

The Battalion

Vol. 68 No. 14

College Station, Texas

Wednesday, September 25, 1974

Emergency council meeting called to deal with utilities

By STEVE GRAY
Staff Writer

College Station City Council, meeting in an emergency session Tuesday afternoon, voted unanimously to give Mayor O. M. Holt authority to release any claim the city may have in a blanket utility ease-

ment covering a two-acre tract at Eastgate.

The tract, located between Poplar and Live Oak Streets off Highway 6, is being purchased by Building Consultants 2, Inc. The land is owned by Tommy Arhopulos of Wellborn.

The emergency meeting was called when a representative for Arhopulos asked where the easements were located on the tract at the council's regular meeting Monday night. The matter was held until Tuesday afternoon so that the council could study the locations on a

plat.

Pat Cooper, vice president and secretary for the corporation, appeared before the council Tuesday and asked if the easements had been located.

He said the exact locations were needed before any construction could begin after the land was purchased.

"There is a blanket easement located across the entire tract of land, which means the city has the right to place utilities anywhere it wants on the easement. We were trying to get the specific locations from which the utilities were crossing from," Cooper said.

The Bryan Rural Electrification Administration (REA) has owned the easement since 1939. A water and sewer line runs parallel to the tract along Live Oak Street. A power line easement also runs along Highway 6 in front of the tract.

Cooper told the council he knew nothing about the easement until Tuesday.

"Once we purchase the property we will grant the city an easement for the water and sewer line that already exists," Cooper said.

He also said a future easement will be granted to the city for a storm sewer running from Poplar Street to Highway 6.

City Manager North Bardell said Cooper did not know of the water and sewer easement because it was never recorded.

"We cannot find any record of an easement where that sewer line is located. Apparently, in 1947 there was a water line and a sanitary sewer line installed along Live Oak Street. We had to actually dig up the line in three places to make sure it actually existed," Bardell said.

Bardell said the new owners of the tract will grant the easements as soon as possible.

"The property transfer will probably take place as soon as the city of Bryan releases their blanket easement," Bardell said.

Review of illegal session to be held

The Brazos Valley Development Council will hold a meeting Oct. 3 to reconsider decisions made in closed session at last month's meeting.

In executive session the council heard proposals from firms interested in conducting an evaluation of local emergency medical services.

County Judge William R. Vance, legal council to the BVDC, told The Battalion the closed session violated the Texas Open Meetings Law.

The open meetings law allows governmental bodies to meet in

closed session to discuss only personnel matters, pending litigation to which the body is a part, or the acquiring of land or real property.

Three firms submitted proposals during the session: Southwest Research Institute of San Antonio, South/West Planning Associates of Bryan and Alexander Grant and Company of Dallas.

District Judge William Davis, chairman of the BVDC executive committee, said the firms have been sent a letter explaining the error and asking them to resubmit their proposals in the open session.

Rocky's view of Nixon

'Acceptance indicates guilt'

WASHINGTON (AP)—Vice President-designate Nelson A. Rockefeller said today that former President Richard M. Nixon's acceptance of a presidential pardon was in his view "tantamount to admitting guilt."

Rockefeller made the comment as his vice presidential confirmation hearings before the Senate Rules Committee went through a second day.

All indications were that the panel would overwhelmingly approve the former New York governor for the nation's vacant No. 2 post.

He backed off slightly from his insistence Monday that the Rockefeller family's economic power was a myth.

Under questioning by Sen. Robert C. Byrd, D-W.Va., he conceded that Rockefeller wealth did involve a potential influence on the world's and nation's economy.

On the pardon, Rockefeller repeated his earlier support of Ford's action as "the right thing at the right time," considering all the circumstances.

In summing up the climax of the

events of the past two years, Rockefeller said: "The President accepted a pardon which, in my opinion, is tantamount to admitting guilt."

On Monday, at the opening of hearings before the Senate Rules and Administration Committee on his nomination to be vice president, Rockefeller said the widespread belief that his family can control the economy through interlocking personal, institutional and corporate fortunes is myth.

As the second day of hearings began Rockefeller was asked repeatedly by Sen. Robert Byrd, D-W.Va., if he would be able as vice president or president to separate the interests of big business from those of the nation.

"Yes, sir, no problem," the former New York governor replied.

As the hearing began, committee Chairman Howard W. Cannon, D-Nev., chastised the nation's three television networks for not carrying the hearings live.

Cannon said the networks were doing the public a disservice by not giving the hearings more attention and broader coverage.

Senate Republican Leader Hugh Scott voiced a similar criticism on Monday.

Byrd turned the questioning to last winter's energy crisis and Rockefeller said he does not believe the nation's oil companies willfully created a petroleum shortage last year as part of a conspiracy to raise their prices.

"In my opinion if the United States last year had not had six or 12 major oil companies producing or distributing oil around the world this country would have faced a major disaster," Rockefeller said.

Rockefeller presented a short statement clarifying the financial situation of Rockefeller Center in New York City.

He said the center's net worth as of Dec. 31, 1973, was \$123 million, most of which is accounted for by its ownership of buildings.

He said the at-cost value of securities held by the center amounts to about \$13.9 million.

Rockefeller underwent questioning on Monday about matters ranging from his personal and family finances to his approval of New York's controversial abortion reform law.

Mutscher bribery conviction upheld

AUSTIN, Tex. (AP)—The convictions of former House Speaker Gus Mutscher and two associates on charges of conspiring to accept a bribe were upheld unanimously Tuesday by the Texas Court of Criminal Appeals.

Mutscher's lawyer, Frank Maloney, said a decision would be made soon on whether to appeal to the federal courts.

Indicted three years ago Monday, Mutscher, former Rep. Tommy Shannon of Fort Worth and Mutscher aide Rush McGinty drew five-year probation sentences on the 15th of March, 1972, after conviction by an Abilene jury.

The state charged them with agreeing to accept bribes in the form of loans from the Sharpstown State Bank of Houston promoter Frank Sharp in 1969.

The money was used to buy stock in National Bankers Life Insurance Co., which was controlled by Sharp.

In exchange for loans, the state alleged, the defendants worked for the passage of two banking bills Sharp wanted.

The bills passed but were later vetoed by Gov. Preston Smith.

The defendants sold NBL stock the day after the bills passed for twice the over-the-counter price. The buyer was a Jesuit priest who was a friend of Sharp.

The Mutscher trial was the most widely publicized event growing out of a series of scandals that rocked state government two years ago. The turnover in the House membership was more than half.

Musicians cancel TAMU concert for second time

Loggins and Messina cancelled an appearance at A&M for the second year in a row.

The group lost a horn player and felt it could not give a quality show, said Doug Thorpe, chairman of Town Hall.

An alternative group was discussed for the Oct. 18 date at the MSC Directorate meeting Monday. Directorate members decided to try to get Guess Who, but no definite plans have been made.

Thorpe said that refunds will be available for those who have ordered tickets.

"Reform" legislation in 1973 curbed the speaker's power and imposed financial disclosure requirements on state officials.

The defendants attacked the convictions on three main grounds: insufficiency of the evidence, legislative immunity and vagueness of the bribery statute. All three of these might be used in any appeal to federal courts.

The state failed to ask Sharp if there was a conspiracy. This was a strong circumstance showing Sharp would have said no and therefore that no conspiracy existed, the defense said.

The high court's 34-page opinion, written by Judge W. A. Morrison, said there was an important distinction between this case and one relied upon by the defense. The indictment in this case carefully avoided naming Sharp as a co-conspirator, Morrison said.

"Under this indictment, the state was required to prove only that an agreement among the appellants defendants had been made," the judge said.

The speech and debate clause of the U. S. Constitution does not apply to state legislators, Morrison said, and legislative immunity granted in the Texas Constitution does not shield illegal conduct.

On the vagueness point, Morrison quoted from the defense brief: "The ultimate question to be resolved is: Does the title of the bill give fair notice of its contents?"

"We answer this question," Morrison said, "with a resounding 'Yes.'"

"When the appellants accepted their positions of trust they were charged with the knowledge that the law prohibited them from certain types of conduct. A part of this prohibited conduct was that they might not enter into an agreement to assist in the passage of legislation in exchange for a reward," Morrison said.

The judge said the bribery statute clearly warned "anyone of ordinary intelligence that the kind of conduct embarked on by appellants would constitute an offense."

Mutscher's wife, Donna, Miss America of 1964, stood by him throughout the 1972 trial. Last June, she filed for a divorce. He reportedly is in the cattle and real estate business in his home town of Brenham.

County park plans stalled

Action on grant application awaited

By ROSEMARY TRAVERSO
Staff Writer

Preparation for the Brazos County Park is at a standstill because of uncertainty over financial aid from the Economic Development Administration (EDA).

Application for a grant was made to the EDA on Sept. 9 by Brazos County. The park site consists of 50

acres just east of the Highway 6 bypass and south of the proposed Briarcrest Drive East extension.

Plans for development of the county's first park were initiated by the County Commissioners Court in June. A planning grant for the park has been obtained from the EDA through the Brazos Valley Development Council.

County Judge William R. Vance and County Commissioner Walter Wilcox, coordinator of the project,

agreed that no definite plans can be made until the EDA decision is known.

"The EDA decision will mean two things," Vance said. "It will tell the amount of bond needed and whether we can afford the park or will have to do it in stages."

The maximum grant rate in the Brazos area is 50 percent of the total cost of the project, said Jan Miller, EDA spokesman. The cost is estimated at \$1.5 million.

"We need to know where all the money will come from before we ask the people to vote on it," Vance said Thursday. "There will be no way to get a bond issue in the 45 days before the November elections."

According to Miller, the EDA should reach a decision within a month. The Brazos County Park is only one of the many applications, totaling \$135 million, presently under EDA consideration.

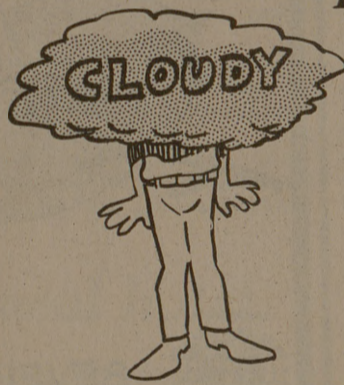
Today

Today in the Batt

- Music review . . . p. 3
- UT president . . . p. 4
- Big Thicket p. 6

Weather

Mostly cloudy with intermittent rain Wednesday. Northeasterly winds 12-17 mph. High 72°. Becoming partly cloudy and warmer Thursday with a high of 80°. Low tonight 60°.



ACLU blasts 'bribe' system on basis of denial of rights

By MARY RUSSO
Staff Writer

A sophisticated bribe system to modify human behavior has come under fire by the American Civil Liberties Union (ACLU) on the basis of denial of basic human rights.

The ACLU charges certain programs run under the token economy system with making basic human living impossible under the imposed conditions.

B. F. Skinner, Harvard behaviorist, first forwarded the idea. Token economies were used in

mental hospitals with great success to "cure" extremely apathetic and dependent patients. The system has since been used in prisons, schools and homes for juvenile delinquents.

In hospital situations, food was taken away until the patient conformed to medically prescribed manners. Keeping himself clean, being well-mannered and various "socially acceptable" actions were the immediately rewarded behaviors. As treatment continued such things as doing odd jobs and learning to read were rewarded with tokens.

With the tokens, the patients were allowed to buy extra food, outside passes, rent for a dormitory room and other desirable goods.

When token economies moved into other fields, such as prisons, taking food away became a conflict of basic rights.

The Virginia ACLU was the first to challenge the program in a prison.

"They are incarcerated and they should have a choice about what happens to them. They have the ability to make the choice and should be given the right to make it," said local ACLU president John Kagel.

The Virginia ACLU has sued to take federal monies away from the Virginia program.

"The ACLU has really gone off half-baked on this issue," said Albert Casey, behavior modification specialist with the Psychology Department.

"Professionals use only the most humane standards and methods, and professionals are involved in the Virginian program. I wish the ACLU would do their homework," Casey said.

Dual interest Prof feels conflict

A basic conflict of interests is bothering John Kagel, Brazos county ACLU president. He has recently become aware of the possible illegality of research in the field of behavior modification and token economies.

Kagel is a member of the Economics Department and has done experiments on behavioral economies.

While doing research, Kagel studied the effects of inflation on a closed economy run on the token system. The subjects were patients in the Central Islip State Mental Hospital in New York.

"These patients laid in their beds

unable to do anything for themselves. The token economy worked in getting them moving again," Kagel said.

The tokens were awarded to the patients as they got up and around. Initially the patients worked for tokens to purchase their meals. As the patient's skills improved they worked for greater numbers of tokens.

The experiment made the tokens worth less when buying luxury items, said Kagel. "This became a basic denial of rights for some patients who were unable to keep up with the rising inflation of the goods," he added.

A good deal of research money is tied up in behavior modification and Kagel stated that one doctor he worked with at Islip feels threatened.

"But the situation should be threatening to them. If people are messing around with someone's legal and moral rights, even their jobs should be jeopardized," said Kagel.

As a member of the ACLU, personal rights are basic to him, Kagel says. With the challenges ACLU is making on behavior modification, Kagel's choice of experimentation is going to be much tougher in the future.

Assault, theft

Sparky to have court date

Malcolm "Sparky" Hardee will go to court today on two charges of assault and one charge of theft.

The College Station, a night club, filed charges against Hardee over an incident that occurred July 24 when some circulars were distributed contending that the club treats its people better than Sparky's, owned by Hardee.

"I had a little fight over this with John Morris and Carl Khuen," Har-

dee said.

Morris said, "Sparky came over to the place and apologized and I have decided to drop all charges."

Morris said Tuesday, "That will be made official in court today."

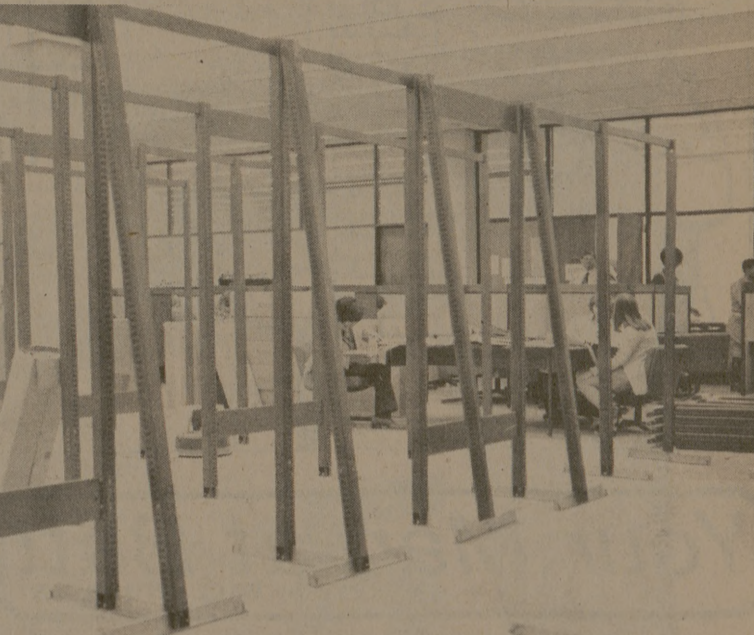
Hardee will still have to face a theft charge, stemming from an unrelated incident.

Cullen Mancuso, owner of U-RENT-M at 1904 Texas Ave., has filed charges against Hardee alleg-

ing the theft of a \$90 paint spray gun.

Hardee explained, "During my political campaign in April I hired a sign painter to make some posters. I did not know he rented the gun and he never asked me if he could. If he had, I would have known then."

Hardee was arrested for not returning the gun or paying for it in August. He was released on \$1,500 bond.



NEW SHELVING for the library will help alleviate the problem of new materials having no place to be displayed. These are the beginning of \$70,000 worth of new shelving. (Photo courtesy of University Information)

PRICES

- Soap 200 pts
- Toilet Paper 150 pts
- Paper 100 pts
- Pencil 150 pts
- Candy 250 pts
- Medicine 300 pts
- Clothing 400 pts
- Tobacco 250 pts
- Band-Aids 150 pts

VALUE

- Bottle-licking - 50 points
- Hard Labor - 10 pts/hr.
- Finking - 100 pts.

CLOSED

EXAGGERATED PERHAPS, but it gets the idea across. These cartoons demonstrate the questions raised by the ACLU about some token economy experiments. The experiments are used both to rehabilitate and for research. (Art by James Rawson)

★ ONE TOKEN ★

Good for the following luxuries:

- CANDY • SOAP • PAPER • PENCILS • MEDICINE
- EXTRA CLOTHING • BANDAGES • EXTRA FOOD

COST: CONTINUOUS BOOTLICKING AND SWEAT