

Senators break silence on closed session

\$100,000 will go to women's athletics, but where's it coming from?

By DILLARD STONE,
ANDY WILLIAMS,
and LOUIE ARTHUR

Battalion Staff
During a closed session Wednesday night, Texas A&M University's student senate passed a bill that recommended giving the women's athletic program \$100,000. University officials and senators say the money will be paid into a certain account, but won't say who is paying it. Texas A&M President Jarvis E. Miller said Thursday night that the money would be allotted from the student service account. That account's funds are ordinarily

generated by a \$33.50 fee that all students are required to pay.

However, when asked whether the student service fee will be the source of the \$100,000, Miller said, "I'm not prepared to answer that."

But one student senator said, "All we did was OK the transfer of this money. The administration will come up with the money," the senator said.

"President Miller is going to deposit the money in the student services account. We, in turn, will allocate that same amount to the Athletic Department."
"I don't agree with it. I didn't vote for it."

I'm sorry that the senate had to have anything to do with it."

Several other senators confirmed the information.

George Black, student vice president for finance, said Tuesday the Athletic Department

See related editorial, page 2

ment originally approached Miller with a \$150,000 deficit — a deficit caused by the cost of implementing Title IX guidelines. Title IX sets the Department of Health, Education and Welfare's anti-sex discrimination rules for educational institutions.

The department was told to find \$50,000 on its own, and that "other sources" would make up the rest, Black said.

Black was asked to initiate student senate legislation to remedy the situation.

"I introduced that bill at the request of Dr. Miller," he said. "It was not a request of the Athletic Department."

Black's initial proposal, first read March 5, recommended a student service fee increase of 50 cents.

The senate rejected that bill.

In the closed session Wednesday, Black moved to amend the original bill. The revised version allocated \$100,000 to the

Athletic Department. One senator said this proposal "would not cost students a cent."

The money is being channeled through the student service account as a tactic "to maintain some political leverage" with HEW, Miller said. The move is being made in case HEW decides the University is not abiding by its requirements regarding funding of women's athletic programs.

University officials hope using money from this account will broaden the base of responsibility in the event of HEW action.

"This will make it a little easier, knowing that 30,000 students and their parents are involved as opposed to one administra-

tion," Miller said.

"Our interpretation is that we are in compliance with Title IX," Miller said. "We're trying to keep our options open in dealing with a problem that may or may not arise in the future."

"Those guidelines are vague, they are unclear, and there's no way an institution can tell if it's in compliance," he said.

He said many institutions have been paying for their women's athletic programs through student service funds.

Dr. John Koldus, vice president for student services, must approve the bill. It will be presented to him Monday.

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SG is immune to meetings law, attorney says

By RUSTY CAWLEY

Staff Writer
Texas A&M's student senate apparently is free to close its meetings to the public at will, the chairman of the state attorney general's opinion committee said Thursday.

Bob Heath, chairman of the committee, said he knows of no attorney general's opinions that require a student government to abide by the state's open meetings law.

"You would have to prove that the student senate is a board or commission within the executive or legislative branch of the state government," Heath said. "I think you would have a difficult time doing that."

The student senate closed a session Wednesday night while senators debated a proposal to give the athletic department money from the student service account. The move is intended to help prepare the university's defense in the event of possible federal anti-sex discrimination action.

Before the closed session began, speaker Van Winkle rushed a bill through the senate allowing the members to close any session if two-thirds of the senate voted to. Van Winkle and student body president Bonnie Kapavik signed the measure immediately after it was passed.

The Texas Open Meeting Law requires governmental bodies to debate all issues in a public forum unless the issue involves pending litigation, land purchase, or personnel.

The law also requires the body to publish notice of a closed session in the meeting agenda and to state specifically why the body must discuss the issue out of public view. The student senate ignored both of these requirements.

Senators argued with Battalion reporters over the legality of the situation. They held that the senate, since it has no final authority, is not covered by the open meetings law.

Heath agrees.

"I really doubt that they are covered,"

Heath said. "If they were, they would have to file an agenda with the secretary of state and publish it in the Texas Register. To my knowledge, no student government does that."

Hath said Chancellor Frank Hubert may request an attorney general's opinion on the matter, or The Battalion may request one through the office of Brazos County district attorney Travis Bryan III.

Battalion editor Roy Bragg said Thursday that the paper intends to pursue the issue. The Battalion will ask both the chancellor and the district attorney to request an attorney general's opinion, he said.

"We believe it is the responsibility of a free press to demand openness of government, at whatever level," Bragg said. "Since there are apparently no legal precedents for this, we intend to see that one is established."

Bragg also said that The Battalion will request all information relevant to the closed session, under the Texas Open Records Law. That law appears to apply more strictly to student government than does the open meetings law, he said.

Payroll cuts behind goal, — Clements

United Press International
AUSTIN — Gov. Bill Clements said he never expected it would be easy to reach his Aug. 31 goal of cutting the state employee payroll by 5,000.

And he conceded Thursday the reduction plan is behind schedule and will be hard pressed to meet the deadline.

"I admit I have set a tough goal. I see no point in setting an easy goal then beating your breast when you reach it," he said. "If we fall a little bit short, we fall a little bit short, but we have set ourselves a difficult course. This is a real hurdle."

Clements said he would have liked to be able to show a reduction of 3,000 to 4,000 state workers at this point, but he told reporters Thursday, "We have a net reduction at this point of something less than 1,000 full-time equivalents."

"We're still making progress, but I have to admit we're not making the progress I would have liked and I told the agencies so."

Clements said he met earlier in the week with the heads of the 12 largest state agencies and he was encouraged by their attitudes toward his government effectiveness program.

He also reminded reporters that while the actual reduction in the number of workers at this point is less than he had hoped, his program has broken the cycle of continuing growth in the size of state agencies each year.

"The remarkable thing is that by all this talk and everything there has been no growth whatsoever this year, and that breaks a 10-year cycle," the governor said.

On other topics, Clements said:

— He has written Texas congressmen soliciting their help in retaining funding for the Law Enforcement Assistance Administration. President Carter proposed to halt the federal anti-crime aid to states as part of his budget cutting plan, and Clements said the move was evidence of indecisiveness on the part of the president.

— In January he was saying let's increase this by \$87 million. Now he's saying let's cut out a \$500 million program. This is another one of those crazy zig-zag decisions of his. You can't be right both times.

— The U.S. Census Bureau should count illegal aliens in Texas during the 1980 census, but the illegal aliens should not be counted by the 1981 Legislature when it begins redrawing the state's legislative and congressional districts according to population.



Ready for anything

Students who braved thundershowers to attend classes at Texas A&M University Thursday took along every conceivable fashion of rain protection. This young lady, entering the

university's chemistry building, should be virtually waterproof with her parka, umbrella and rubber boots.

Battalion photo by Lee Roy Leschper Jr.

Texas beaches ready for people, but not for the creatures of the sea

United Press International
Since the announcement in Mexico City this week of the capping of Ixtoc I, the runaway Gulf of Mexico well that produced history's worst oilspill, people hoping for a surfside vacation may have wondered if south Texas beaches will be free from oil this spring and summer.

Up and down the coast, tourists are being invited to come on in, the water's fine — give or take a few football field-sized tar reefs and an occasional washup of footstaining tar balls.

The word from the Coast Guard's chief oilspill battler, from the government's leading oilspill scientist and from an area tourism director is that water and beaches should be fine for people.

But shellfish, birds, turtles and other creatures dependent on a clean, stable ecology may want to reconsider.

Scientist John Robinson says the Commerce Department spent \$1.5 million to examine the effects of 130 million gallons of unwellcome oil, only to "fold up our tent and go home" before the answers were known. Capping the well after nine months did not signal an "all clear" for marine life, he said from his Boulder, Colo., National Oceanic and Atmospheric Administration office.

"I don't think those things (tar reefs) pose any real problem for a tourist," Robinson said. "They can be avoided and a lot of the time they're covered up. They extend from 14 miles north of Port Aransas all the way down to the border."

"They're alternately covered and uncovered (by sand) and don't represent all that great a threat of contamination, which is not to say animals should not be worried about them. I think they represent a substantial source of continued contamination of the water at low levels and that is enough to cause strange things to happen."

"With low concentrations of oil you get sub-lethal effects, not a bunch of fish dropping dead, but changes in behavior, in reproductive processes, feeding habits, and

those changes begin to cause more serious things to occur. If a fish is not behaving the way it normally does, then it upsets the predator-prey relationship.

"Very low levels are enough to alter the way animals behave. Then that magnifies up the system and you get huge numbers not doing what they're supposed to do, like reproducing themselves."

Robinson stressed that the effects of oil on the marine environment should not be judged by clean beaches.

"There were 3 million gallons of oil on Texas beaches that we were able to see," he said. "How much came in as dissolved oil in water or subsurface particles of oil, we'll never know. We could see and touch 3 million gallons."

"What have we got beyond the tar reefs, which are something we can find? We'd like to get out and see what the bottom looks like 10 miles out. But we don't have a ship."

No ship, no more money and no answers, all of which South Padre Island tourism director Ralph Thompson deems appropriate.

"Robinson made some self-serving statements about longterm effects," Thompson said. "He's obviously disappointed that they have not gotten the appropriations they hoped for to assess the problems. Some statements NOAA made were a bit alarmist for their own purposes."

"I don't see any evidence to indicate anything as significant as he described. It's a matter of who to believe and what their motives are."

Thompson said South Padre Island, the city and the once pristine barrier island, have taken enough undeserved lumps.

"I can speak for myself and the business community when I say the effects of the spill were minimal compared to the damage from media coverage, much of which regrettably was exaggerated. The publicity hurt us far more than the oilspill itself," he said.

The local hurt totaled \$20 million,

Thompson figures, based on comparative sales tax revenues for the previous year.

"For a city the size of South Padre Island, that's pretty substantial," he said.

He said national publicity about the capping of the well would give his community a timely boost and lend credibility to advertising that the beaches are as good as ever.

Coast Guard Capt. Gerald Hinson

directed the federal effort at minimizing the spill. When the well was plugged, he sent the last federal scientist home in compliance with the Coast Guard's role and funding authority.

Probably more than anyone, Hinson had to balance the cries for attention from the tourist industry and scientific community.

Judge looks at schools for illegal alien kids

United Press International
HOUSTON — Texas' refusal to provide public school funds for illegal aliens is subjecting Hispanic children to the same injustices blacks historically endured in the South, a lawyer said in final arguments of a landmark civil rights case.

Peter Schey, speaking Thursday for plaintiffs challenging the constitutionality of a 1975 Texas law, said the statute perpetuates willful discrimination.

He dismissed claims by officials of the Texas Education Agency and assistant state attorneys general that overturning it would create fiscal or logistical problems.

U.S. District Judge Woodrow Seals, who heard six weeks of testimony without a jury, said he would try to reach a decision in three months.

Allowing school districts to charge illegal alien children tuition, Schey said, puts them in a situation comparable to that of blacks "in the South some years ago when they were taxed and their children were not educated."

The result, he said, was "a windfall for the education of Anglo children."

Schey said even if the highest estimated number of undocumented children — 120,000 — entered Texas schools, the state "would still be left with a (budget) surplus of \$228 million."

California educates its illegal alien children and Texas' refusal to do so "perhaps ranks (it) No. 1 in its exploitation and utilization of foreign labor," Schey said, adding that the state ranks "fifth in wealth and 42nd in education."

An opposing lawyer for the state argued illegal aliens have no constitutional right to free education.

"Education is not a fundamental right unless it is absolutely denied," said Susan Dasher, an assistant state's attorney general.

She ridiculed the Justice Department's intervention in favor of the plaintiffs.

"I get hot when I consider the federal government's participation in this case," she said. "I remember that the federal government failed to prosecute a border guard for fatally shooting an illegal alien. Why? Because he didn't exist."

Other categories were strongest...

Even a teaspip could make it...

By Call Weatherly

Battalion Reporter

Other categories were strongest...

TM, RFL, SHV

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