

# The Battalion

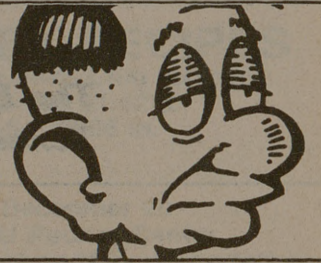
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## Inside Today:

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## Appeals court rules against illegal aliens

United Press International  
AUSTIN, — Thousands of illegal aliens living in Texas are not entitled to free education, the Austin Court of Civil Appeals ruled Wednesday.

The appeals court upheld a district court ruling barring 10 Houston children from attending classes in the Houston Independent School District unless their parents pay tuition.

The fact that a child leaves his country and covertly enters the state without complying with the immigration laws should not somehow create a state responsibility to provide him with a free education," the appeals court said.

The decision will affect an estimated 400 alien children living in Houston and thousands more across Texas who are in the United States illegally.

Legal aid attorneys challenged the constitutionality of a 1975 law restricting state education funds to classes for children of

American citizens and lawfully admitted aliens.

The 10 children named in the Houston case range from 7 to 14 and have never attended school. Their parents said they cannot afford to pay \$90 a month tuition for them to attend classes.

Legal aid lawyers argued barring the children from school will create an uneducated slave class in the United States. School officials argued admitting the illegal alien children would diminish the quality of education available to citizens and lawfully admitted aliens.

"Indisputably, there is limited revenue available for education purposes," the appeals court said Wednesday. The court said the 1975 law "does not deprive those who are unlawfully residing in Texas of any bounty to which they are entitled, but instead the law helps insure that those who are citizens and those who are legally admitted will have access to a certain quality of education."

The court pointed to a U.S. Supreme Court ruling that free education is not a fundamental right guaranteed by the U.S. Constitution and said the fact illegal aliens are protected by due process does not give them the same substantive rights as citizens or legally admitted aliens.

"No one would argue that the state is constitutionally obligated to provide a tuition-free education to foreign children living abroad," the appeals court said. "The child should have no greater rights to a free education, due to his unlawful presence, than those rights he would have if he had not come to this country."

The appeals court ruling seems to conflict with the position taken by a federal judge who ordered Tyler school authorities to admit 15 illegal aliens without charging tuition.

The three-man state appeals court mentioned the Tyler case but said the findings of U.S. District Judge William Wayne Justice are not final.

## Miller favors internal shuttle bus system

By LIZ NEWLIN  
Battalion Staff

Just one more step, and an internal, on-campus shuttle bus system will be tested at Texas A&M University next semester.

President Jarvis Miller must receive recommendations from the Division of Student Services before officially approv-

ing the pilot program. But he has indicated he favors the trial.

Dr. John Koldus, vice president for student services, plans to discuss final recommendations next week with a committee of people the shuttle would affect. The Texas A&M Student Senate approved a resolution requesting the test and supplied reports on the need for the inter-

nal shuttle two weeks ago.

The proposed route traces the perimeter of the campus, with three buses traveling in one direction and three more in another. Time between buses at each stop would be about 10 minutes.

"I'll schedule a meeting Tuesday and we'll talk out the proposition in regard to problems," Koldus said Wednesday afternoon. "A package of things needs to be put together before taking it officially to the president."

Texas Transportation Enterprises, Inc., (TEI) will be able to supply seven 45-passenger buses if notified by Dec. 1, Koldus said. Texas A&M contracts with TEI for the existing shuttle service.

The committee will discuss the number of buses, any route changes needed, location of bus stops, safety and funding. The Student Senate resolved that funding should come from student service fees.

"I'll incorporate whatever comes out of that meeting in the proposal to the president," Koldus said.

Committee members will include E. C. Oates, chairman of the shuttle bus operations committee; Eugene Ray, director of grounds maintenance; Tom Parsons, director of security and traffic; students working on the project and possibly others, Koldus said.

## Funeral services held for Cain, 86



Wofford Cain  
... a major benefactor

Funeral services for Wofford Cain, 1913 Texas A&M graduate who became one of his alma mater's major benefactors and was a former member of its board of regents, were to be held this afternoon in Dallas and Athens.

Mr. Cain, 86, died in a Dallas hospital early Wednesday morning after a long illness.

Services were scheduled for 1

p.m. at the Sparkman-Hillcrest Funeral Home chapel in Dallas, followed by 3:30 p.m. graveside services at Athens City Cemetery.

The Singing Cadets, Texas A&M choral group, were to participate in the Dallas services at the request of Mrs. Cain.

A delegation of top Texas A&M officials, headed by Board of Regents Chairman Clyde H. Wells and Regent H. C. Bell, planned to attend the services.

Mr. and Mrs. Cain provided support for several Texas A&M projects, including major financial assistance in the construction of the library, athletic dormitory and Olympic swimming pool. The latter two facilities bear his name. The couple also sponsored more than 100 scholarships here.

He was a 1964 recipient of the University's coveted "Distinguished Alumni Award" and served on the Board of Regents from 1965 until 1971.

The Athens native was chairman of the board of Aztec Oil and Gas Co. and Southern Union Gas. Co.



Battalion photo by Janet Peterson

### Hi, there

Pearl, a boa constrictor owned by Kim Cluff, greets Jo Ella Dixon at a meeting of the Herpetology Club held Tuesday night. Most of the club

members have brought their pet reptiles and amphibians home for winter hibernation, but Pearl is still attending weekly meetings.

## City, school district disagree

# Property estimates differ

By MARK POWER

Doors were closed to the public for more than two hours Wednesday night while the College Station City Council met to debate purchasing land from the A&M Consolidated School District.

Joseph Natowitz, representing the school district, appeared before the council with a proposal for the sale of two tracts

of land. One was on Holleman Street near the Sevilla apartments and the other was the old Lincoln Center.

Natowitz proposed trading the two properties for a proposed school site in the Southwood Valley subdivision valued at \$150,000, plus an undisclosed site for a maintenance operation valued at \$15,000.

"I am here to ascertain the level of

interest the city has about acquiring these properties," said Natowitz. "We want to give the city the first option on these lands."

The Holleman street property has been appraised by one source for the school district at \$143,000, while Lincoln Center was valued at \$80,000.

Councilman Gary Halter balked at the estimate for the Holleman street property, saying that was too much to pay for a ballpark.

"My interest in the Holleman property has certainly declined," Halter said. "At those prices, my only interest is the Lincoln Park."

The council agreed with Halter, and the Holleman street property was dropped from consideration even though they had previously considered building a community center on the site. Mayor Lorence Bravenc had the council agree to explain the veto of purchase to the public at the next regular meeting.

Serious debate followed consideration of purchasing Lincoln Center. Council members had conflicting viewpoints about past arguments with the school board over selling the center.

Councilman Jim Dozier maintained that the school board had agreed verbally to hand over title to the center if the city would assume debts for the property.

"The original agreement was a gentleman's agreement that we could have the facilities for the debt," Dozier said.

"That's ridiculous," said Councilman Anne Hazen when Dozier offered his opinion of the agreement. Hazen maintained there was no agreement because Dozier could not produce a written document.

Bravenc agreed with Dozier, though he noted the estimates of the property value had increased since he last reviewed them.

Halter seemed more concerned about paying a fair price for the property than arguing over old agreements.

"We have used the facilities and maintained them through a mutually satisfying agreement up to this point. Now the school board wants to stick us with these prices that might be unfair," Halter said.

"Any equal value judgments affecting the price should include the past maintenance costs the city has incurred."

Councilman Lane Stephenson suggested including the proposed merger of the school district tax office and the city tax office in any agreements made with the school district toward purchasing the property.

Dozier immediately protested any discussion of the merger or inclusion of the merger in any agreement.

He cited a history of attempts by the city to purchase the property which were foiled by problems surrounding the two tax offices.

The council then reached an impasse over buying Lincoln Center, and went into closed session at Hazen's request to discuss the proposed purchase price.

Dozier was opposed to the closed session, saying that the session might be in violation of the Open Meetings Law. He left in protest while the council discussed the matter.

Two hours later, council emerged with a counter-proposal, offering the school district \$60,000 for Lincoln Center with additional services in consideration.

Included in the offer was a stipulation that the city take over heating cost of the center's swimming pool. Dozier was the only councilman opposed to the acquisition.

In other business, council passed a resolution asking the Department of Agriculture to postpone any action that would move the Agricultural Stabilization and Conservation Services office from here to Temple. The council opposed the move for a variety of reasons, citing the advantages of being located near other national agricultural offices and related agencies.

## May be hazardous

### Midnight yell practice: an abused tradition?

By CAROLYN BLOSSER

Midnight Yell Practice, one of Texas A&M's most popular traditions, may also be one of the most hazardous and abused traditions.

Ideally yell practice is a time when as many as 20,000 Aggies gather in mass to promote school spirit and unity. However, for some students it is a convenient time to get drunk and raise hell after a long week of studying.

Although no one is supposed to walk on the football field during Midnight Yell, it has become somewhat of a challenge to see who can dash across without getting caught by the cadets guarding the field.

Unvariably during each yell practice someone attempts to run across the field. He is usually tackled by cadets, roughed a little, and then escorted off the field.

These scuffles usually result in a few minor bruises and cuts, but a member of the Aggie Band was seriously injured in such an incident three weeks ago at the yell practice preceding the game against Southern Methodist University.

Robert Fields, a junior from Humble, dislocated two cervical vertebrae in his neck when he tackled an unidentified student who ran on the field.

Although X-rays revealed no actual fracture or bone chips, this type of dislocation is commonly called a broken neck.

Dr. Claude Goswick, director of A&M's Health Center, said Fields was lucky he wasn't paralyzed.

"Anytime you get a dislocation of the cervical spine, you risk damage to the spinal cord," he said. "He was very, very lucky."

Fields was kept in traction for two weeks in a Houston hospital to relocate the cervical vertebrae. He will spend at least another four weeks in a neck brace.

Fields said in a telephone interview Tuesday that the accident was his own fault because he was not one of the ones responsible for guarding the field.

"If anyone was to blame, it was me," he said. "I shouldn't have tried to tackle him. There are people out there supposed to do that job. I took it upon myself to stop him and I shouldn't have."

The main reason people are kept off the football field during yell practice is to protect the field for Saturday's game, explained Joe Hegar. Hegar is captain of the band's bass players, who are responsible for guarding the field. He said the as-

trouturf is highly flammable and could easily burn within minutes.

"You can't distinguish between those persons who might hurt the field and those who won't," he said. "We have to keep everyone off."

Hegar said the main problem with enforcing this rule is trying to handle the people who run on the field while they're drunk.

"Everyone's getting on us for hitting them, but we have no alternative," he said. "You can't control someone who is fighting and drunk without using force."

Hegar said some students abuse yell practice by bringing liquor into Kyle Field, which is against Texas A&M University regulations. He said he feels the true meaning of yell practice is sometimes lost.

"I think people should be sober as Midnight Yell Practice," he said. "Throwing up in the bleachers and drinking beer in Kyle Field does not promote spirit."

Another popular trend of Midnight Yell is trying to break into the band during its march over to Kyle Field. It seems to be "good bull" to try to steal a band member's helmet ("white pot"), belt or other part of his attire.

Editor's note: Yell Practice will be held tonight at 7:30 in the Grove. Friday's Midnight Yell Practice will be at the Whiskey River Club on Forest Park Boulevard in Fort Worth.