

Mutscher lawyers call no witnesses

ABILENE, TEX. (AP)—Defense attorneys have gambled boldly that an Abilene jury will agree with them today that the state has not carried its burden of proof in the bribery-conspiracy trial of Texas House Speaker Gus Mutscher and two of his associates.

The defense rested its case Monday without calling any witnesses. Such a move carries a psychological punch, but it is also a gamble, as failure to call witnesses is a gamble in any case, no matter how strong the defense thinks its position is.

Prosecutors began telling the eight-woman four-man jury this morning why they think the state has proved that Mutscher and two aides conspired to accept a bribe.

Defense lawyers will follow by telling the jury they were so confident the state has failed to make a case that the defense rested without putting on any witnesses.

The state will make the final argument and the case is expected to go to the jury by late afternoon or early evening.

Mutscher, aide Rush McGinty and Rep. Tommy Shannon of Fort Worth are accused of conspiring to accept bribes in the form of bank loans from Houston promoter Frank Sharp.

To convict, the jury must be persuaded beyond a reasonable doubt that there was a positive agreement between the defendants to accept a bribe from Sharp in exchange for their influence on winning legislative approval for Sharp's banking bills.

"If you and I are walking down the street and I say 'Let's go to the movie,' and we go into the theater, that's a positive agreement,"

chief prosecutor Bob Smith told one newsmen Monday. "The agreement is proved by what happened."

Asked if the agreement in his hypothetical case could be unspoken, with one man merely nodding toward the theater marquee, Smith said, "yes, the agreement need not be written or spoken."

What happened in this case, the state says is that the three defendants all borrowed from Sharp's bank on the same day, bought stock in Sharp's insurance company of the same day and sold their stock at fat profits a month and a half later, two days after Sharp's bills sailed through the legislature.

The state alleges the three political figures peddled their legislative influence in winning passage of two bank deposit insurance bills sought by Sharp in 1969.

Prosecutors attempted to show through 14 witnesses and seven days of testimony that Sharp ordered unsecured loans for the trio from the Sharpstown State Bank in Houston.

The money was funneled into stock in Sharp-controlled National Bankers Life Insurance Co., reaping fast, five-figure profits for Mutscher and his colleagues.

Among those who also profited from the loan-stock deals were Mutscher aide F. C. Schulte, the Speaker's father, Gov. Smith and former Democratic state chairman Elmer Baum.

The state produced evidence last week indicating that Sharp negotiated the sale of the group's NBL stock Sept. 11, 1969, two days after the banking bills won legislative approval.

Smith later vetoed the bills. Evidence indicated the three defendants and their associates received \$20 per share for their stock on a day when the average market price was \$14.75.

Prior to Monday afternoon's session, the defense offered little indication of its plans concerning Sharp, who was among the first to testify for the state.

The defense deferred cross-examination at the time but retained the privilege of calling him back at a later date.

Sharp told the jury of his friendship with Mutscher and of a Houston meeting arranged by the speaker in which Mutscher expressed an interest in NBL stock.

Sharp said Mutscher was disturbed about heavy losses suffered in an earlier stock investment.

"I smiled . . . and he smiled," Sharp said, recalling the conclusion of that meeting.

The Houston financier said the speaker later contacted him about financing loans for him and his associates and that Sharp subsequently gave his "blessing" to such loans.

The criminal indictment against Mutscher, McGinty and Shannon, stemmed from a U.S. Securities and Exchange Commission disclosure of Sharp's bank-stock manipulations.

Sharp pleaded guilty to two minor offenses in return for immunity from federal and state prosecution. He received a probated three-year sentence and paid a \$5,000 fine.

The Battalion

Mild,
partly
cloudy

Wednesday — Partly cloudy to cloudy. Afternoon thunderstorms. Winds 10-15 mph. Gusty and thunderstorms. High 81°, low 64°.
Thursday — Same as Wednesday.

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Farenthold terms competitors contaminated, behind the times

"I'm in this race to give voters a better choice than two contaminated candidates and a legislator from the '50's," said Democratic gubernatorial candidate Frances (Sissy) Farenthold at a luncheon in College Station Monday. She is a 44-year-old lawyer and graduate of Vassar and the University of Texas Law School. She has represented Corpus Christi for the last two legislative terms. Considered the "den mother" of the "Dirty 30," the liberal minority in the legislature, Mrs. Farenthold feels that her real hope for success lies with young people.

A crowd of about 250 people, mostly middle-aged, greeted Mrs. Farenthold with a standing ovation when she entered the Ramada banquet room to give a brief speech. Banners in the background of the banquet room read, "End Pollution in Austin," and "Honesty and Decency in Texas Government."

In her speech Mrs. Farenthold emphasized that business interests have priority in the state legislature and not the problems of the common man. She feels that the Sharpstown dealings have helped bring this situation out in front of the public.

A recent study, according to Mrs. Farenthold, has shown that Texas spends comparatively little money on minority group education. The legislature, she contends, has been "sweeping the problem under the rug" and has been ignoring the plight of minority groups.

She favors allowing public employees to collective bargain. "Fifteen states allow this but not Texas," she added.

The democratic candidate verbally attacked two of her competitors for the governorship. She called Lt. Gov. Ben Barnes a "scarred politician" who has a poor record. She feels his support of grocery and gasoline taxes were not in the interest of the people. Mrs. Farenthold criticized Gov. Preston Smith for his indifference towards the act calling for a filing fee for state office.

"The governor can't bring himself to veto unconstitutional acts," she said.

In a short question-and-answer session, the candidate said she was dismayed that the House speaker will be chosen before the people have a chance to vote and change the face of the legislature.

When asked about the Trinity River Project, she said her first concern in such matters is the ecological effect.

The Corpus Christi solon gave another short speech in front of a predominantly student group at the Unitarian Fellowship Church Monday night. At this time she declared that "for all practical purposes we have no legislative body."

Mrs. Farenthold feels it was the legislature's responsibility to conduct an impartial investigation into Mutscher's bribery charges. She, along with the rest of the "Dirty 30," attempted to have this investigation begun but were unsuccessful.

She proposed having students on college boards of regents as non-voting ex-officio members and was equally unsuccessful in her attempts. She particularly asked that student body presidents of the University of Texas

at Austin, El Paso and Arlington be placed on their respective boards.

Texas's 1874 state constitution was renamed "the concept of confused authority," by Mrs. Farenthold. She would like to see the constitution rewritten but not by the legislature. She favors having citizen delegates elected by the people to make up a constitutional convention.

She feels the time has come for legislators to start talking about a personal income tax in Texas.

"A corporate profit tax should come first," she emphasized.

Concerning government appointment, Mrs. Farenthold wants "to take the polluters off the pollution control boards." In addition she intends, if elected, to make minority group appointments.

"I came from the people and I am going back to them for support," she said.

Applications available for general elections

Applications are now available at the Student Programs Office for student office elections to be held April 13 and 14.

The filing has opened and the deadline is March 23, at 5 p.m., said Student Senate President John Sharp.

Student senate officers must have a 2.5 overall G.P.R. to

run, senators a 2.25 G.P.R., and other class officers a 2.00 G.P.R., he noted.

The major offices such as senate offices, civilian student council offices and yell leaders will be voted on April 13, Sharp said. The remaining, lesser positions, will be voted on the following day.



FOR THE FIRST TIME at A&M the Diamond Darlin's went through the batgirl routine at Monday's doubleheader. Here Penny Ball helps pass the game with benchwarming Dennis Brantley a sophomore pitcher. (Photo by Robert Williams)



UGH! At least that is what this worker seems to be saying as he sweeps out the bottom of the cooling towers in the Physical Plant. The gunk is an accumulation of whatever falls into a cooling tower in 13 years—though we won't go into that. (Photo by Robert Williams)

Texas World Speedway picks up steam

By LARRY MARSHALL
Staff Writer

After a slow, uncertain start, Texas World Speedway is beginning to pick up steam and develop into a first-class racing facility, said General Manager George Boyett.

The problem-plagued track opened in 1969, but suffered from severe financial problems from the very beginning, said Boyett. "The people who built the track had visions of owning a series of tracks all over the country and this was to be one of them," commented Boyett.

But the owners were so heavily in debt from the other investments, that they lost the facility in bankruptcy. "The track never really was given a chance because there never was enough money available, so it could not be successful," he said.

The track was purchased by Don Holloway Sr. at the end of last September for an undisclosed amount.

"The first thing we did was to contact the National Association for Stock Car Auto Racing

University National Bank

"On the side of Texas A&M."

—Adv.

(NASCAR) to set up a race. They gave us the O.K. for sanction and we scheduled a race for early in December last year," Boyett explained.

"That race was rained out and a lot of people got upset about it," he stated, "but our official attendance was still 18,600 people."

"That race was not really a good indicator of success, so we have scheduled our next big race for June 25. All our future plans hinge on this upcoming event," Boyett commented.

One of the biggest complaints resulting from the last race was about parking. The race was held following a rainy period and many people were stuck in the grass field used for parking.

Plans include rolling and compacting this area before the next race. "This is another thing hinging on the success of the June event, if we do well we may gravel that area," he said.

The speedway is located on a 770-acre lot about 10 miles south of College Station on State Highway 6. The site was chosen because of its relative position in the state.

"When the track was being laid out, the designers wanted

a state-wide facility instead of building it adjacent to one of the larger cities in Texas. The Bryan-College Station area is centrally located within easy driving distance of most major population centers," said Boyett.

"They also had a study done which showed that the average race fans drives a 250-mile round-trip to see an event. This and the availability of an ideal site without legal problems led them to build here," he said.

The people of Texas are as good racing fans as you can find anywhere, Boyett stated, but they have been kind of let down by racing.

"We want to let people know that we are operating and when we say we will have a race we will The people who had tickets for races that were cancelled in the past were given free tickets for our last race," Boyett stated.

Plans for publicizing the upcoming race include coverage in the print media and on television and radio.

"Several local television stations will come out and film specials at the speedway to show on their news programs. This is good," he said.

"We are also planning on hav-

ing several drivers come in a few days early with their cars and having them talk with people at various places while their cars are on display," Boyett said.

There is a possibility for televising the races in the future, Boyett noted, but this is done through NASCAR's contract with ABC. The track does not have

very much to do with it. If it did happen, the surrounding area for about 250 miles would be blacked out, he emphasized.

"Between major events at the track, other groups will be using the track. The Sports Car Club of America (SCCA) and the TAMU Sports Car Club are among these," Boyett said.

Harris speaks at A&M Wednesday concerning 'The New Populism'

Sen. Fred R. Harris, Democrat who advocates deconcentration of wealth and power in the U. S., will speak Wednesday at A&M in a Political Forum presentation.

The senior senator from Oklahoma will speak on "The New Populism," which he examined in a book published last April.

In his book, "Now Is The Time: A New Populist Call to Action," Harris proposed a new populist coalition, a joining of Americans of disparate backgrounds and across race and age lines to move America in ways he believes are urgently needed.

Political Forum chairman-elect Mike Lindsey announced that the

noon hour Harris talk will be in the Memorial Student Center Ballroom. The Harris program will be conducted by the 1972-73 committee. Lindsey officially succeeds the current chairman, Paul Turner, at the end of this school year.

An avowed liberal, Harris led a Senate movement to reform the seniority system. He chairs the Senate Democratic Caucus Committee on Senate Reform. The former Oklahoma state senator was among active members of the President's National Advisory Commission on Civil Disorders (Kerner Commission) which reported on urban riots of 1967.