

# THE BATTALION

Serving the Texas A&M University community

Vol. 74 No. 70  
10 Pages

Tuesday, December 9, 1980  
College Station, Texas

USPS 045 360  
Phone 845-2611

## The Weather

Yesterday	Today
High . . . . . 56	High . . . . . 50
Low . . . . . 36	Low . . . . . 42
Rain . . . . . 0.44 inches	Chance of rain . . . . . 90%

# GSSO case to go back to federal court

By LIZ NEWLIN

The Supreme Court Monday let stand a ruling that allows the Gay Student Services Organization to continue its suit against Texas A&M University. Monday night both groups said they intend to argue the case, which will finally be contested on merits instead of the legal points that have delayed it since it was first filed in February 1977. The high court refused to hear an appeal by the University in the case, which involves the GSSO's bid for official University recognition. Monday's decision means the case will go back to federal court, probably to Judge Ross Sterling's court in Houston, where it was originally filed. The Supreme Court refusal to hear the case is a judgement on the merits of the case; rather, it was the federal court does have jurisdiction, which is the point of law Texas A&M was contesting. James Bond, Texas A&M's vice chancellor for legal affairs and general counsel, said the case will probably come to trial sometime in the spring. "The case will be right back where it was three years ago — untried," Bond said. "Both sides will begin to do pretrial preparation." He said the merits of the case hardly came up before it was originally dismissed because of Texas A&M's objection. Texas A&M argued it could not be sued for money damages under federal civil laws. But Monday's action means the University can be sued for money damages.

Bond said Texas A&M now will file pretrial motions, including one that will ask the court to throw out the case because the original plaintiffs have graduated or moved away. A spokesman for the current backers of the suit, however, said Monday the case will continue. "Definitely we'll go on to the very end," said Ross Hancock, a vice president of Alternative. Alternative grew out of the GSSO, a student-only organization that still operates in the community. "If we've gone this far, we're not going to back out now," Hancock said. "I think the ruling was in our favor. We've got the money to continue." He said he thought Texas A&M's strategy was to delay the trial. "They're hoping to wear us into the ground until everybody graduates or we run out of money," he said. "We have a lot of former students who sent in money to keep it going. It's really important to them." So far the case has cost the group at least \$2,500, he said, which is relatively low for litigation that goes to the U.S. Supreme Court. The lawyers are not charging full fees, Hancock said. The GSSO still wants official recognition, he said, and the University still opposes that. Dr. John J. Koldus, vice president for student services, said Monday afternoon the decision does not mean the University will recognize the organization. "Basically it was a technical matter pursued by

## Chronology

The Supreme Court decision Monday is another addition to a long history of legal conflict between the University and the Gay Student Services Organization. Here is a brief synopsis of past action:  
April 1976 — GSSO asks for official University recognition;  
May 1976 — University denies recognition;  
November 1976 — Dr. John J. Koldus, vice president for student services, writes a letter explaining Texas A&M's position;  
February 1977 — GSSO files a federal civil rights suit;  
November 1977 — Federal district court dismisses the suit;  
February 1980 — 5th U.S. Circuit Court of Appeals sets aside the federal court decision, citing a 1978 Supreme Court ruling that says local governing bodies can be sued for money damages;  
March 1980 — Texas A&M appeals to the U.S. Supreme Court;  
December 1980 — The Supreme Court refuses to hear Texas A&M's appeal, opening the door to hearing the case on its merits in federal district court in Houston.

the group's request for recognition in 1976. The letter said Texas A&M regulations state the University can only recognize organizations whose goals are consistent with Texas A&M's philosophy and goals. The GSSO conflicts with those goals, Koldus' letter said. "Homosexual conduct is illegal in Texas," the letter said, "and, therefore, it would be most inappropriate for a state institution officially to support a student organization which is likely to incite, promote and result in acts contrary to and in violation of the Penal Code of the State of Texas." Koldus said another reason for denying the recognition is that the group wanted to provide services to students, including referrals, educational information and speakers. In the letter, he said, "Student organizations do not have the educational experience, the responsibility nor the authority to educate the larger public. The responsibility for the education of the students at Texas A&M University resides by law with the University administrative staff and faculty." Hancock said the two groups — GSSO and Alternative — do want to serve the community and especially help college students who are mixed up about their sexual preferences. "It's not an 'Oh, let's get together and have sex' group. . . . (But there's) the stigma of the name. That's why we went to 'Alternative.'" He said the groups answer questions and invite

speakers who explain different aspects of homosexuality, including some against it. In the original suit against the University, the GSSO said denial of recognition forced the group to find off-campus meeting spots, which was expensive and limited the number of persons who could attend meetings. Recognition would entitle it to use bulletin boards and campus facilities, as well as make it eligible for money from student service fees. Federal district Judge Ross Sterling in Houston dismissed the suit in November 1977. The decision was set aside by the 5th U.S. Circuit Court of Appeals. It held the Supreme Court had ruled in a 1978 decision that local governing bodies can be sued under federal civil rights laws for an alleged unconstitutional action if the action implements "official municipal policy." Local governing bodies include universities, the appeals court concluded. Texas A&M appealed the ruling to the Supreme Court, arguing the appeals court decision was in error and conflicted with other rulings. Lawyers argued that if Texas A&M — which "has no existence independent of the state" — can be sued under a federal civil rights law, then any other agencies of the State of Texas could be subject to the same type of suit. Lawyers for the GSSO opposed review on grounds the issue had not been finally resolved in lower courts.

# Scrap of 3 plants could be smelted

United Press International  
KNOXVILLE, Tenn. — The Nuclear Regulatory Commission has been asked to lift restrictions on tons of low-level waste at three federal atomic fuel plants so the scrap can be smelted and sold to make automobiles, frying pans, desks and coins. The proposal has raised the ire of several nuclear activists, who maintain the action signals the beginning of deregulation of low contaminated nuclear waste. NRC officials, in the draft environmental statement on the proposal, say the scrap could be smelted, sold and would pose little health hazard. They said the scrap contains radioactive residual uranium and plutonium, a radioactive by-product of the enrichment process. But anti-nuclear foes, such as Jeannine Honicker of Nashville, and two professors at Penn State, said Monday NRC officials are misleading the public by not presenting accurate figures on the danger. They also claim the action will lead to nuclear waste products being dumped in landfills. "When you are through with the frying pan you are going to throw it away and it is going to end up in a landfill," Honicker said. The 31,000 tons of nuclear waste in question is stored at three Department of Energy enrichment centers at Oak Ridge, Tenn., Paducah, Ky., and Portsmouth, Ohio. Among the scrap is pipes, motors and other contaminated metals taken from the plants. The waste contains iron, nickel, copper and aluminum. Federal officials estimated the value at \$42 million. NRC regulations do not forbid the sale of the scrap now, but only to a firm or organi-

zation that is licensed to handle the materials by NRC. Federal officials told NRC the licensing restriction has kept firms from buying the scrap. "We could sell it now, but no one will buy it," Oak Ridge spokesman Wayne Range said. Jim Henry of NRC's Office of Standards in Washington said the stockpile of waste products consists of 16,000 tons of copper and 8,400 tons of nickel that could be recycled. "We were only asked to consider amending regulations and this report tells the public we are considering it," Henry said. "It is tentative." He said the chances of anyone getting cancer from contact with the radioactive compounds after they are smelted are one in millions. But critics of the report said the NRC health statistics are based on the amount of radiation a person's whole body would receive in a lifetime and not the bone dose, or the amount that could inhaled or taken into the body and eventually end up in the bones. "What it means is that low-level waste will be dispersed throughout the country without any control over it," said Dr. John Kepford, professor at Penn State. "No one will be able to hide." Dr. Judith Johnsrud of Penn State said the real fear in the proposal is that it signals the beginnings of de-regulation of low-level waste. "The NRC's solution to low-level waste is simply ignore it," she said. Both said the lifespans of the residual uranium and technetium are hundreds of years.



Staff photo by Jeff Kerber

You can't take it with you

This armadillo, who obviously let a drinking problem get the best of him, was found on the fairway of the 18th hole of the golf course.

# John Lennon shot to death

United Press International  
NEW YORK — Former Beatle John Lennon was shot to death Monday night in front of his home in New York City. Police apprehended a suspect at the site of the shooting, identified today as Mark David Chapman, 25, of Honolulu. Police said Chapman had apparently been stalking Lennon for days and had asked for Lennon's autograph a few hours earlier. Lennon, 40, was shot five times in front of his home in the Dakota cooperative apartments on Central Park, as he stepped out of his limousine after a recording session late Monday. His wife, Yoko Ono, was with him but was not hurt. Chapman, police said, was waiting in the courtyard, where the Dakota permitted fans of the ex-Beatle and other celebrity residents to congregate. As Lennon left his car, police said Chapman approached him, calling out, "Mr. Lennon?" He drew a .38-caliber gun from his coat, crouched down in a combat stance and fired five times, they said. Lennon staggered about six steps to a small guard's office at the entrance of the building. "Tim shot," he moaned, and fell face down. While the doorman summoned police and doctors, witnesses said, Chapman waited calmly. They said he dropped his gun, which a guard kicked aside and saved for police. "Do you know what you just did?" the doorman asked Chapman. "I just shot John Lennon," the gunman said. Born in the back streets of Liverpool, England, of a

porter who abandoned his family, Lennon rose to become one of the most influential rock musicians of the '60s, known the world over. His last album with the Beatles was "Abbey Road" in 1969. Chapman had reportedly arrived in New York about a week ago, and had been seen hanging around the Dakota, a traditional pilgrimage stop for all Beatles fans in the city. Monday afternoon, police said, Chapman got Lennon to autograph a copy of his latest album, "Double Fantasy," which features on its cover a picture of Lennon and Miss Ono in front of the Dakota. Police, not waiting for an ambulance after the shooting, carried Lennon to a squad car and, with his wife at his side, raced to Roosevelt Hospital. "Tell me it isn't true," Miss Ono screamed as the police car sped to the hospital, a police officer said. "Tell me he's all right." James Moran, an officer in the car, said the singer was bleeding badly from the chest.

"Are you John Lennon?" he asked over and over. But Lennon only mumbled and moaned. He was dead by the time he arrived at Roosevelt Hospital. A hospital spokesman said Lennon suffered seven wounds to the chest, head and arm. "It was impossible to resuscitate him," the spokesman said. As news of Lennon's death spread, radio stations across the country were besieged by calls from fans, asking if the news was true. Outside the Dakota, a crowd of more than 500 filled the street, holding up lighted matches and swaying as they held a spontaneous wake. "All we are saying," they sang, "is give peace a chance." Yoko Ono, in a statement issued by David Geffen, a record producer and friend of the couple, said, "John loved and prayed for the human race. Please do the same for him." With Paul McCartney, Ringo Star and George Harrison, Lennon, a rhythm guitarist, transformed rock 'n' roll, selling more than 250 million records and convincing a generation of teen-agers to grow their hair long. He and McCartney together wrote more hit songs than any composer in modern history. Lennon, never one to avoid controversy, once even said the mop-haired foursome was "more popular than Jesus." The Beatles were honored by Queen Elizabeth at a glittering Buckingham Palace ceremony in which she presented "The Fab Four" with the Order of the British Empire for their contribution to British music and the boost their records gave to the country's exports.

# Senior finals issue up before council

Instructors may have the option of giving graduating seniors final examinations if the Texas A&M Academic Council approves a proposed policy today. The council will view two University Regulations Subcommittee Report alternatives on final examinations in its 2 p.m. meeting in 601 Rudder. Alternative II for final examinations was approved by the Academic Programs Council in November. This would allow instructors to give graduating seniors a final major look-over — not the regularly scheduled final — on two conditions: 1) the scheduled exam must comply with the Registrar's schedule for submitting graduating students' final grades, and 2) all students of the course must be examined. Alternative I reads the same, except it does not require the look-over for students not graduating. If instructors schedule no examination for baccalaureate degree candidates, grades would be determined under the present policy of the semester average exclusive of final examinations. If adopted, the new policy will go in effect in Fall 1981. The council, composed of University administrators, department heads and faculty representatives, will also formally approve candidates for graduate and undergraduate degrees to be awarded December 12 and 13. Posthumous degrees are proposed for Robert W. Ellison, a senior petroleum engineering student who died in August, and for Gehrig D. Feuge, a senior geophysics major who died in June. **Board to select editor nominee** The Student Publications Board at Texas A&M University will meet at 7 p.m. tonight in Reed McDonald 301 to interview candidates and make a nomination for spring editorship of The Battalion. Two students have applied for the position. They are Dillard Stone, editor of The Battalion during the summer session and fall semester of this year, and Tim Sager. After the board decides on a nominee, the nomination then must be confirmed by the vice president of academic affairs, Dr. J.M. Prescott.