

# The Battalion

Thought for today: We ought never to do wrong when people are looking—Mark Twain.

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## Dominik zone 'not problem' Lights, road provide answer

By GERALD OLIVIER  
Staff Writer

Building apartments on Harry Seaback's controversial land behind Dominik Drive would not cause serious difficulties for the city, Bill Koehler, city planner, said in an interview Wednesday.

Dominik residents, led by Tom Kozik, have been fighting a zone change request which would allow apartments and duplexes to be built by Seaback adjacent to his Plantation Oaks development.

One of the complaints raised by Kozik is the possibility of increased traffic problems in the already congested Dominik intersection with Highway 6.

Koehler said the intersection has been a problem, basically due to traffic turning left both onto and off of Texas Avenue.

Koehler said the completion of construction on Highway 30 and the installation of new traffic signals at the Highway 30-Texas Avenue intersection should eliminate the problem.

"More cars will use Highway 30 now," Koehler said.

Koehler said no plans have been filed for the proposed apartment complex, but a Highway 30 access road would be logical.

City Manager North Bardell said

no complaints concerning excessive traffic on Dominik have been received by his office.

Another complaint raised by Dominik residents before the City Council was the additional noise that would come from the new apartments. Bardell said he has received no complaints on the matter.

The main complaint of the Dominik residents seems to be that the building of apartments behind their homes will result in a decrease in their property values.

Neither Bardell nor Koehler felt capable of answering this question. A representative of the Culpepper Realty Co. said the apartments would make Dominik homes harder to sell.

"People don't want to live across from apartments," the representative said.

Seaback contends that the best use for the land is to build apartments. The land is shown as most suitable for apartments in the 701, College Station's currently incomplete comprehensive plan.

The 701 was produced by Pinnel and Associates, a local planning firm, with input from the City Council, the Planning and Zoning Commission and College Station citizens.

The issue of the rezoning was

brought to the council last month. Legal problems arose when a petition against the request was submitted by Dominik residents.

If the petition is considered valid under a clause of the zoning ordinance, a three-fourths vote of the council would be required to change the zoning. The request was passed by the council on a 4 to 3 vote, short of the three-fourths vote needed to override the petition.

At its last meeting the council set up a conference between Seaback, Kozik, Councilmen Jim Dozier and Larry Bravenev (both lawyers), City Attorney Neeley Lewis, Brooks Cofer (attorney for Kozik) and Mayor O.M. Holt.

The conference was to decide the specific legal question involved so that the Council can request a state Attorney General's opinion on the case.

After the meeting Friday Holt said no agreement had been reached.

The controversy now hinges on whether or not the petition contained the names of 20 per cent of the property owners within 200 feet of the zoning request (a requirement of the ordinance for the three-fourths vote to be needed). The parties involved agree they are no closer to a solution at this time.

## Unanimous vote

# Senate wants play

TERESA COSLETT  
Staff Writer

The Student Senate passed an academic freedom resolution concerning Marat-Sade by unanimous voice vote, without debate, at Wednesday night's meeting.

The resolution by John Tyler, student vice president of rules and regulations, requested the administration to allow "Marat-Sade" to be produced.

It also requested that university policy procedures be amended to prevent future censorship.

Also at the meeting, a resolution was withdrawn asking for the reinstatement of Greg Marchand and Elmer Banes, two students who resig-

igned from the housing office staff after writing a letter to The Battalion.

The resolution also called for the censure of Housing Office Manager Glenn H. Jennings. But the senate passed, 41 to 10 an amendment eliminating the censure section of the resolution before tabling the resolution.

The amendment by John Nash, student vice president of external affairs, took the teeth out of the resolution, Curt Marsh, student vice president of finance, said.

After the censure amendment passed, the bill's author, Senator Joe Marcello asked to withdraw the resolution. The senate granted him

approval, 48 to 13.

Also at the meeting, Student Government President Steve Eberhard's appointment of Tom Walker, as executive director, was approved unanimously with 65 senators voting.

Walker was appointed to replace Tom Taylor whose resignation was effective last Friday.

Eberhard said he appointed Walker without interviewing others because Walker was both qualified and experienced. He said Walker had been filling in for Taylor several weeks previous to the resignation.

As associate director under Taylor, Walker had been involved in campus chest, blood drive, Aggie Muster, student government radio and the book exchange.

Walker resigned as senior senator from the College of Agriculture before assuming his new position. His former senate seat will be declared vacant.

On first reading at the meeting was Senator Troie Pruet's resolution that the senate purchase a non-pay phone for the library.

The phone would cost \$8.50 for installment, \$5.00 per month, and be financed from the Refrigerator Account.

Pruett said the library has only one non-pay phone for students, causing long lines.

Also on first reading was a resolution by Marsh calling for the senate to recommend consideration of an

athletic "user" fee proposal to the Student Service Fee Allocation Committee.

Such a proposal would mean men's intercollegiate sports would be approximately 50 percent subsidized by student service fees.

The remaining funds would come from charging about \$1 for home football game tickets.

A third resolution, on first reading, concerned religious freedom. The resolution by Jeff Dunn, student vice president of academic affairs, would replace prayers at public campus gatherings with a silent meditation time.

Dunn said there was no such thing as a nonsectarian prayer.

In other business Marsh said, in his finance report, the senate budget has \$460 less in available funds than expected last spring.

Funds for academic affairs were reduced from \$1,700 to \$1,500; Copy Center funds from \$2,600 to \$1,800; Texas Student Association dues and fees from \$600 to \$350. The travel fund was increased from \$1,200 to \$1,350.

Marsh said the revised budget of \$17,600 would be "pretty tight" and that new student government projects would be primarily financed from the Refrigerator Account.

The senate approved Dec. 5 as the date for freshman run-off elections. The next senate meeting will be Dec. 5, 7:30 p.m. in Harrington 204.



Rolando Hinojosa-Smith (see story p. 3)

## Texas' high court hearing utility fight

AUSTIN (AP) — Lawyers for several public utility companies tried once again Wednesday to convince jurists that the state does not have the power to apportion natural gas, even in times of need.

Lawyers for other utility companies insisted before the Texas Supreme Court, however, that it is the Railroad Commission's responsibility to protect the public's interest in the sale of gas.

At stake is hundreds of millions of dollars worth of natural gas in the Lo-Vaca Gatherin Co. system.

Austin, San Antonio and the Lower Colorado River Authority contend that Lo-Vaca discriminated against them by contracting to supply gas to Texas Utilities Fuel Co. TUFCO and others, which resulted in gas cutbacks for the two cities and LCRA.

LCRA supplies more than 30 Central Texas communities with electrical power generated from natural gas.

The cities and LCRA filed suit after the commission, which regulates Texas' oil and gas industry, refused to set aside Lo-Vaca's contracts with TUFCO and others, claiming it had no such authority.

An Austin district court and the 3rd Court of Civil Appeals here ruled that the commission had the power to apportion the gas, and those rulings were appealed to the Supreme Court.

Nine applications were filed asking the court to hear the case, and 31 other briefs — probably a record — were submitted supporting the applications.

"I've never seen such a flood of

help for the court in any other case," said LCRA lawyer C. C. Small of Austin.

Eight lawyers addressed the court, including Small, and Dan Moody Jr., son of the former Texas governor. Another former Texas governor, Price Daniel, sits on the court.

The court's chambers were filled for the oral arguments, with bearded University of Texas law students squeezed in next to lawyers in dark-hued pinstripe suits. One law professor had assigned his class to listen to the debate.

There were approximately 175 persons in the room, including 25 or 20 who stood at the back taking notes, an unusually large gathering for a case.

Ira Butler of Fort Worth, a TUFCO lawyer, said TUFCO paid more than \$40 million four years ago to build a 395-mile pipeline from the Permian Basin to south of Dallas to deliver Lo-Vaca gas.

"We wanted to insure our customers electricity at the lowest possible cost, and this is no cause for condemnation," Butler said.

TUFCO supplies gas to Dallas Power and Light, Texas Power and Light and Texas Electric Service Co.

Small said "The commission has the power to throw the gas into the same pot for all the parties that have claims against the Lo-Vaca system."

Such authority is a "devastating concept to be lodged in the hands of a state agency," said Asst. Atty. Gen. Rex White, representing the commission.

## Today

### Inside

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### Weather

Continued fair and mild Thursday and Friday. High today 73°; low tonight 42°; high Friday 75°.

## Texas faculty wants to approve president

AUSTIN (AP) — University of Texas System Chancellor Charles LeMaistre refused again Monday at a faculty meeting to say why he fired Stephen Spurr as president of UT-Austin.

The school's General Faculty voted approximately 300 to 10 for a resolution saying it would refuse to recognize any successor to Spurr not approved by a faculty-student advisory committee.

Sixteen written questions to LeMaistre were taken up after he read an 18-page statement. One of the questions was posed by student body vice president Bill Parrish:

"Were there conditions existing on the UT-Austin campus which were of significant detriment to require the immediate resignation or dismissal of the president? If so, what were these conditions?"

"I have an answer to that," LeMaistre said, "but I have been advised by counsel not to give it."

This was followed by a few boos, and LeMaistre said, "I'll pause and let you get it out of your system."

Under federal case law, an administrator can sue a board of regents which details reasons for his dismissal that reflect on his professional reputation. But no suit can be maintained where the ouster is made without explanation.

The General Faculty voted approximately 500 to 50 to call for LeMaistre's resignation after he fired Spurr in September.

In support of the resolution approved Wednesday, its author, physics and education professor David Gavenda, said a president not accepted by the faculty would have legal authority over budget matters but that the faculty should not yield to him "in those academic areas where the authority clearly lies with the General Faculty."

"There is no reason why we should accept as the presiding officer at General Faculty meetings an 'agent' of the chancellor, to use his LeMaistre's terminology. As a deliberative body we can select our own presiding officer."

"There is also no reason why we cannot have an executive officer of our own choice sign the letters of appointment to standing committees of the General Faculty," Gavenda said.

LeMaistre was not present when the resolution was presented. He exited the auditorium in the 1,000-seat Lyndon B. Johnson Library after an hour and 45 minutes of reading his statement and answering written questions. No oral questions were presented even though President Ad Interim Lorene Rogers said a brief one could be voiced despite the late hour.

A lanky, silver-haired, self-possessed man, LeMaistre occasionally misread his prepared text but otherwise appeared unruffled. He pushed his glasses back to the top of his nose from time to time as he spoke in a low, deliberate voice.

Approximately 800 persons attended the meeting, including about 200 students and 100 mem-

bers of the press. Many left before the long meeting ended.

Occasionally, a few boos and hisses mixed with polite applause following statements or answers by LeMaistre. The only loud reaction by the audience was prolonged applause for Gavenda's argument and for some of the critical questions read to LeMaistre.

In his statement, LeMaistre said, "I, for one, have heard enough about the few academic stars who have left this campus in times of controversy and I believe it is high time that we acknowledge our debt to those who persevere."

This was an apparent reference to the dozens of professors, many of world rank, who left the school within two years of the dismissal in 1971 of Arts and Sciences Dean John Silbur, now president of Boston University.

LeMaistre gave a different view of who owns the university than that expressed in a question by four members of the faculty.

LeMaistre said, "In turning to concern for the overall governance of the University of Texas, we must be ever mindful that it belongs to the people of Texas and cannot be possessed by the administration, the faculty or the students."

Professors Neill Megaw, James L. Kinneavy, Lawrence C. Shepley and Irwin Spear said, "Our view of this university — at the risk of some over-simplifications — is that it belongs to its students, past, present and future, as a gift and also as a long-term investment on the part of the tax-paying citizens of this state."

On the question of recruitment of minority students, LeMaistre said, "I fully support minority recruitment. . . . We have not achieved what I consider an acceptable goal."

"This is not an easy problem that will be solved by a chancellor, the Board of Regents or perhaps even by all those in this auditorium," he said.

Some reports have indicated one of the reasons Spurr was fired was his support of minority recruitment.

LeMaistre also said he favors giving faculty a voice in regent deliberations but that the presidents of the system's universities twice have voted against it. "I abided by the presidents' wishes," he said.



## After exec suicide

# Bell rate increases denied

DALLAS (AP) — A trend appeared developing Wednesday for city councils to take a closer look at Southwestern Bell Telephone Co. petitions for rate increases in the light of accusations by former executives, one of whom is dead.

The accusations claim the company keeps one set of books for its internal use and another set to support its requests for rate hikes when its representatives go before city councils.

The attack came in a \$26 million suit filed by the family of T. O. Gravitt, former head of Bell regional operations, against Southwestern Bell. Joining the suit is James Ashley, a top Bell executive in San Antonio who was fired.

The suit claims that company representatives hounded Gravitt, 51, to his death. He was found dead in his garage Oct. 17 with the motor of his car running.

The court petition is based on a note or notes left in his briefcase in his home.

The handwritten memos also told the family what data it should subpoena in case of a suit.

The notes were not made known to investigative officers until this week. Sources said Bell officials searched Gravitt's home immediately after his death and took possession of Gravitt's memos and would not release them until a member of the family insisted.

One of the most concrete acts concerning rate increases was taken by the Beaumont city Council Tuesday when it postponed action and asked its lawyer to look into legal points. It apparently was ready to grant the company an 8.5 per cent increase until charges were made

against the company.

The San Antonio city council has asked the city attorney to determine what action it should take about rates. A city official said the council will be taking a much harder look at a \$5.7 million increase request.

Dallas City Councilman Gary Weber said the case points up the need for a thorough investigation of rate requests by a consultant. The council will name a consultant Monday. Bell is asking a \$24.3 million increase for the Dallas dialing area.

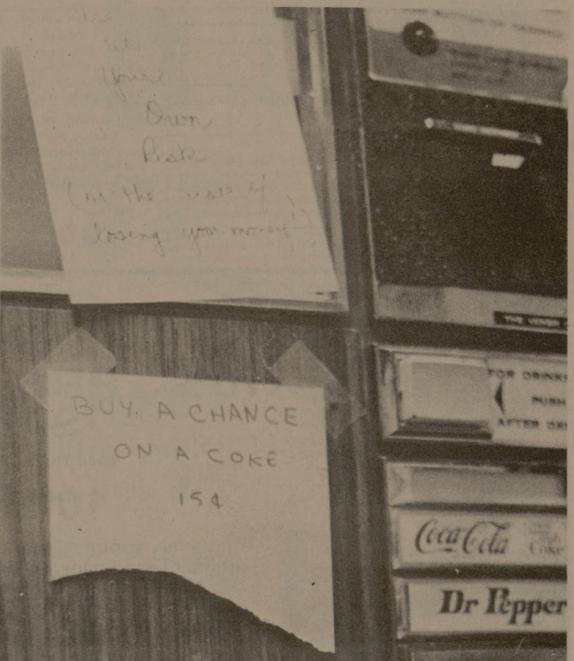
State Rep. Bob Vale, D-San Antonio, said Wednesday he will introduce legislation to establish a state utilities commission. Texas is the only state without one.

"The Ma Bell situation added impetus" to the state commission question, said Vale. "It's the little matchstick that broke the camel's back."

One of the largest rate requests has been for Austin, where Bell is asking a 24 per cent hike. The city council has hired a Dallas consulting firm, Hess and Lim, to determine whether it is justified. A report is expected next month.

The Harlingen City Commission members indicated they plan to rescind a rate hike granted earlier, but this apparently was in a dispute over service.

The telephone company already was running into a different kind of trouble. The Rio Hondo City Commission Monday night refused a rate increase until service is improved and until Bell can provide further proof that the increase is justified. Bell officials met Tuesday with



## Money-eater

A sporting spirit and a handful of change are required to slake your thirst in the Reed McDonald Services Building. You learn to take your chances. (Photo by Alan Killingsworth)