

The Battalion

Vol. 68 No. 23

College Station, Texas

Thursday, October 10, 1974

Fair to partly cloudy and mild Thursday and Friday. Easterly winds 5-8 mph. Both days 86°. Low tonight 63°.

Briscoe may require reasons for UT firing

AUSTIN, Tex. (AP)—University of Texas Chancellor Charles LeMaistre refused again Wednesday to detail reasons why he fired UT-Austin President Stephen Spurr, saying he is acting upon legal advice.

LeMaistre's brief one paragraph answer to a special investigating committee of the UT-Austin faculty came after Gov. Dolph Briscoe said he was prepared to force LeMaistre to reveal his reasons for the dismissal if LeMaistre did not act voluntarily.

Briscoe said he had conferred with other top state officials and was convinced that he had the power, under the state constitution, to require any official of a state institution to make a written report on any of his actions.

"I must advise you that the situation surrounding my original decision not to release a bill of particulars related to my removal of Dr. Spurr from his administrative responsibilities as president of the University of Texas at Austin has not changed," LeMaistre said in his letter to the Special Committee of the

Faculty Senate. He said his decision was based on "legal advice."

Three other University of Texas regents, who did not accept the special committee's invitation to appear, sent letters saying they could add nothing to the reason for Spurr's dismissal.

"It is doubtful that further discussion would serve any real purpose at least on a unilateral basis," said regent Ed Clark, Austin. "I think your request for information should have been made to the board of regents who acts on all matters by majority vote. I want to hear what other members hear together."

Allan Shivers, former Texas governor, said he had nothing to add to his original statement that LeMaistre said he had "an increasing lack of confidence" in Spurr's administrative ability, and "I felt in view of this statement that the chancellor should be supported and so voted."

Mrs. Lyndon B. Johnson sent word from Virginia, where she is visiting, that she had nothing new to add. She enclosed a copy of her original statement that she abstained in

voting on Spurr's dismissal because she did not have "enough facts to approve and sanction the chancellor's action."

Spurr sent the committee a letter from Baltimore, Md., where he is on a vacation. He said he thought the "burden of proof of justifying a summary and immediate dismissal lies with the chancellor and the board of regents." However, he listed a number of reasons he said LeMaistre had given him orally the day of the firing.

"To the best of my recollections, the allegations dealt with my management in the fall of 1971, of the pre-game football receptions, my failure to relieve one of the executive officers from a major portion of his administrative responsibilities, my alleged failure to force the elimination of discriminatory institutional 'weights' in the Texas index used by the Law School Admissions Committee, my alleged failure to move fast enough into the field of energy research, justifying the uses of the available fund, speaker policy, staff antagonism to the Ex-Students' Association, prog-

ram development at the Marine Science Institute at Port Aransas, staff unhappiness at the McDonald Observatory, pre-medical advising and a poor presentation of the institution's budget to the Legislative Budget Board staff."

Spurr's letter also repeated his original comment that he felt Regent Frank Erwin Jr. had a part in the dismissal. "If again I were to identify the single point when Mr. Erwin turned against me, it was when Dean Page Keeton refused to admit a friend of Mr. Erwin to the Law School and I supported the action . . . Immediately thereafter, I began to gather from remarks made to others that my days as president were numbered," Spurr said.

Spurr said in his judgement, the underlying reasons for his dismissal were, first, "my independence and vigor in pressing for what I believed to be right in the inner councils of the system" and, second, "my uncompromising insistence that the fundamental decisions on academic matters should be made primarily by the faculty and academic administrators at the campus level."



AN ARTISTIC FLOURISH changes this window in one of the dorm rooms in the Corps area into a series of pictures that are lighted from the outside. (Photo by Will van Overbeek)

Mills' stand-in says

Surtax may be extended

WASHINGTON (AP) — An inflation-fighting income tax surcharge may have to be levied for at least two years instead of just the single year proposed by President Ford, the acting head of the House Ways and Means Committee said Wednesday.

"We're not going to come out of this economic crisis—and we'd bet-

ter recognize it—in one year. It is going to take longer than that," Rep. Al Ullman, D-Ore., told reporters.

Ullman presided in the place of Chairman Wilbur D. Mills, D-Ark., as the panel opened consideration of the proposals advanced by Ford a day earlier. Mills had not been seen at the Capitol since an incident early Monday in which police say a woman bolted from his car and

jumped into a pool as other riders scuffled. Mills was said to be one of those involved.

The panel first heard Treasury Secretary William Simon present the administration's case for the new taxes. Ullman agreed that the President has "given us a format and I think, because the country is in trouble, it is our responsibility to . . . get it passed this year."

Ullman said the nation will not be able to do the things "that have to be done unless we raise some revenue. At this point, it appears that there is no way of raising the required amount of revenue unless we get some kind of surcharge, putting the heaviest possible burden on the corporate economy . . . and also on the higher bracket earners."

Simon suggested that the committee handle the tax proposals through separate legislation instead of putting them aboard the general tax revision bill on which the panel has been working for several months.

Ullman disagreed. "I feel very strongly that the American people are going to insist upon tax reform if we are going to pass a surcharge. My feeling is that you are not going to get a surcharge unless you get the whole package. That's my position and I think that of the committee," Ullman told reporters.

Simon, however, said the Ford administration wants to "take a rifle approach to tax reform proposals, rather than the shotgun approach that is taken in broad tax reform. In limiting the number of proposals, we had hoped for very fast passage."

Ford called for a one-year, 5 percent surcharge on all corporate earnings along with similar levy upon individual income above \$7,500 and family income above \$15,000.

Businesses would get a break, meanwhile, in the way of boosting the investment tax credit from 7 percent to 10 percent and allowing deductions for dividends paid on preferred stocks.

Senate vote tables football ticket limit

By TERESA COSLETT
Staff Writer

A resolution limiting the number of football tickets students could purchase was tabled and referred to the Student Services Committee Wednesday night.

The resolution was presented to the Student Senate by Barry Brooks, SG vice president of Student Services. It would limit students to buying three student tickets and three date tickets.

A motion was made to set the limit at a total of 20 for home games and eight for away games. The Senate took no action on the motion.

The motion to table Brooks' resolution was made after several senators said they needed time to present the issue to their constituents.

Brooks said the Student Service Committee will meet to discuss the resolution after Yell Practice next

Tuesday. A resolution by John Nash, SG vice president of Academic Affairs, substituting a lottery system for the present seniority system in buying football tickets was read for the first time. (See SENATE, page 3)

Malpractice allegations answered

St. Joseph Hospital and Dr. Leon W. B. Rasberry, a local private practitioner, have denied the allegations in a \$1 million malpractice suit filed by a Hearne couple, following the death of their son.

The hospital filed an answer in the district clerk's office Friday. Rasberry answered the suit Wednesday morning.

The suit, filed in district court on Sept. 27 by Gary and Carol Broadus, alleges gross negligence by the defendants and uncontrolled, unsterile conditions in the hospital's delivery room while Mrs. Broadus was giving birth Jan. 6.

The suit charges that the baby was allowed to fall on his head onto the delivery room floor. He died 23 hours later at Texas Children's Hospital in Houston.

The suit asks for \$500,000 in actual damages and \$500,000 in punitive damages.

A hearing date on the suit has not been set.

Flood control still problem for apartments near creek

By ROSE MARY TRAVERSO
and HAZEL CAMPBELL
Staff Writers

No effective controls have been found to prevent future flooding of Wolf Pen Creek, which caused more than \$6,000 damage to the Monaco I apartments on Sept. 13.

The flooding was due to backwater caused by blockage of the creek, said George R. Ford, city engineer, Wednesday, adding plans to clean up the creek are scheduled for the immediate future.

"The banks of the creek are so steep that the job will have to be done by hand," he said. "It's not a cure all, but it would certainly help."

"You don't know what it's like to step out of bed in two inches of water," said Ricky Ware, a Monaco resident, recalling that Friday the 13th. "I waded in knee deep water out to my car. The water was four inches above the crack at the bottom of the door where water flooded the inside ruining the carpet and ball bearings on my wheels."

One resident, who requested not to be identified, said, "The smell was so horrible. We couldn't sleep here and had to go to a motel." She said she didn't expect to get any type of deduction on this month's rent, because it was considered a temporary inconvenience. Their lease states any temporary inconveniences will not be reason for rent not due on time.

"We are not responsible for the situation of the flooding," said Eb-

becke. "It was an act of God."

The local Army Reserves have volunteered to help clean the creek but their offer will not be accepted if city employees are available, Ford said. Water detention ponds for the TAMU golf course have also been proposed but would offer only minimal relief to the problem, he said.

The water from the creek flows to a concrete culvert under Texas Avenue and is built to handle 2,100 cubic feet per second of designed rain (rainfall with a probability of

occurring once in 50 years). The structure did not prevent flooding, said Ford, but channelization is not "the complete answer." He plans to "leave nature in its original state and work around it."

Presently there are no means to prevent future flooding of the Monaco apartments, which are built on a flood plain. "I would not begin to know how to deal with that at this point in time," said Ford.

Ebbecke said damaged carpeting in the apartments has been re-

placed, however, individual residents are responsible for their personal belongings which included stereos, automobiles, clothing and furniture.

Jackie Heyman, co-chairman of the Student Government's Fair Housing Commission, said no complaints have been received by her group from the Monaco residents. Since flood insurance became available in the College Station area during the past year, it is now the individual's responsibility to insure their belongings, she said.

Game time set

Its official now—Texas A&M and Texas Tech will collide at noon Saturday in their nationally televised Southwest Conference football game.

Air time on ABC-TV is 11:30 a.m. with the game starting 30 minutes later.

An overflow crowd of 51,000 fans will jam Kyle Field which seats 48,000. More than 19,000 student tickets were sold. It's the first Aggie home sellout—other than for an A&M-Texas game—since the 1956 TCU contest.

Settlement delayed on Library Club

By JACK HODGES
Staff Writer

The Texas Court of Criminal Appeals Wednesday overruled a motion for a re-hearing of the Alton A. West vs. The State of Texas trial, an obscenity case which will affect pending litigation against the Adult Library Club of College Station.

A three-judge panel in Houston is awaiting final word on the West case in order for the state to clarify its definition of obscenity. That clarification will help them rule on its constitutionality in regard to a consolidated case which involves the Adult Library Club and 14 other business establishments in Texas.

The Adult Library Club had been closed after police raids and county court orders for about a year. A federal district court in Houston issued a restraining order last month freeing it and the 14 other businesses from having any action taken against them by the state.

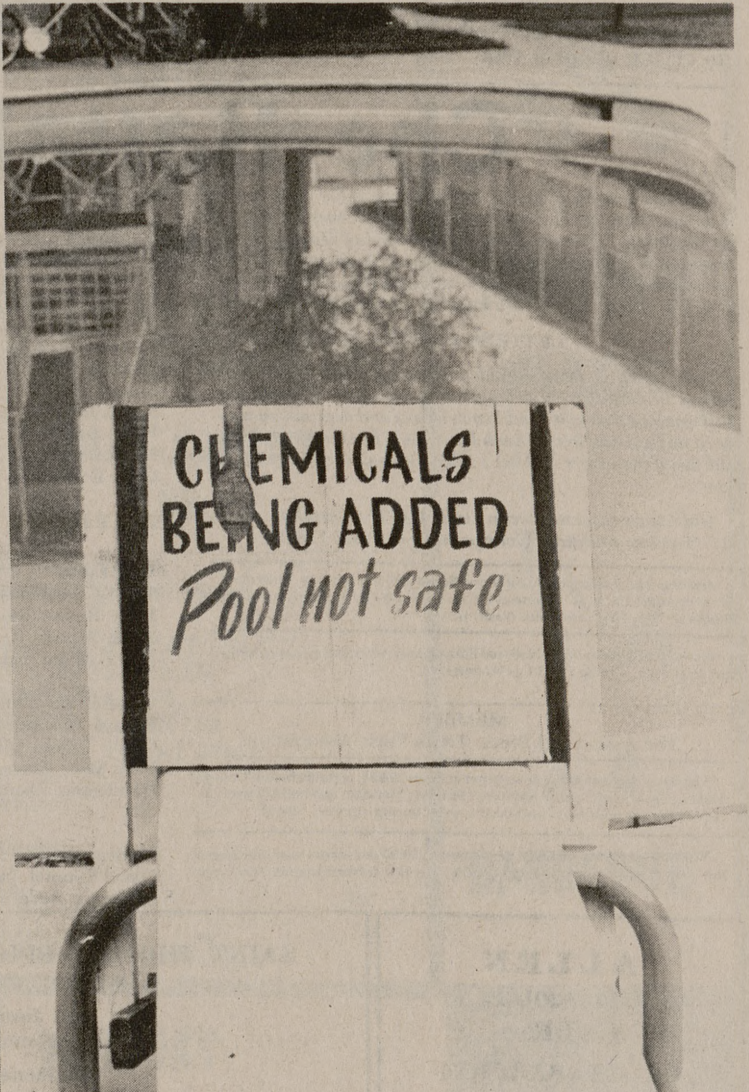
The West case originated in 1971 when West was convicted in Lub-

bock County Court of exhibiting obscene materials in the city of Lubbock. The decision was appealed to the Texas Court of Criminal Appeals, which affirmed the lower court ruling. A motion was set for a re-hearing on Feb. 17 of last year but was overruled and appealed to the U.S. Supreme Court.

In light of the Miller vs. California case and related obscenity cases the Supreme Court sent it back to the state for further investigation on Nov. 6, of that year. Like the Miller case, the state's definition of obscenity was considered too broad and general by the high court.

The obscenity law under question, Art. 527 of the Texas Penal Code, expired Jan. 1, 1974, and a new law with minor alterations was put on the books.

The Court of Criminal Appeals on Feb. 13, re-affirmed its decision against West. The case went back to the Appeals Court for another hearing which was denied Wednesday.



FLOODING RESULTED in the need for massive repairs to apartments in the Monaco I complex. Carpeting had to be torn out and replaced because of water damage. The pool was filled with debris from the overflow of Wolf Pen Creek in September and had to be cleaned and have the chemicals re-added. (Photos by Chris Svatek)