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The 'sheik' way to watch tennis

A spectator at the first Bryan-College Station Tennis Tournament takes cover from the blistering weekend sun. For results

from the tournament, held last Friday-Sunday at Texas A&M, see page 5.

Staff photo by Lee Roy Leschper Jr.

Federal judge dismisses portion of Zentgraf suit

by BECKY SWANSON

Battalion Staff

Portions of the sex discrimination suit filed by former cadet Melanie Zentgraf against Texas A&M University last year have been dismissed by U.S. District Judge Ross Sterling.

In a memorandum filed June 4, Sterling ruled that monetary damages cannot be awarded in the case unless approved by the Legislature since the University is related so closely to the State of Texas as to be a part of the state.

However, Zentgraf does have "cognizable" claims under the equal protection clause of the 14th Amendment of the U.S. Constitution, Sterling said.

In the 18-page ruling, Sterling also said he would consider the University's plea for exemption from Title IX. The University contends the Corps falls under an exemption granted organizations whose purpose is to train military personnel.

Title IX is the federal government's regulation prohibiting sex discrimination in institutions receiving federal funds.

The class-action suit, filed by Zentgraf on behalf of herself and other female cadets at Texas A&M University, charges that Texas A&M University; Dr. Jarvis E. Miller, Texas A&M president; Dr. John J. Koldus, vice president for student services; Col. James R. Woodall, commandant of the Corps and Robert J. Kamensky, then Corps commander, violated federal and state statutory and constitutional provisions by excluding women from several Corps-affiliated organizations.

The suit names the Ross Volunteers, Parsons' Mounted Cavalry, the Aggie Band, Rudder's Rangers, the Fish Drill Team and the Brigade Color Guard as organizations women are excluded from.

The suit also maintains "that Defendants have declined to implement non-discriminatory policies

towards women and that Defendants have perpetuated discriminatory practices and encouraged harassment of the female members of the Corps of Cadets."

The Justice Department originally would have had to defend Woodall in the suit, since he is a federal employee. However, in November 1979, the department arranged to have Woodall dropped as a defendant so that it would be free to intervene in the case on Zentgraf's behalf.

Sterling ruled that the University was created by the State, is governed by appointees of the gov-

ernment and that Defendants have perpetuated discriminatory practices and encouraged harassment of the female members of the Corps of Cadets."

The defense requested an exemption from Title IX under a federal statute which establishes an exemption for any educational institution with the primary purpose of training individuals for the military services of the United States.

Sterling said, "The statute provides that in instances where an institution is composed of more than one school, college, or department, which are administratively separate units, each such unit is considered to be an educational institution."

"To qualify for exemption ... the Corps of Cadets of Texas A&M University must meet the following prerequisites: (1) the Corps must qualify ... as an educational institution within the University; and (2) the Corps must have the primary purpose of training individuals for the military services of the United States."

Sterling also invalidated a Justice Department request to compel the University to comply with a federal statute requiring that any "military college," in order to maintain that designation, provide qualified female undergraduates the opportunity to receive military training. The judge said the statute in question conferred no powers upon the Justice Department.

Sterling said although the statute requires enrollment of female cadets, the regulation only requires non-discrimination "with respect to admission to the institution ... on the basis of race, color, or national origin," providing "no basis for specific enforcement" with reference to sex.

Sterling also said he interpreted a defendants' motion as a request for partial summary judgment, and gave all parties an additional 45 days to submit all material pertinent to such a motion.

Sterling also invalidated a Justice Department request to compel Texas A&M to require female undergraduates the opportunity to receive military training.

ernor, and therefore the State is the party at interest in the suit.

The 11th Amendment to the Texas Constitution prohibits the award of monetary damages in federal court against the State or its agencies, unless the State has consented, Sterling said.

Koldus said it was his understanding that Zentgraf can still pursue monetary damages against the individual defendants, but negligence of constitutional or statutory law would have to be proven.

Sterling ruled that "to establish personal liability, (a plaintiff) must demonstrate that the official in question knew or should have known that the ac-

Churchgoers believed assault 'another program'

United Press International
MINGERFIELD — Dressed in combat and armed with four guns, former teacher Alvin Lee King III brought war to the First Baptist Church, where he had sought character witnesses for an incest trial, police say.

King is accused of killing five people and wounding 10 others in the Sunday morning attack on the congregation. King underwent surgery Monday at a Galveston hospital for a head wound: the last shot he fired came on the lawn of a fire station and was directed at his head.

King, 45, burst into the church auditorium Sunday morning, announced "this is war" and opened fire with an AR-15 rifle, police said. Many of the worshipers first thought King was part of skit to dramatize King's sermon, similar to a program last year when some of the church's teen-agers dressed as Nazis and pretended to invade the church.

King's appearance was no act and a 7-year-old woman and a 7-year-old girl were killed before he could be wrestled out of the building.

Police on the front lawn King pulled a .45-caliber pistol, officers said, and killed two men who had tried to subdue him. A person died hours later in a nearby hospital, and 10 others were wounded in a wild outburst, which lasted less than a minute.

King then went across the street to a fire

station and shot himself in the head. He was sent in stable condition to a Tyler hospital, where his wound, a slight graze, did not require immediate surgery.

Police Monday continued interviewing residents and King's wife to learn more about his motives and determine where he obtained his arsenal.

Dan Gilmore, a minister and music education director at the church, said church officials had no explanation for King's actions.

However, Morris County Attorney Bill Porter said King, described by a former student as an atheist, had asked several members of First Baptist, the largest

"...he had pulled a pistol and I started crawling for the stairs."

church in the town of 2,600, to testify in his behalf at his incest trial, scheduled to begin Monday in nearby Sulphur Springs.

King, who once taught at Daingerfield High School, was indicted in October 1979 in a 1977 incest incident involving his daughter, who was then 18.

"I had heard that he had approached several members of the congregation and asked them to testify," Porter said. "I know of one incident specifically where the per-

son said they wouldn't (testify). I don't know if anyone had agreed to be a witness or not."

King's wife, Gretchen, said he tied her up and left the house Sunday about 9 a.m. without hurting her. He showed up at the church at 11:20 a.m., in the middle of the congregation's second hymn, wearing Army fatigues, a helmet and a bulletproof vest. He was armed with an AR-15 with bayonet and scope, a bayonet-equipped M-1, a .22-caliber pistol and a .38-caliber pistol.

Church member Chris Hall, who had been in King's math class about eight years ago, was seated in the back of the auditorium, where King entered.

"He opened the door with his gun and it made a loud noise when he did it," Hall said. "Immediately he started firing. He got off about six shots before I could get a hold of the gun."

"I wrestled him back to the lobby and got the gun (the rifle) from him but lost my balance and fell back," Hall said. "I looked up and he had pulled a pistol and I started crawling for the stairs."

All three shots at Hall missed but two men who rushed to his aid were killed.

"Last year the preacher was going to talk about communism and religion and before the sermon started, a bunch of men wearing uniforms came bursting into the sanctuary," said Arthur Greaves. "So this time we just thought it was another program."

Western leaders produce energy accord at summit

United Press International
VENICE, Italy — Western leaders agreed Monday on a new strategy to decrease dependency on oil over the next 10 years and to develop new sources of energy — including the nuclear field. This strategy requires conserving oil and substantially increasing production and use of alternative energy sources, the leaders of the United States, Canada, Japan, Britain, France, Italy and West Germany said in a joint declaration ending their two-day summit.

The allied leaders, who canceled their final afternoon meeting because they finished their work early, expressed skepticism Monday about a Soviet pledge to withdraw its troops from Afghanistan.

President Carter called the Soviet invasion "a profound challenge."

As part of their new plan, the seven nations called for doubling energy production by the early 1990s and expanding nuclear energy production, while indirectly calling on the United States and Canada to increase domestic fuel prices to the world level.

The allied leaders said the reduction of inflation "is our immediate top priority," even at the cost of increased unemployment and other difficulties.

Their joint declaration said boosting prices should be used wherever possible as the best means of limiting demand for energy.

"The economic message from this Venice summit is clear," the

communiqué said. "The key to success in resolving the major economic challenges which the world faces is to achieve and maintain a balance between energy supply and demand at reasonable levels and at tolerable prices."

"The 1970s were turbulent but the 1980s might be even more challenging," Carter told reporters after the summit. "Our freedoms are at risk."

The president, who was scheduled to leave today for Yugoslavia, the next stop on his eight-day European trip, spoke of the world's "enormous coal resources" which he said were six to eight times greater than its oil resources. Both he and others expressed confidence the energy-economic growth link could be severed.

British Prime Minister Margaret Thatcher said the purpose of the new energy plan was "to reduce our dependence on oil and make ourselves less vulnerable to the acts of others."

Despite a summit document condemning diplomatic hostage taking, there was no specific mention of Iran or the 53 American hostages held there for 234 days. Conference sources said Carter wanted to avoid naming Iran because he preferred to keep the situation low key and because it was felt accusing Iran would weaken the hand of moderates there.

The allied leaders also agreed not to build any oil-fired electrical plants save in "exceptional circumstances" and encouraged such existing facilities to switch to other fuels.

They also pledged to speed up research for fuel-efficient vehicles by increasing the price of gasoline, introducing new taxation policies and improving public transportation.

A&M's first grad

Navasota man researches the life of Will Brown

by DEBBIE NELSON

Battalion Staff

When William Harrison Brown became the first titled graduate of the Agricultural and Mechanical College of Texas 100 years ago, he couldn't have anticipated the Navasota mayor naming a day in his honor or his Victorian home sporting a Texas Historical Marker.

In 1880, Brown was the first titled graduate of Texas A&M, Bob Pierson says, as he was the first student to complete a full four-year degree program after the school's 1876 opening.

Pierson, who purchased Brown's old home in December, has done extensive research on Will Brown and his 1884 residence. Currently Pierson is completing the paperwork for a Texas Historical Marker application. He hopes to have the marker granted by next year.

Navasota Mayor Artie Fultz Davis signed a proclamation several weeks ago naming June 23 as "Will Brown Day," in honor of the 100th anniversary of their former resident's graduation from Texas A&M.

Pierson, although not an Aggie himself, takes pride in researching his home's former owner. Pierson talks of Brown as if they were close friends.

After Brown graduated from Texas A&M, Pierson said, he obtained a law degree in St. Louis. Brown returned to his hometown to establish a law practice and later became the Navasota postmaster.

Pierson said Brown, "a regimental sort," was a well-known, unique, figure in Navasota.

"He built his own coffin and stored it under his bed," Pierson said. "He really kept it under his bed and stored corn in it. Later he moved it and stored it in the barn."

"But he was buried in it when he died. Someone will probably make an Aggie joke out of that."

Although no special events were scheduled in Navasota for Monday's first "Will Brown Day," Pierson said Brown had established a tradition of staging special events on his property. Pierson would like to see the tradition re-established.

For example, every Fourth of July Brown invited the whole town to a picnic. Parades began on Brown's property, proceeded downtown and ended back at the Brown house. Circuses in Navasota also were set up on the Brown land.

Several sources agree Brown was indeed the first graduate of Texas A&M.

An 1879-1880 Texas A&M catalogue lists 1880 graduates, with Brown first, followed by the only other graduate in his class, Louis John Kopke. Both were civil engineering majors. The only apparent reason Brown was the first graduate rather than Kopke was that Brown's name was first alphabetically.

However, Texas A&M history professor Dr. Henry Dethloff said he is "further than satisfied" Brown claims the title, if only because his name appears first in

several publications. Dethloff has written a two-volume history of the University.

Dethloff said both graduates gave commencement addresses to the approximately 500 cadets enrolled at Texas A&M at that time.

Grades for the two graduates don't exist, Dethloff said, to determine which of the two was the best student.

The Association of Former Students has presented Pierson with a letter recognizing Brown as the first Texas A&M graduate. Brown was a founding member of the association, also established on his graduation day.

Pierson said Pam Puryear, a historian, is helping find information for the historical marker application. Puryear has helped obtain markers for several other Navasota buildings.

Pierson began actively researching Brown's history when the home was in the Navasota Nostalgia Tour last April.

"I wasn't happy with anything anyone told me," Pierson said. "I wanted to find it in black and white."

He has Pierson's original graduation photograph of Brown in uniform, plus accounts from a Houston newspaper and the Collegiate, the Texas A&M student newspaper. He is now looking for an original copy of Brown's graduation program.

Brown's home looks relatively the same today as it did in 1884, except for a few modernizations like wiring, plumbing and a few coats of paint. Pierson plans to remove the carpeting presently on the floors to reveal the original, wide-boarded hardwood floors underneath.

The two-story Victorian home was given to Brown and his wife, Eliza Camp, as a wedding gift from her father, Malcolm Camp who "owned half of Navasota," according to Pierson. Because of its all-white exterior and gingerbread trim, Camp called the structure "the wedding cake house."



Will Brown was, according to Texas A&M historian Dr. Henry Dethloff, the first graduate from the Agricultural and Mechanical College of Texas.