

More icky precipitation AND classes High 35. Low 28.

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Chill out Pass/Fail deadline extended until Friday

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Student court rules that \$1 fee increase passed

By JEAN LUTES
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In response to a suit brought by the Sports Club Council, the Student Supreme Court overturned an Elections Board decision Tuesday night, ruling that a referendum to increase student fees \$1 passed in the general election Feb. 3.

Elections Board Chairman Steve Lisk conceded Tuesday that his decision that the referendum did not pass was based on wrong calculations of how many students are eligible to vote.

The referendum proposed a \$1 student fee hike to raise funds for intramural recreation sports. It will now go before Student Congress, which must pass a resolution support-

ing the fee increase before the referendum can be referred to UNC's Board of Trustees.

"The Board of Trustees has final approval over any increase in student fees," Student Supreme Court Justice Maria Baxter said Tuesday night.

Scott Martin, Sports Club Council president, brought the suit against the student body, the congress, Lisk and Student Congress Speaker Jaye Sitton, to challenge Lisk's decision that the referendum had failed.

Because of facts made available for the first time during a pre-trial meeting Tuesday, it became clear that Lisk had erred in calculating the voter turnout.

After Lisk conceded that he had made a mistake, the trial set for Friday was no longer necessary.

Since no argument about the facts of the case existed, the court could

make a summary judgment, deciding the case without the scheduled trial.

In the summary judgment, court members invalidated the Elections Board certification of the referendum's failure, and issued an order requiring the board to certify that the referendum did pass.

Confusion about whether the referendum had passed resulted from a clause in the congress's constitution requiring 20 percent of student fee-paying students to vote on referendums that propose fee increases.

A simple majority of student votes usually passes a referendum, but if a referendum calls for a hike in student fees, according to a Student Congress constitution clause, 20 percent of the student body who pay student fees must vote in the election.

According to figures Lisk used in

his original decision, the total number of students who voted on the referendum — 4,239 — did not constitute 20 percent of fee-paying students. Thus, Lisk decided that although the majority of students had supported the referendum with 2,543 votes to 1,696 votes, it had not passed.

But a mistake was made in counting the total number of enrolled fee-paying students, because not all students enrolled pay fees, not all of them are eligible to vote.

According to Student Attorney General Walker Poole, who represented Lisk, 447 students do not pay student fees, and Lisk had not allowed for that number in his calculations.

Lisk said that the figures he received from the University were not the ones he needed to calculate the 20 percent figure because he had asked for the

number of enrolled students, not the number who paid student fees. "I didn't know there was a difference," he said.

Law student Charles Madison, who represented Martin, said he was satisfied with the decision even though the court would not rule on the other arguments he had presented.

"(But) the new Student Congress should probably look at things and try to clear up the referendum clause," he said. "Next time there's a referendum in the elections, the issue could come up again."

Baxter agreed. "The court just examined an administrative decision," she said. "We can't just give an advisory opinion about the constitutionality of the case, but this might encourage Student Congress to look at the law more carefully."

Although the court did not rule on

the constitutionality of the referendum clause, Baxter said that when court members write the opinion on the case, they could suggest that congress take action to clarify the clause.

Among the claims that will not be decided is whether Lisk failed to notify the Sports Club Council of the 20 percent requirement until seven days before the election, damaging the referendum's chances to pass.

Because of the discrepancy, Madison said, the Sports Club Council did not give consideration to getting 20 percent to vote and probably would have publicized the referendum more extensively.

Lisk said Martin and he did not formally sit down and discuss what was needed to win the election. "It was

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Ice storm causes six accidents

From staff reports

Area travelers advisories have warned motorists to stay off the icy roads, but the Chapel Hill Police Department reported six separate accidents Monday and Tuesday.

Only one accident resulted in an injury requiring hospital care. Monica Lynn Gardner of 724 Pritchard Extension was taken to North Carolina Memorial Hospital after she was injured in a one-car accident.

Gardner lost control of her car in a left turn from Manning Drive to South Columbia Street, where she struck a utility pole. She could not be reached for comment.

Another one-car accident involved senior William Surhoff. He was traveling N.C. 54 when his car hit an icy spot and swerved down a 50-foot embankment off the right side of the road. Surhoff could not be reached for comment.

Crystal Credle, a junior from Bayboro, said slippery pavement on Roosevelt Drive caused her car to run off the road and hit a tree. She said she was not injured, and only the fender of her car was damaged.

Credle said police filed no charges in the accident.

Bill Darley, a graduate student from Menlo Park, Calif., said his car slid onto the lane of oncoming traffic on Airport Road. Flossie Johnson of 402 Shannon Drive could not stop to avoid hitting the car, but damage was minor, Darley said.

Darley said police filed no charges in the accident.

Senior Scott Lynch collided with another car sliding sideways toward him on Estes Drive. Mary Lloyd of 102 Milton Drive lost control of her car on the icy road, and Lynch said he was unable to avoid hitting her sliding car.

Lynch said the collision damaged both automobiles, but nobody was hurt. He said police did not charge him in the accident, and Lloyd could not be reached for comment.

Cynthia Tilley of 6 Vernon Drive was involved in an accident with Leslie Houston of 506-A Oak Ave. Tilley said she was preparing to stop on Merrit Mill Road when Houston traveled over the top of a hill and could not stop her car to avoid a collision.

Tilley said Houston tried to avoid hitting her car from behind by swerving to the right, but sideswiped her instead.

Neither car was badly damaged and police did not file charges, Tilley said.



Kings of the mound

DTH/Tony Deifell

Next to South Building, two UNC students challenge by climbing a small mound of snow that plows the odds of having their feet slip out from under them pushed to the side of the road Tuesday morning.

Few trudge through ice for classes

By TOM CAMP
Staff Writer

When the alarm went off Tuesday morning, it was cold outside. Cars were glazed over by sleet and hail, and the U-bus didn't show up on South Campus. But the inclement weather didn't freeze all classes at UNC.

Chancellor Christopher Fordham said Tuesday that education must continue despite the frozen blanket across campus. "In general, school is not canceled," he said. "The primary purpose of this institution is to provide an education, and usually classes are held."

The University has only canceled classes once since the Civil War, during a snowstorm in January 1982, when Fordham decided coming to class was too dangerous for students.

Driving through the ice Tuesday was not worth risking life and limb for many students and faculty who live off campus. Jim Sanford, an associate professor in the department of religious studies, said the University should have reconsidered its decision to remain open Tuesday.

A resident of Hillsborough, Sanford was one of many teachers and students who chose to stay home.

"It might have been technically possible," he said about driving to work on the icy roads, "but it didn't look safe. Ice storms and sleet are generally harder to drive in than snow."

Campus commuters were not the only ones troubled by the snow and ice. Handicapped students faced unique weather-related problems.

Dan Andrews, a senior speech communication major who uses a wheelchair, said he wished the University would use more effective methods for clearing the snow from sidewalks.

"In the last snow," Andrews said, "they (University workers) threw sand down without trying to clear away the snow. The sand got down in the hubs of my wheels and really tore up my chair."

This time Andrews said he's staying at home. "A lot of people can go to school tomorrow, but I

can't."

But teachers are usually understanding about missed work, Andrews said. "So far, I haven't come across a teacher who's told me, 'Everybody came to class. Why didn't you?' They've been pretty lenient in letting me make up missed assignments," he said.

Fordham agreed that teachers should be more lenient. "I expect the faculty to be very understanding," he said. "No one should be penalized if they are not physically able to attend class because of weather beyond their control. We are adults here, and students and faculty should use their own judgments."

Some teachers were more lenient than others, according to students. "I went to my eight o'clock Stat II class," said freshman Lisa Royal, "and five people showed up."

Some students were luckier, however, like Karen Benfield, whose religion and geography tests were both postponed because of the icy weather.

"I love the snow," Benfield said. "It is my friend."

Postponed exams, snowball fights and sled rides are fun, but snow and ice can also cause slips which lead to injuries. Sgt. Ned Comar of University police said that no injuries had been reported by 1 p.m. Tuesday, but there had been at least one minor automobile accident because of the slick roads.

When asked if students could take the University to court if they were injured on their way to classes, Comar said no case could be made if the University could show that reasonable precautions had been taken to treat the snow.

The student in such a case would not have a good chance of winning a suit against the University, said Dorothy Bernholz, director of Student Legal Services.

The injured student would have to show that the University had a legal duty to the student, and that the duty had been neglected. Then the student would have to prove

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Weather causes postponements

From staff reports

University administrators were forced to adjust schedules Tuesday because the snow and ice that led students to wish for class cancellations also kept staff members from getting to work.

The deadline to drop classes or declare them pass/fail, originally set for Tuesday, was extended until at least Friday, according to University Provost Samuel Williamson.

"We've got to give people more time," Williamson said Tuesday. "The deadline for all those things will be extended until at least Friday, and maybe longer. We'll have to make

a decision if the weather continues like this."

The Department of University Housing's second preliminary lottery for students who want to change residence halls did not occur Tuesday as scheduled because of a shortage of staff members. It was postponed until later in the week.

"Due to the inclement weather, we're understaffed, so we couldn't have the lottery today," said Gloria Thomas, a clerk-typist in Carr Building. "We'll try to have it tomorrow, but we really don't know yet."

Thomas said she didn't know if

the Feb. 23 lottery for students who want to remain in their residence halls would be pushed back because of the postponement.

Also, the Commons in Lenoir Hall did not open because not enough Marriott food service workers were able to get to campus. Florence James, food service secretary, said Tuesday afternoon.

When asked if the Commons would open Wednesday, James said no decision had been made yet. "It depends on how many people can get to work," she said.

Witness tells of war crimes

From Associated Press reports

JERUSALEM A trial witness recounted the horrors of Treblinka Tuesday and the brutal role played by "Ivan the Terrible," the death camp guard who Israel says later became Ohio auto-worker John Demjanjuk.

Yitzhak Arad said Ivan and another Ukrainian-born Nazi guard named Nicolai "used to stand near the entrance (of the gas chambers), driving the Jews to their deaths under a shower of blows and beatings ... using

bayonets or metal bars of whatever was available."

Demjanjuk listened to Arad's testimony without showing emotion. It was the second day of his trial.

Demjanjuk, retired now and stripped of his U.S. citizenship, says he is not Ivan the Terrible and was never at Treblinka.

Arad, whose entire family was killed in the Holocaust, wrote a book on Treblinka and is director of the Yad Vashem Holocaust museum in Jerusalem.

He said he came across Ivan the Terrible's name in testimony of Treblinka survivors and of Nazi SS guards tried in Dusseldorf, Germany.

"We encountered the names of two Ukrainians, Ivan, who was nicknamed 'the Terrible,' and Nicolai," Arad said.

In a 26-page indictment, Demjanjuk is charged with "crimes against the Jewish people, crimes against humanity, war crimes and crimes against persecuted persons."

And nobody knows (Tiddely Pom) how cold my toes are growing. — Winnie the Pooh