

State

Court upholds '79 decision

Rights could be violated

United Press International
AUSTIN — The Texas Supreme Court has affirmed a ruling that a person's political affiliation is fair game in a court of law as long as the person's lawyer is the first one to bring it up.

The high court Tuesday upheld a decision that a former Socialist Workers Party activist could not have a personal injury judgment overturned just because opposing attorneys brought up her politics.

In 1979 a Houston trial court decided Evelyn Sell's attorneys first injected politics into the case by asking prospective jurors if they objected to a person being actively involved in political activities.

Sell, her son Eric, and Katherine Stallworth had filed the personal injury suit against C.B. Smith Volkswagen, contending the company was negligent in not detecting and alerting Sell to improper tire wear on her 1-year-old car.

The tire blew out as the three were returning to Houston from a SWP convention

in Ohio in August 1972, leaving Sell paralyzed from the waist down and her son with serious brain damage.

A trial court in the case ruled in 1979 the auto dealer was not liable for the injuries to Sell, her son or Stallworth, who suffered a broken hip in the accident near Memphis, Tenn.

Sell was notified while she was recuperating from the auto accident that she had been dismissed as a Head Start program teacher in the Austin Independent School District. In 1976, she filed a lawsuit against the school district, contending her dismissal resulted from an FBI report given the district concerning her political activities.

In her appeal to the Supreme Court, Sell contended defense attorneys in the case should not have been allowed to solicit testimony concerning her political activities, and said the Judge Ruby Kless Sondock of Houston abused her discretion in the case by suggesting the jury could determine if Sell would be able to accept employment in

Texas public schools because a loyalty oath might conflict with her political beliefs.

"The orchestration of the questioning of Evelyn Sell by the respondents to elicit evidence regarding the political affiliation of these petitioners clearly was designed to prejudice the jury," her appeal to the Supreme Court said.

"If Evelyn Sell's allegations against the Austin Independent School District are proven true and she lost her job because of her political beliefs, her rights under the First Amendments to the U.S. Constitution were erroneously damaged. It would compound that injustice for this court to hold that Evelyn Sell's political beliefs could be used against her a second time, and this time in the very forum that is supposed to be the most sensitive to injustice.

"There can be no doubt but that the Socialist Workers Party had nothing to do with this lawsuit, and was injected solely to vilify the petitioners in the eyes of the jury."

Airline employees get pay cut to save company debt

United Press International
DALLAS — A decision by Braniff employees, made three months ago, to forego pay raises to help make the airline solvent again is paying off now in conversations between the air carrier and its creditors.

In March, the financially crippled airline went to its workers and asked them to tighten their belts or risk going under with the company. The workers accepted, and Braniff is now offering that acceptance to its creditors as a sign of good faith.

Braniff officials in New York are hoping for an extension on Wednesday's deadline to pay \$40 million in debt payments.

although Braniff executives at the time said they doubted the firm would be able to meet the deadline.

As part of the March agreement, company employees took a 10 percent pay cut, and Braniff chairman John Casey agreed to work for nothing.

First National Bank in Dallas, Braniff's chief Dallas lender, reported loaning Braniff \$32.4 million in revolving credit during 1980, and chipped in to an eight-bank agreement to loan \$17.9 million through Braniff's real estate subsidiary.

In addition, First National bought \$6.3 million worth of deferred stock in April 1980, and

agreed with other lenders last December to waive until next September a requirement that the airline maintain a \$175 million net worth.

Braniff ended last year with a \$101.5 million net worth and a \$583.7 million in long-term debt. It lists current assets as \$197.7 million and liabilities at \$341 million.

During the first quarter of this year, Braniff reported an operating profit of \$454,000, compared with a \$22.5 million operating loss the year before. But Braniff's huge debt — weighted at a 23 percent average interest rate — pushed Braniff into a \$24 million operating loss.

Police officials accused of cover up in Limestone county drownings

United Press International
AUSTIN — Rep. Ron Wilson, Houston said Wednesday he is convinced the Limestone county sheriff's office is directly responsible for the drowning deaths of three black youths arrested at a recent festivities at Lake Tia.

"I am here to report to you that I am firmly convinced Limestone County Sheriff's office is attempting to cover their mistake of being directly responsible for the deaths of Carl Ker, Anthony Freeman and Mike Booker," Wilson said.

The three men were arrested at the traditional celebration for alleged possession of marijuana. Police have said that handcuffs placed on the men were removed before they were transferred across the tiny lake in a small boat.

The boat capsized while enroute to shore and all three of the suspects drowned.

However, Wilson, who went to Mexia June 29 for a personal investigation, said he had spoken with "three or four" persons who saw the bodies of the young men recovered from the water with

handcuffs still on their bodies.

According to Wilson, at least one witness maintains that sheriff's officer found two of the bodies after the drownings, removed a single pair of handcuffs that bound them together, then dumped the bodies back in the lake.

Wilson said that according to the witness, the officers later returned and pulled the bodies out of the lake.

When asked why the witnesses did not testify before a special inquiry or would not allow their

names to be used Wilson said, "they're black and they're scared. It's that simple." Wilson said he would try to convince his witnesses to testify before a grand jury.

Wilson also announced that Attorney General Mark White had agreed to actively participate in the investigation at the request of Limestone County Attorney Pat Simmons.

Aid from the Justice department also will be sought, Wilson said, when he travels to Washington next week.

Court rules woman may sue employer

United Press International
NEW ORLEANS — A woman assaulted at work by her lover, a now employee, can sue her former employer for sex discrimination if the firm failed to take action against the man, a federal appeals court has ruled.

The 5th U.S. Circuit Court of Appeals Tuesday ruled K.O. Steel Stings Inc. of San Antonio discriminated against Linda Shodrook by firing her on July 21, 1976.

The woman's employment was terminated after she was injured by her lover, also an employee of K.O. Rohde, who had worked for the company for six years, was a retary and was engaged in an affair with Arnulfo Lopez, a cleaning foreman for K.O.

Company executives were aware of the relationship, the opinion on July 15, 1976 Lopez struck Rohde at her apartment and she was used from work the following day. When she returned to her job on July 17, Lopez again assaulted Rohde and the personnel director told to take off the remainder of the week in vacation days.

However, when the woman went to work on July 21, she was fired. During an evidentiary hearing, K.O. tried to present evidence, Rohde was a poor employee who was discharged on the basis of her record as a whole and that Lopez' record, in contrast, was meritorious," the three-judge panel wrote.

Lopez was never dismissed or disciplined in connection with the incident, the court said.

The appeals court upheld a lower court ruling that although the two not perform jobs similar to each other, they were entitled to equal treatment.

While analysis of differential treatment concerning pay scales is soundly and logically tied to a consideration of substantial equality of skill, effort and responsibility, those considerations are largely irrelevant to the establishment of disparate treatment by discharge," the justices wrote.

What is relevant is that two employees involved in or accused of the offense are disciplined in different ways."

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