

Professor explains Amendment violations

By PAUL COCKE
Staff Writer

The decision to remove the illuminated star from the dome of the Morehead Planetarium during the Christmas holidays was made in the interests of the First Amendment, UNC law professor Barry Nakell said in a lecture Thursday at the Community Church.

"If we want the First Amendment to be strong, we must enforce it when it's violated," Nakell told about 75 people at the lecture sponsored by the Chapel Hill-Carboro chapter of the N.C. Civil Liberties Union.

UNC Chancellor Christopher C. Fordham III ordered the six-pointed star removed Dec. 16 after he received a letter from Nakell protesting the religious symbol at a state-supported institution. For the past 20 years, the star had advertised the planetarium's holiday show "The Star of Bethlehem."

Nakell placed the removal of the star in the broader First Amendment, separation of church and state context.

"The government must remain neutral in the area of religion

and the star had the appearance of being a religious message from a university facility," he said.

The star controversy was viewed by some critics as "trivial," but no violation of the First Amendment can be seen as trivial, Nakell said.

"As Justice Black said, 'A union of government and religion tends to destroy government and to degrade religion,'" Nakell said.

Nakell praised Fordham for his decision to remove the star. He said the decision was not properly explained at the time as a First Amendment issue.

The free exercise clause and the establishment clause of the First Amendment provide the justification for the division of religion and government, Nakell said.

"Many of the people who came to this country were fleeing religious persecution," Nakell said while describing the basis for the need for a separation of church and state.

The Supreme Court has consistently banned all actions by government that tended to endorse any particular religion over

another. He mentioned a Supreme Court decision two years ago that found the posting of the Ten Commandments on classroom walls in Kentucky unconstitutional.

Nakell said the UNC Athletic Department violated the First Amendment when the basketball team played an exhibition game with the Athletics in Action, a Christian evangelist team, at Carmichael Auditorium in 1976.

"The University was using the Tar Heel basketball team to draw a crowd for a religious message," Nakell said.

Nakell said the halftime was used for religious testimonials, and then-Chancellor Ferebee Taylor later established a policy prohibiting such practices.

Other examples of First Amendment violations include the national Christmas tree on the White House lawn, tax-supported chaplains in the U.S. Senate and the inscription "In God We Trust" on dollar bills. An engraved religious inscription on Gerard Hall is also in violation, Nakell said.

"For a government agency to suggest that people should be religious is absolutely prohibited," Nakell said.

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personals

ATTENTION: MEN ON CAMPUS: If you see TRACY VULINEC today, give her a big hug, because today she broke the two decade mark! School—well, you made it to twenty and, um... Be a party monster and go wild, chick! Remember, only the good die young (immortality call me). I hope this year is everything you could ever hope for and more, my dear friend! Happy Birthday, Tracy. Love, Nymph.

BRIEFLY

The Associated Press

OPEC member Nigeria broke ranks and slashed its official oil price by \$5.50 a barrel Sunday, threatening to trigger a price war within the once-mighty cartel over the world's glutted petroleum market.

The cut to \$30 a barrel — announced by the African nation's state-run radio and monitored in London — came two days after Nigeria's chief competitors for European sales, Britain and Norway, lowered their official North Sea crude prices \$3-\$3.50, to \$30.50 a barrel.

Nigeria's announcement brought new pressure to bear on six Persian Gulf OPEC members, who were meeting in Riyadh, Saudi Arabia, to respond to the British and Norwegian challenge to the cartel's grip on oil prices.

The foreign ministers of the six nations belonging to the Saudi-led Gulf Coordination Council ended their two-day meeting late Sunday but made no announcement on expected cuts in their oil prices.

Bahrain's Foreign Minister Sheikh Mohamed Bin Mubarak, the session's chairman, told a news conference the ministers had arrived at a "joint visualization" of issues including oil prices but refused to elaborate.

Lower prices will benefit gasoline consumers in the United States, as every \$1 cut in price of crude oil translates into a 2 1/2-cent drop in gasoline prices.

But the downward trend could wreak havoc in world finances. Third World oil exporters rely on oil sales to help pay off their large foreign debt to Western nations.

JERUSALEM — Former Defense Minister Ariel Sharon, driven from his post for failing to prevent the Beirut massacre, was formally reinstated Sunday to a key policy-making role on Lebanon.

Sharon will be able to promote his hardline views when he returns to his post on the committee guiding the Israeli negotiating stance in the troop withdrawal talks with Lebanon. Although he was not formally removed from the committee, his seat had been dependent on his position as defense minister.

Opposition political leaders, already angered that Sharon was allowed to remain in the Cabinet after resigning from the Defense Ministry, immediately denounced Sunday's action.

"It is totally unacceptable," said a state-

ment from the Labor Party that was broadcast over Israel Radio.

The centrist Shinui Party demanded an urgent discussion of the decision in Parliament.

Prime Minister Menachem Begin hurried Sharon's reinstatement to the committee through his weekly Cabinet session, leaving one minister unaware that Sharon had been reinstated on the committee. There was only one dissenting vote.

WASHINGTON — Bankers are smarting over Treasury Secretary Donald Regan's remarks that interest rates may be staying high partly because banks want to protect their earnings from loan losses.

"I think he was searching for reasons, maybe trying to find a scapegoat," said James Wiesler, a vice chairman of the Bank of America, the nation's largest bank.

Fumed the 13,200-member American Bankers Association: "There are no data available to support a charge that banks are holding interest rates artificially high...."

"We don't have the power to keep interest rates high," said Thomas Thomson, chief economist for San Francisco's Crocker National Bank.

Added Philip Corwin, legislative counsel for the Independent Bankers Association of America, "Banks are intermediaries, they reflect what's going on in the market." The group represents about 7,000 smaller community banks.

The flap resulted from Regan's response to a question during last week's hearing of the Senate Appropriations Committee. He was asked by Sen. Mark Hatfield, R-Ore., why interest rates weren't declining more since the Federal Reserve Board eased its tight control over the supply of money last year.

SALT LAKE CITY — Artificial heart recipient Barney Clark, his weak lungs and kidneys slowly healing, spent part of Sunday sitting up in a chair and watching television with his wife and daughter.

Mary Dickey, a nursing supervisor at the University of Utah Medical Center, said Clark continued to mark his recovery with "slow improvement" from lung and kidney problems that forced doctors to return him, to the surgical intensive care unit last week.

"He remains in intensive care and is still in fair condition," she said. "He's watching television with his wife and daughter and shows slow improvement."

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