells"