

# The Battalion

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The Battalion is now taking applications for staff photographers and reporters.

Applicants for the photography position should have their own basic photo equipment and should be able to work on a daily or weekly assignment basis.

Interested students should apply in the Student Publications Office, Room 216, Reed McDonald Bldg.

## Atty. Gen. Hill stresses energy proposals in speech

President Jimmy Carter's energy proposals are basically unfair to Texans, Atty. Gen. John Hill said last week. Hill's proposals were one of many he answered questions on following his Law Day address in the Rudder Forum. His appearance was sponsored by Texas A&M University's Political Forum in cooperation with the Brazos County Bar Association. "I am extremely disappointed with several aspects of the so-called Carter energy proposals. I am particularly distressed by the advocacy of mandatory controls over production of intra-state gas," Hill said. Hill said that the administration should have last winter cooperated with Texas in moving oil to sister states. "Other states need a better understanding of what Texas has done to help out in providing energy for this nation and the world," he said. "If I'm not able to convince by logic and reason, the administration to adopt a more moderate and advisable course I will undertake to stop it," Hill said. Another aspect Hill did not like about the proposals was the proposal to place

controls on the intra-state gas market. This measure would be self-defeating from the consumer standpoint, he said. The free market in pricing must be trusted, he said, because when it is not trusted the consumers are hurt.

There is no reason for placing an eight dollar tax on old oil, Hill continued. Consumers would be paying that over the \$5.25 they pay now, he said. Most of the money will be sent to Washington, Hill said, with Texas receiving only a small part of it.

Hill also answered questions about charges against Judge Donald Yarborough, the recent Anita Bryant controversy, legalizing marijuana, and the Howard Hughes will.

"There is pending at this time, a disbarment proceeding against Judge Yarborough, he said.

"The charges against the judge, if true, are severe. If they are true and if true, they would certainly be grounds for his removal from the bench. If he were disbarred I would undertake to remove him immediately."

The controversy surrounding Anita Bryant should not have any effect on her

right to entertain as a professional performer, Hill said. The State Bar of Texas recently invited Bryant to perform although she is currently involved in a dispute about the rights of homosexuals. People have their own personal feelings about this issue, Hill said. He proposes no change in present laws, he added.

Marijuana laws are ridiculous if the public does not support them' Hill said. He is not encouraging people to use marijuana he explained, but he would not encourage the use of alcohol either.

Hill said he will testify Wednesday in Washington, D.C., for ratification of the Prisoner Exchange Treaty between the United States and Mexico. This treaty would assist American prisoners in Mexico who have paid the price of their crime.

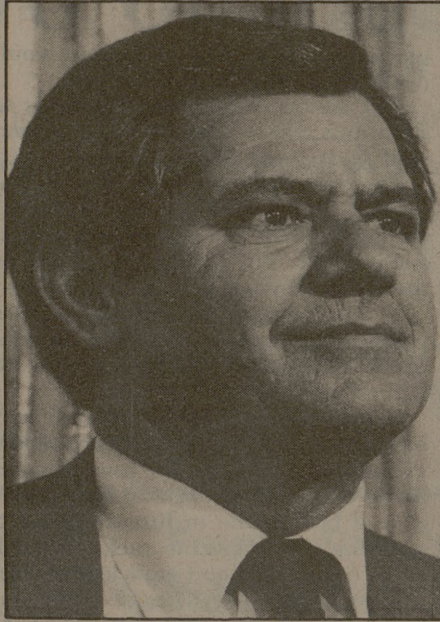
He is working for a drug-free society, he said. He does not expect laws to go further toward legalization of marijuana at this time, he added. Hill said his main objective is to dry up the heroin traffic, which is a much more severe problem.

The money spent in court proceedings over Howard Hughes' will may well be the finest money Texas has ever spent, Hill said.

"We are building up a fine case for this good old Texas boy," he said.

In his brief opening address Hill called America a great experiment to preserve freedom and order. The success of the experiment depends on the degree of dedication to its success that individual Americans have, he said.

If justice is not produced in every case it is not the fault of the system, but of faulty minds and indifferent hearts, he said. Hill said America, even with its imperfections, offers more freedom and justice and opportunity for all people than any other system of government ever devised.



Left, Attorney General John Hill. Right, Hill is greeted by local officials at Easterwood Airport Wednesday.



Battalion photos by Steve Goble

## Hill still non-candidate for Texas governor

By LEE ROY LESCHPER JR.  
Battalion Editor

In an age of anti-heroes and non-events, Texas Atty. Gen. John Hill is getting a lot of attention as an unannounced candidate for governor.

Hill has criss-crossed the state for some months making public appearances and reminding voters he hasn't decided whether he'll run for the top state post against incumbent Governor Dolph Briscoe.

The governor announced Saturday he will seek re-election. But in his public comments Hill has announced all but the most skeptical that he will be running against Briscoe in November 1978.

Hill's local press conference last week is case in point. "When Hill first said that he would not announce his decision to run for governor until later, he said he did not want to add to the chaos in the legislature, which was then in regular session. He has now said he won't announce any decision until after the legislative special session on financing state education expected this July."

"But the local news media representatives at the conference concentrated on that potential race."

"I want to expose my views to as many people as possible," Hill said, answering the question about his unannounced candidacy. "I want to touch base with my supporters."

"It's always possible" that unfavorable response from voters could discourage him from the race, he said. But he left little doubt he doesn't expect that to happen.

"I have traveled a great deal the last couple of months and all of the response that I'm receiving is extremely encouraging," he said.

He admitted that he's concerned now with organizing support and raising funds, but said he's "always been reasonably successful" in those areas.

The attorney general couldn't pass up one or two opportunities to criticize Briscoe's performance in recent months.

He said that had he been governor he would have put more emphasis on the state education bill which failed when the legislature ran out of time during the regular session. The education bill should have received at least equal billing with the state highway bill which passed under Briscoe's encouragement, he said.

He also criticized Briscoe's response to President Jimmy Carter's energy conservation program. But Hill agreed that program could hurt Texas as an energy-producing state. Briscoe earlier this year said he might consider cutting off natural gas to other states if the Carter plan was implemented.

"I think we have to have strong opposition, but not just empty rhetoric, and not just emotionalism," Hill said.

But Hill emphasized that he "has been working hard at being Attorney General." He listed a schedule that includes pushing for an early trial date in the Howard Hughes will, tomorrow arguing in an appeals court against televised executions in Texas and Wednesday, giving supporting testimony before a congressional committee considering the prisoner exchange treaty with Mexico.

## Stevens builds case against obscenity law

United Press International

WASHINGTON — Justice John Paul Stevens is steadily stepping up his campaign to steer the Supreme Court away from what he considers an unwise and unworkable approach to obscenity.

During the court term, now ending, he has written three opinions sharply dissenting with the majority's continuance of the "community standards" test for determining what is obscene and what is not.

Since the 1950's, the court has been trying to develop an obscenity standard that would allow prosecution of pornography peddlers, while avoiding conflict with the free speech guarantee of the First Amendment.

The result so far: more and more cases, more and more headaches for the justices. Stevens says this approach will not work because one person's obscenity may be another one's art. Or, drawing on an opinion from a bygone era: "A nuisance may be merely a right thing in the wrong place — like a pig in the parlor instead of the barnyard."

He believes hard-core pornography should be controlled through civil laws regulating the place and type of distribution, rather than by sending booksellers and movie house operators to jail.

Stevens, 57, has moved more and more in this direction since coming on the court in December, 1975, as Gerald Ford's replacement for the ailing William O. Douglas.

The former federal appeals court judge from Chicago needs to win over just one member — possible Justice Lewis Powell — to break the court away from criminal

United Press International

PETROS, Tenn. — James Earl Ray, the confessed assassin of Dr. Martin Luther King Jr., was captured early today by a bloodhound-led posse in the rugged Cumberland Mountain country where he eluded authorities for 54 hours as America's most wanted fugitive.

Ray, muddied and exhausted by his bid for freedom from a 99-year jail term, was arrested within 10 miles of the fortress-like Brushy Mountain State Prison. He and five other men escaped Friday night while fellow-inmates distracted guards with a faked fight and other incidents.

obscenity guidelines in effect since 1973 and in earlier forms since 1957.

Already, Justices William Brennan, Thurgood Marshall and Potter Stewart routinely dissent from most decisions in this area. They and Stevens generally are lined up against Chief Justice Warren Burger and Justices Powell, Byron White, Harry Blackmun and William Rehnquist.

Stevens said in an opinion last month, "In my judgement, the line between communications which 'offend' and those which do not is too blurred to identify criminal conduct. It is also too blurred to delimit the protections of the First Amendment."

"In the end, I believe we must rely on the capacity of the free marketplace of ideas to distinguish that which is useful or beautiful from that which is ugly or worthless."

The 1973 standards mean local juries can convict under state obscenity laws if they find the "average person, applying contemporary community standards" would consider the material patently offensive and lacking serious literary, artistic, political or scientific value.

The court also said in 1973 that no one would be prosecuted unless the suspect material was specifically defined in state law.

But on June 9, the majority upheld the conviction of an Illinois man for selling sado-masochistic material, although this was not on the state's forbidden list.

Stevens said the court went back on its promise. But he saw the decision as weakening the court's rigid position, and therefore as a promising development.

## Rezoning of land granted by College Station Council

A step towards the construction of an 18-20 story apartment complex was taken by the College Station City Council last Thursday night.

Alex Munzel, a Canadian architect and builder, was granted a rezoning of the land from residential to commercial property. The move allowed Munzel Holdings, Inc. to purchase the land along with adjoining property to build the complex by zoning the tract the same as the land.

The more than 100 acres of land to be used for the construction is located on the south side of Harvey Road near the intersection of Harvey and Texas Avenue.

Munzel told the council he plans to build five 18-20 story towers. The apartments would offer short-term leases to its tenants, appealing to Texas A&M University students.

Munzel told the council he needed an immediate ruling because he needed to close the deal the next day. Councilman Jim Dozier said Munzel was pressuring the council. He voted against the rezoning because he said he is tired of "having a gun put to my head."

Other councilmen said they doubted the project would ever come about, but that an island of residential zoned land

should not be left in a commercial surrounding.

In other action, the council decided to alter the city's comprehensive plan to show a connection between Kyle Street and Dominik Street other than Puryear. The plan will also show FM 2818 extending across Texas Avenue to the east by-pass. There are no definite plans for doing either.

No one showed up for the public hearing on the city's proposed budget for 1977-78. A second hearing will be held June 23.

The council also accepted a bid of \$66,234 for sidewalk construction by Kavanaugh Construction Co.

### weather

Partly cloudy and warm with a chance of showers and thunderstorms today and tomorrow. High today in the upper 80s, low tonight in the low 70s. Southeasterly winds at 5-10 mph. 30 per cent chance of precipitation through tomorrow.

## 'Adult' magazines could disappear from stores

By RUSTY CAWLEY  
Battalion Staff

Playboy, Hustler, Oui and other adult magazines may disappear from magazine racks of College Station businesses in the next week.

Or they may not, if they can be defended as having serious literary, artistic, political or scientific value for minors.

The College Station City Council made it illegal last Thursday to sell pornographic materials to minors and to display the materials where minors can see them.

The council originally intended for the law to force grocery store owners to hide the covers of adult magazines with a paper wrapping that would show only the flag. But no such provision was written into the ordinance passed last week.

The ordinance, as drawn up by City Attorney Neeley Lewis, defines a minor as anyone younger than 17. It also defines "harmful material" in detail.

"Harmful material", according to the new law, depicts, describes or represents sexual conduct, sexual organs and private parts or torture. It must be found to be offensive to the adult standards of the community as to what minors should see and what they shouldn't.

Finally, the material must lack serious intent, whether it be literary, artistic, political or scientific, for minors. This last phrase is important, Lewis told the council, because it allows for material such as textbooks on human sexuality.

Phil Sutton, Texas A&M University's student body vice president for external affairs and a non-voting member of the council, asked Lewis if a magazine such as Playboy could be taken as having serious intent.

Lewis replied that such a decision would have to be made in court. He

wanted" fugitives, a position he held while leading police agencies on a two-continent chase in the weeks following the April 4, 1968, assassination of King at the Lorraine Motel in Memphis, Tenn.

The breakout was the first successful over-the-wall escape in the history of Brushy Mountain.

Lane said Ray was captured "about 500 yards from where we picked up Hill." He said, "They (the bloodhounds) ran him hard for three hours" after Hill was found.

Lane said authorities believed they were closing in on the third man in the group, convicted murderer Douglas Shelton, 32.

Douglas Ray Caylor, 24, serving 51 years for armed robbery and assault with intent to murder, was also still free. Caylor, authorities said, apparently separated from the other prisoners after the break and went off in another direction.

News men were unable to talk to Ray when he returned to the prison.

"He doesn't want any pictures taken and he doesn't want anything to say," a state trooper said.

Ray was handcuffed and his head shifted from side to side as he was escorted along a 30-foot long sidewalk at the prison. He said nothing.

Lane told how the dogs tracked him down.

"We picked him up at an old gold mining camp called Coyote," Lane said. "When the dogs picked up the scent, we did not know it was James Earl Ray. The dogs picked up the scent to the river and down the west bank about 500 yards."

"There," Lane said, "he turned and went into a wooded area, crossed a log road, went back into a wooded area, came out on a power line, then came back out into another wooded area, a cleared woody area."

"When they hit the log road, they hit a hot track."

warned the council the law should be taken to court only on flagrant violations. The penalty is a \$200 or less fine.

Lewis admitted the wording of the law is loose, but said it conforms to the accepted legal standards for such a law.

Work on the law began in April after Mary Bassett, a teacher for the A&M Consolidated School District, brought several adult magazines to a council meeting April 14 which she said were purchased at local stores. The council decided to do something about it.

At a meeting April 28, the council instructed Lewis to consult with County Attorney Roland Searcy and District Attorney W.T. McDonald, Jr. in writing a law limiting the sale of pornographic materials to minors.

Council members wanted to have adult magazine covers wrapped such that only the publication's name would be displayed. It also wanted to set standards for the heights of magazine racks. The idea was to put the magazines where children could not reach them.

Neither of these are in the new law.

What the new law does is try to stop the display of adult magazines without serious intent in grocery stores, supermarkets, motels and other businesses minors are allowed to enter.

The magazines may be sold to adults, but they will have to be kept under the counter and out of the view of children. This practice is already in use in some local businesses.

Stores that specialize in pornographic materials and do not allow minors may display the magazines as they wish.

No one can sell the materials to a minor or employ a minor to sell them. The penalty for violating the new law is a fine of \$200 or less.



Battalion photo by Steve Goble

## Dry Summer Days

Groundsman Johnny Novosad applies a spray of water to part of a garden bed which is missed by the regular, built-in sprinkler system because of winds. Watering of the grounds at Texas A&M has been more frequent because there has been less natural rainfall.