

Ex-servicewoman to appeal in sexual harassment case

United Press International
FORT BRAGG, N.C. — A former military police officer says she will continue a legal battle to get \$800,000 in damages from four former superiors for alleged sexual harassment at Fort Bragg.

Kirstin Sender said Friday she will appeal the suit's dismissal by U.S. District Judge W. Earl Britt to the 4th U.S. Circuit Court of Appeals in Richmond, Va. "I'm determined to go through with it as far as I can," said Sender, who got out of the Army in May 1981 and now works in a San Antonio restaurant. "It's not just a case of sexual harassment but a matter of whether superiors can do whatever they want to you."

Sender sued the Army and four MP superiors in 1980,

claiming two officers made sexual advances and later punished her for rejecting the advances.

Britt dismissed the suit Oct. 29 on the recommendation of a U.S. magistrate who said members of the military have no legal right to seek monetary damages from superior officers.

The suit claimed two platoon sergeants, Sgt. 1st Class Ralph Blumenhagen and Staff Sgt. Walter Johnson, solicited sexual favors from Sender in 1979 and 1980. Both men took disciplinary action against her when she refused the advances, Sender claimed.

Johnson was found guilty in a 1980 court martial of wrongful use of position and fraternization for sexual harassment of Sender. He was ordered to forfeit nearly \$2,000 in pay for the conviction.

The lawsuit also charged two other superiors harassed and intimidated Sender after she complained about the alleged sexual harassment.

Magistrate J. Rich Leonard heard arguments in the case March 30. In a recommendation to Britt, Leonard said active-duty military personnel are barred from suing superiors or the Army for damages.

"The potential effect upon military discipline and decision making is simply too great to allow for servicemen to subject their superior officers to civilian lawsuits," he wrote.

Leonard said "the actions of at least some of the defendants appeared to have been wholly without justification" but said "the court cannot view this case in a vacuum."

The effect of allowing Sender

to seek monetary relief from superiors "would be devastating," Leonard wrote in his recommendation.

Fayetteville attorney Mark Waple, who represents Sender, said military discipline should not be the overriding consideration.

"There are other considerations, such as how far can a military superior go in violating a subordinate's constitutional rights and still be immune from civil liability," Waple said. He claimed Sender was barred from re-enlistment and deprived of promotion during her time in the Army.

"There is absolutely nothing in her enlistment contract that said she gave up her constitutional rights against sexual harassment," Waple said.

DJ wants rear covered

United Press International
BIRMINGHAM, Ala. — A 55-foot statue of Vulcan, the mythical god of the forge, has been standing guard over Birmingham for decades. And for decades, the suburb of Homewood only got to see its naked behind.

Disc jockey Jack Voorhies of station WYDE got to thinking about all those years the iron man's derriere has been unclad and came up with a new local hit single, "Moon Over Homewood."

The chorus goes like this: "Moon over Homewood,

it's so unrefined. "We have to get mooned with the Vulcan's behind."

"Moon over Homewood, we don't think it's fair, "That we have to look at his big derriere."

Voorhies said many listeners have called in to suggest ways to remedy the situation.

"We've had people calling in, suggesting we give a concert and make everybody bring a sheet in," said the disc jockey. "That way we can sew the sheets together and make Vulcan a dress."

"Or we could get him boxer shorts, but they'd have to be pretty big."

Since the issue has been exposed, so to speak, Voorhies followed up with a second song, "Funds for Buns." Proceeds from a recording of the two songs are going to charity, he said. The chorus goes: "Oh we're the Homewood ladies strong and free,

"The Homewood Ladies League for Decency,

"And we're united, for our cause is clear,

"To cover up the Vulcan's naked rear."

Official wants Texaco cited

United Press International
PORT ARTHUR — Texaco Inc. should be cited for unsafe working conditions as a contributing factor to a pipe rupture in a catalytic cracking unit, a federal official says.

The Oct. 13 rupture at Texaco's Port Arthur refinery killed five people.

Jack Fontaine, acting OSHA area director, said his office will ask the agency's regional office to cite Texaco for three different hazards which may have contributed to the fatal blast.

A Texaco spokesman Saturday declined comment on the OSHA recommendations because of pending lawsuits in the refinery accident.

Fontaine said Friday two safety engineers involved in the refinery investigation, Philip Nessler and Jose Carpena, met Thursday with Texaco officials and members of the Oil, Chemical and Atomic Workers Union Local 4-23 and outlined three hazards on which the citation for an unsafe working place

should be based.

Fontaine said the engineers found inadequate equipment to draw and condense water from emergency steam lines leading to the catalyst line that ruptured. Water condensation problems apparently contributed to the pipe rupture, the inspectors said.

The pair also said Texaco failed to provide proper startup orders to the workers who were trying to get the unit back into operation.

The third point cited by the engineers was Texaco's failure to clear unnecessary workers from the area near the unit during start-up procedures.

Fontaine said the citation against Texaco, if issued, would likely be based on a broad section of the Occupational Safety and Health Act of 1970 which requires employers to provide a safe working place and safe working conditions for employees.

A union member who asked

not to be identified said the two investigators told union members Texaco could not be cited for any specific violation of the OSHA act.

Fontaine said the information the investigators turned up and the request for a citation would be reviewed by OSHA's regional office in Dallas and acted on within two weeks.

Five men were killed and four others injured Oct. 13 at Texaco's Port Arthur refinery when

a 48-inch pipe ruptured inside a catalytic cracking unit.

An estimated 350 to 400 tons of a talc-like catalyst powder used in the refinery process spewed from the unit, burning the victims to death. Texaco officials estimated the powder could have been as hot as 1,200 degrees.

Families of four victims have filed wrongful death suits against Texaco seeking \$69 million.

White's theory helps kill tax

United Press International
AUSTIN — Attorney General Mark White, elected governor despite criticism of mishandling a Texas lawsuit against the windfall profits tax on oil, took credit for convincing a Wyoming judge the levy was unconstitutional.

Texas, later joined by Louisiana, was an intervenor in a 1980 suit filed by the Independent Petroleum Association of America against the tax. U.S. District Judge Ewing T. Kerr in Cheyenne, Wyo., declared the tax unconstitutional Friday.

White personally argued the case before Kerr last May and claimed the measure unfairly exempted Alaskan oil from the tax — the same argument Kerr cited in declaring the tax unconstitutional.

The court's theory for the case, his opinion, revolved around the theory that was advanced and forwarded by the state of Texas," White, the state's governor-elect, told reporters Friday.

He said the tax, which was aimed at limiting oil company earnings after former President Carter decontrolled oil, had been a bigger burden to small royalty owners than to major oil companies.

"What they (Congress) didn't understand is that the tax was primarily paid by hundreds of

thousands of small oil royalty owners in Texas who are neither Exxon nor Mobil nor Texaco," said White, who was criticized during the recent gubernatorial campaign for his handling of the suit.

Letha Chapman, 81, a Grand Prairie widow who lives on Social Security and a small monthly royalty from oil on her family's North Texas farm, said she was "thrilled to death by the ruling."

"I knew all along that tax was crooked," said Chapman, who shares the royalties with her seven brothers and sisters. "The windfall is a third of the royalty regardless of how much the royalty is. In October, the royalty was \$50.35. They took out \$11.13."

Dallas oil stock analyst Rick Barry said the ruling had no immediate effect on independent producer stocks in Texas, predicting that "in the long term, we are going to have the windfall profits tax in place as is."

U.S. Rep. Kent Hance, D-Texas, called on President Reagan to live up to a campaign promise to work to abolish the tax.

"If a new law is passed by Congress, the president will have the opportunity to veto it, and I would hold him to that promise," Hance said.

Bealls

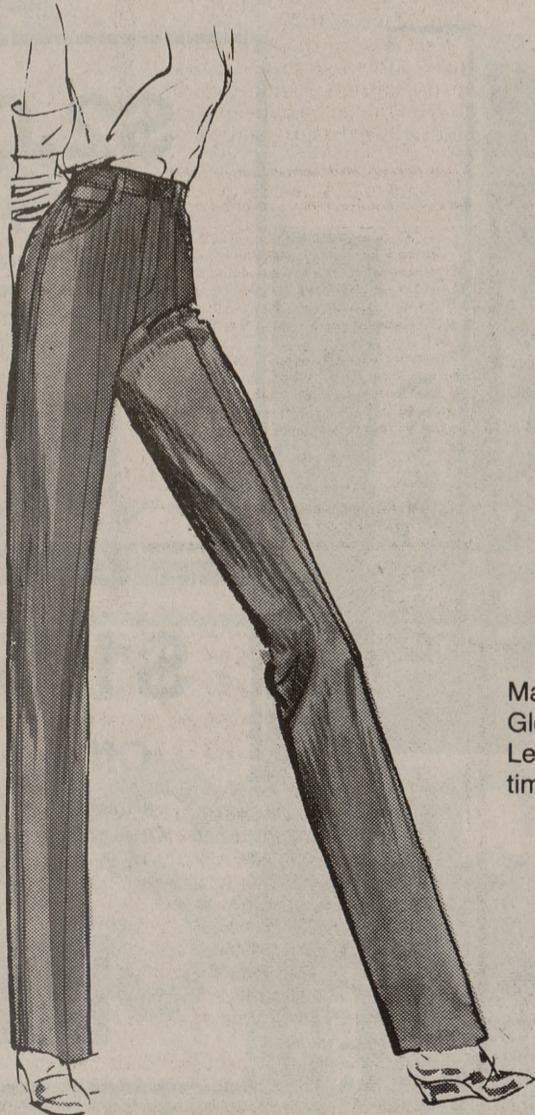
Post Oak Mall
College Station

Manor East Mall
Bryan

Special Group
Bobbie Brooks Junior Sweaters

9.99 REG. 18.00

Exciting brights, heathers, and classics in acrylic v-neck and crew neck. Perfect for adding your initials. Assorted colors in sizes S-M-L.



ON SALE ENTIRE STOCK JUNIOR DENIM JEANS

24.99 to 34.99
REGULAR 31. to 52.

Make your selection today from our choice designer labels including Gloria Vanderbilt, Chic by H.I.S., Jordache, Lee, Calvin Klein, and Levi. The selection is large, and the prices are low. Sale is for a limited time, so hurry.



DELAYED CHARGE BILLING
IN EFFECT
NO PAYMENT 'TIL FEB.

Now you know

United Press International
On a sunny day one honeybee may visit a thousand blossoms. Altogether, the several

thousand bees foraging for an average hive will travel more than 9 million miles each year to gather nectar and pollen.



Day students get their news from the Batt.