

weather
 TODAY: Mostly sunny; high near 70
 WEDNESDAY: Partly cloudy; high in 70s

on campus
 • DTH is accepting applications for writers and cartoonists. Application forms are available at the DTH, Union Suite 104.

nation / page 2

ALL (W)OMEN EQUAL
 Proposed Equal Rights Amendment in Iowa has residents of the state at odds

sports / page 4

PUCKER UP
 Pittsburgh Penguins take aim at a third-straight Stanley Cup to become the decade's dominant team in the NHL

sportsline

Oakland 6, Toronto 2 (Jays lead 3-2)
 The Oakland Athletics bounced back from Sunday's devastating defeat and beat Toronto 6-2, closing their deficit in the AL playoffs to 3-2. Oakland's Ruben Sierra hit a two-run homer in the first inning that began Toronto pitcher David Cone's demise. Oakland pitcher Dave Stewart improved to 6-0 lifetime in the playoffs. Game 5 will be Wednesday afternoon back at the SkyDome.

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BCC protest interrupts University Day event



Ruby Sinreich lets her sign speak for her Monday during the BCC protest

By Anna Griffin
 University Editor

The day set aside each year to honor UNC's past turned into a reminder of UNC's present as members of the coalition for a free-standing BCC interrupted the annual University Day ceremony Monday with a protest observers later described as "classy and respectful."

The 125 protesters entered Memorial Hall shortly after the beginning of the ceremony, which marked the 199th anniversary of the laying of the Old East cornerstone, and stood silently along the auditorium's far walls. Many of the protesters held signs that read "No Justice, No Peace," "BCC Now," "Time Is Running Out Hardin," and "No More Waiting." Several students helped hold aloft a banner that read "Hardin's Plantation."

In the middle of the ceremony, just before the Carolina Choir was scheduled to sing, the protesters filed out of the hall as quickly as they had entered while singing, "If you won't build our building, put on your hood and robe."

The song, a take-off on the civil-rights anthem "If you're going to kill the people, put on your hood and robe," first became a part of the BCC movement at the Sept. 21 BCC rally in the Dean E. Smith Center.

About a third of the crowd of 400 applauded the students as they left Memorial Hall.

University Days revisited 3

Campus race relations dominated many of the University Day speeches, including the keynote address by Provost Richard Mc-Cormick, head of the working group charged with formulating a concrete plan for a new or expanded BCC.

Mc-Cormick, who came to UNC this summer from Rutgers University in New Jersey, touched on the BCC controversy in his speech and said making the University a diverse but peaceful community should be one of the school's main goals in the coming year.

"After 40 years of integration and 20 years of affirmative action, non-whites at Carolina still have cause to feel like interlopers in a foreign land," Mc-Cormick told the crowd of faculty members, students, staff members and UNC alumni. "Learning to be racially diverse is the greatest challenge Carolina faces, just as it is for universities across our land."

Although the protesters did not remain in the auditorium for Mc-Cormick's address, they said afterward they had heard Mc-Cormick's speech before, only in different terms.

"We've heard so much gibberish from him in the past," said Tim Smith, one of the co-founders of the Black Awareness Council, the group that has given Chancellor Paul Hardin until Nov. 13 to pledge support for a new BCC and designate a site for the building.

Smith said the protest was designed to get the coalition's point across peacefully and intelligently.

"We let them know just how intelligent we are," he said. "We wanted them to know they're not dealing with a bunch of ... loud radicals."

"It wasn't a demonstration in our mind, it was a statement. If we had wanted to, we could have really shaken things up."

After the ceremony, Mc-Cormick said the protesters had made their statement without showing disrespect for the importance of the University Day ceremony. "The students handled it with a lot of class," he said. "They were classy and respectful."

In his speech, Mc-Cormick noted the student coalition's struggle and said the student movement represented a large part of the University's history.

"I also want to recognize our students and their supporters who are here in protest and even anger," he said. "I mean no disrespect of their present grievances when I say that they are part of a long tradition at Chapel Hill and across our land."

"Though they may not feel it to be so today, this is their University too, and it



Richard McCormick

will be a better university because they came here and challenged Carolina to change."

Scott Wilkens, co-president of the Campus Y, one of the groups in the coalition, also is a member of the choir and heard Mc-Cormick's speech. Wilkens said that while he appreciated the provost's sentiments, he wasn't certain Mc-Cormick would follow up his calls for unity and tolerance with action.

"I liked the topic (of the speech) and the idea of community very much," Wilkens said. "My question is, what's going to come of it?"

The ceremony also included speeches by Board of Trustees Chairman Robert Strickland, Board of Governors Chairman Samuel Poole, Faculty Council Chairman James Peacock and UNC-system President C.D. Spangler.

In their speeches, Poole and Strickland touched on the need for cooperation between students and administrators in solving racial tensions on campus. "Currently, the University is in the midst of unusual times," Strickland said. "I assure you the Board of Trustees is concerned with 'doing the right thing.'"

UNC graduates Marie Colton, James Exum, Frank Reynolds, Gene Roberts and Donald Sultan received distinguished alumna and alumni awards during the event. Prior to the ceremony, faculty and staff members marched to Memorial Hall from the Old Well.

BCC panel asks chancellor to OK free-standing center

By Justin Scheef
 Staff Writer

The blue-ribbon panel working on a plan for a new or expanded black cultural center voted unanimously Monday in favor of a report that requests the endorsement of a free-standing BCC by Chancellor Paul Hardin.

Hardin will receive the amended copy of the report this morning and is expected to comment on it during the next few days, said Provost Richard Mc-Cormick, head of the working group.

In separate statements to the press, the student coalition for a free-standing BCC and the BCC Advisory Board reiterated their pledges not to lend their voices to the committee until Hardin pledges his support for a free-standing center.

The working group met for about two hours Monday afternoon in the U.N. ballroom of the Carolina Inn. The 13 panel members who attended spent the majority of their third meeting amending the draft of the interim report, written by law school dean Judith Wegner.

In the report, the committee requests that the chancellor support the building of a free-standing BCC, that the new center be named in honor of the late UNC professor Sonja Haynes Stone and that a timetable be established for the new center's development.

The idea of setting a schedule for construction of the center was proposed by former Charlotte mayor and U.S. Senate candidate Harvey Gantt. Gantt told the committee that without a definitive time frame, the wait for the construction of a free-standing BCC would be "another 10 years."

After the meeting, Gantt said his daughter's involvement in a BCC planning committee in 1986 taught him that unless a definitive schedule was set up, nothing would be done. "I think there is some urgency, in my opinion, to resolve

Center's advocates reaffirm demand

Black Cultural Center Advisory Board members reiterated their opposition to the BCC working group, repeating that the board should plan a new, free-standing center in a press release Monday.

In the statement, released the same day as the working group's third meeting, the advisory board contends that the BCC facility planning committee, an organ of the advisory board, should be responsible for planning and presenting proposals for a new center.

Through Provost Richard Mc-Cormick, Chancellor Paul Hardin has set up a 16-member working group to address the issue of a new or expanded center. Last week, panel members voted in favor of advocating a free-standing center.

But BCC supporters say the vote does not have any legitimacy because the committee is trying to do work better suited to the advisory board.

"The Sonja Haynes Stone Black Cultural Center does not recognize the existence of the Working Group," the release states. "We are demanding that Chancellor Hardin recognize the 1989 University sanction that the Advisory Board be the official entity that plans for a free-standing Sonja Haynes Stone Black Cultural Center."

this one way or the other," he said.

James Peacock, a panel member and chairman of the Faculty Council, suggested that some aspect of the development of the BCC should be incorporated with next year's Bicentennial Celebration.

"If we are going to create a center to commemorate black history in the state and in the University, it might be very timely to connect that to the Bicentennial," Peacock said.

Although no definite time frame is

mentioned in the report, the draft does state the group's reasons for supporting construction of a free-standing BCC.

According to the report, the center would help to "improve cross-cultural communication throughout the University and community;" present information about the culture and history of blacks; serve "as a critical base of support for black students;" and provide "Black students, faculty, staff, and other

Members of the coalition for a free-standing BCC and the BCC Advisory Board have refused to meet with the working group until Hardin officially pledges his support for a free-standing BCC.

"The chancellor has to support a free-standing BCC. ... Then things can move forward," said Kerry Haynie, a UNC graduate student and a member of the BCC Advisory Board. "The ball is in the chancellor's court."

Also in the release, the advisory board pledged its support for BCC Director Margo Crawford.

"The Advisory Board will not tolerate any further threats or harassments that are targeted toward Mrs. Margo Crawford, the BCC director," the release states. "Mrs. Crawford has done an excellent and more than appropriate job in fulfilling her duties as director."

Trisha Merchant, BCC Advisory Board vice chairwoman, said that UNC administrators and faculty members had threatened Crawford's job on numerous occasions, both in recent weeks and in the past. The advisory board's statement was an effort to reaffirm the advisory board's faith in Crawford's work, Merchant said.

— Anna Griffin

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All council hopefuls nominated

By Katy Wurth
 Staff Writer

The Chapel Hill Town Council unanimously decided to nominate all 10 applicants for the vacant council seat at its Monday night meeting.

Council member Joe Herzenberg said he nominated all 10 candidates as a means of thanking them for stepping forward and volunteering their time to the community.

The eight-member council was left with a vacancy last month after the resignation of Roosevelt Wilkerson. Wilkerson resigned after admitting to falsifying Mayor Ken Brown's signature on a letter concerning zoning regulations to an Ohio-based developer.

Each of the 10 candidates gave a three-minute presentation to the council describing their background and agenda:

■ Ed Devany said that if no appropriate black candidate volunteered, he would be qualified to fill the vacant seat.

"There is an aching in the land for some sense of reality to come back into the government," he said.

Devany said he planned to attend all council sessions until the new member was chosen to become familiar with local issues. He promised "a full commitment, deep involvement and caring service."

■ Pat Evans said her service on the Chapel Hill Planning Board gave her the necessary background to serve on the council.

Evans promised to be "an effective and instructive member of the council."

■ Mickey Ewell reminded the council that he was first runner-up in last year's municipal election. "The electorate showed their support for me, and I'm here to show my support for them," he said.

Ewell said he had the necessary qualifications to be a leader and to listen to the concerns of the community.

■ Dolores Nesnow said she would bring to the council an ability to look

Members discuss appointment, say informed public important in process

By Dana Pope
 City Editor

Chapel Hill Town Council members discussed Monday night the next steps in the appointment process to fill former member Roosevelt Wilkerson's seat, and some members expressed concern that the public would not be fully involved or informed.

The council unanimously approved the nomination of all 10 applicants for the seat that Wilkerson vacated last month after he admitted falsifying Chapel Hill Mayor Ken Brown's signature on an official town document.

The council debated ideas such as having a written questionnaire and holding a forum for the council to ask the applicants specific questions.

Council member Art Werner also suggested that groups of four council members meet privately with different applicants question them. Four members is the legal limit to hold a private meeting, according to state law.

But the council later decided in the meeting that each member could talk to applicants on an individual basis if he or she had any questions.

"We need to recognize to some extent that this will be a subjective process," Werner said. "I'm not particularly comfortable with a public forum when we throw questions out and people respond."

But council member Joe Herzenberg expressed concern that meeting in small private groups would violate the

open meetings law.

"The process should be as open as possible," he said. "It seems to me that each of us on an individual basis can meet with, talk with and ask questions of the people."

Brown said he also thought council members could ask questions individually, but stressed the importance of keeping the public informed.

"We will have to discuss this in public," he said. "We need to discuss this in public."

Herzenberg also suggested that the applicants and the general public be informed on the selection process.

"It would make people feel better about the process if they knew how voting would go," he said. "Nine people are going to be rejected, which is a horrible thing to say, but it's true."

But Werner said the issue was still somewhat undefined and said the public should know that council members would discuss the issue privately among themselves.

Council member Joe Capowski said the process could get a little confusing. "So it sounds like it's going to be a free-for-all," he said.

Werner added that he hoped the council would be able to come up with a consensus on an appointment.

"Ten people is tough to deal with in a fair, open manner," he said.

The appointment is scheduled to take place at the council's Oct. 28 meeting.

attend all meetings and discuss all matters thoroughly.

"The main ingredient needed to help the council continue its masterful work would best be supplied by me," Peace told the council. "Give Peace a chance."

■ Barbara Powell proposed bring-

See COUNCIL, page 5

Rape victim files lawsuit against landlord for lack of adequate safety measures

By Jackie Hershkovitz
 Assistant City Editor

A Chapel Hill woman who was raped and beaten in her condominium last spring has sued her landlord for failing to install a deadbolt lock that might have prevented the break-in and subsequent assault.

The woman claimed in a lawsuit filed in Orange Superior Court last week that the management of Sherwood Colony condominiums repeatedly ignored her requests to replace a broken deadbolt lock.

The only lock that functioned was the doorknob lock, the lawsuit states. The intruder broke into the woman's

Sherwood Colony condominium on East Franklin Street in the early hours of April 4.

Armed with a knife, the assailant entered through the front door, "brutally raped the plaintiff in her bed and savagely beat her," the lawsuit states.

The plaintiff filed the lawsuit against an Apex couple who own the property and Chapel Hill Realty, the company that manages her condominium.

"The condominium had totally inadequate security and was extremely unsafe," the lawsuit states.

According to the lawsuit, the owners and Chapel Hill Realty should have known that two young women living alone were at potential risk for sexual

assault and therefore should have provided adequate security.

The lawsuit asks for more than \$10,000 in damages to cover medical expenses, loss of earnings and emotional injury. An additional sum exceeding \$10,000 also was requested for punitive damages.

The rape was a direct result of the landlord's and management's negligence, the lawsuit states.

Police have made no arrests in connection with the case.

Representatives of Chapel Hill Realty refused to comment on the case Monday. William Craig Hales and Laura Hales, the owners of the condominium, could not be reached for comment Monday.

day.

Matthew Martin, the woman's attorney, said the case was a landmark in premises liability. Premises liability deals with whether owners can be held responsible for what occurs on their property.

"The trend is that the law is becoming more progressive and more protective of people on the premises," Martin said.

Because of the heavy volume of cases in Orange County courts, the case probably will not go to trial until late 1993, Martin said.

Catherine Stelplflug, a manager of Mill Creek condominiums, said that in instances of negligence, property own-

ers and managers should be held liable for assaults that occur on their premises.

"(Residents) have to bear 100 percent responsibility for locking their doors," Stelplflug said. "But it's a different story if the apartment doesn't even have a deadbolt."

Stelplflug said it was inexcusable for apartment complex managers to delay responding to residents' safety complaints.

Renters should not be required to shoulder the costs of installing additional security devices, she added.

"I can't see how (tenants) should have to pay for security measures in a rental unit," Stelplflug said.

"I think it's completely (residents') responsibility to do what they can," Stelplflug added. "But if safety isn't provided, then it's (management's) problem."

Billy Faires, a junior from Chattanooga, Tenn., who lives at Kensington Trace, said apartment renters should not expect too much from the management.

"I think they have to ensure us to a minimum," Faires said. "But an apartment complex is not a dorm, so you can't expect a 24-hour lockup."

Faires said he thought apartment complexes should be required to provide adequate locks, sufficient lighting and a minimum security system.

Any man who pits his intelligence against a fish and loses has it coming. — Anonymous