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Senators vote down pay raise

United Press International

WASHINGTON — The Senate, without a fight, voted Thursday to kill an election-year pay raise of \$443 that all members of Congress began receiving Jan. 1.

The legislation passed 66-19 in the Senate, where nearly a third of the members are facing re-election, and was sent to the House. Prospects for passage are also good in the House. The measure cleared the Senate after multimillionaire Sen. Howard Metzenbaum, D-Ohio, charged some of the repeal supporters with a lack of courage, and said, "I don't know if their victory is not shallow."

Metzenbaum directed his attack on Sen. Don Nickles, R-Okla., and Jake Garn, R-Utah, calling "unadulterated malarkey" their claim that calling off the pay raise would help balance the budget.

The 3.5 percent pay raise, which went into effect Jan. 1, raised the salaries of members of Congress from \$9,800 to \$72,243.

Members of Congress received the pay raise along with most federal government employees. The legislation passed Thursday would repeal the increase only for senators and congressmen.

Early last year, the Senate raised the pay of its members from \$62,600 to \$69,800 and imposed a cap of 30 percent of salary on honoraria.

Nickles, Garn and Sen. David Boren, D-Okla., said they were sponsoring the repeal as a signal to Americans that all must sacrifice, as the government seeks to cut deficits, and because the pay raise went into effect without a vote, during the recess.

But Metzenbaum said the legislators supporting the repeal were "kidding Americans," and said it was "unadulterated malarkey, telling us we're going to balance the budget."

Noting the savings would be \$1.39 billion a year, Metzenbaum suggested that the sponsors fight as hard as closing tax loopholes, cutting the defense budget and putting a ban on honoraria.

"That takes courage," he said. "It doesn't take courage to make colleagues stand up for a 3.5 percent increase."

"Senator, you're going to win but I don't know if the victory is not shallow," he said.

Sens. John Chafee, R-R.I., and Alan Simpson, R-Wyo., accused Metzenbaum of launching a personal attack on colleagues — forbidden in the Senate.

"It was a personal attack," Simpson said. "I certainly heard it that way." Simpson added, "I've never heard much guff in my life."



Photo by ERIC EVAN LEE

Long shadows

Camille Smith, a program advisor in the Student Programs Office, enjoys reading on the stairs outside of the MSC on her lunch hour. The warm weather brought many students and employees outside Thursday.

Tough sentences not guaranteed

Drunk driving laws reviewed

By KELLEY SMITH

Staff writer

Although the Texas congress has passed new "tougher" laws against drunk driving, Brazos County District Judge W. T. McDonald Jr. says the laws are no guarantee of tougher sentencing.

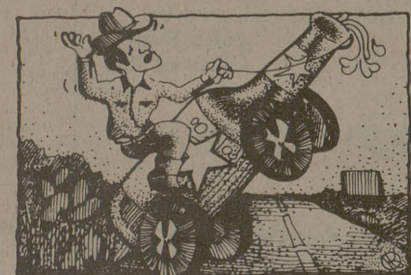
"You can write all kinds of tough laws, but you have no guarantee of tougher sentencing," McDonald said. "It's all in the application of the law." Laws are changed all the time, he said. "These new laws are no revolution; they've just received a lot of publicity, probably an inordinate amount."

McDonald said the laws against drunk driving have always been tough. The laws are not effective as they should be when they are not applied correctly, he said.

"Historically what's happened has been the stiffer the laws, the more effort to circumvent them," McDonald said.

McDonald said he has always assessed tough sentences against persons found guilty of driving while intoxicated.

"I've been giving them tough sentences all along," he said. "We've had tough laws on the books, but the application has been lenient."



Battalion graphics by Karl Franklin

McDonald said most attorneys that come through his court know he gives tough sentences — penitentiary sentences.

ences. That's why the attorneys usually asks for a trial by jury.

"The tougher the judges get, the more jury trials," McDonald said.

Jury trials can either result in an acquittal, a hung jury, which would result in a mistrial, or light sentencing, he said. The chances for the defendant are a lot better with a jury, McDonald said.

The judge acting on the case can see through more because he sees it every day, he said. The defense attorney stands a better chance of dazzling the jury than a judge, he said.

McDonald cited 11 cases his court handled this summer within a period of two weeks. All were tried by a jury. Nine of those resulted in either hung juries or not guilty verdicts. McDonald said the results would have been different had he ruled on the cases.

However, there are a few things about the new laws that make them appealing from the court's point of view, assistant county attorney Jack Phariss said.

The appealing factors are the legal intoxication guideline, the use of videotapes during arrests and the

admissibility in court of refusal to take an intoxilyzer, blood or breath test, Phariss said.

A person with a blood alcohol concentration of .10 is legally considered intoxicated rather than being presumed to be intoxicated. The new law alleviates the courts from having to decide whether a person was drunk, Phariss said. The videotape machines will also help in the courtroom to let the jury or judge see if a person was acting drunk at the time of arrest, he said.

The courts now have enough ammunition to counteract people wanting to take a case to court, he said. While the defendants have less to lose, they also have less chance to get away, he said.

While Phariss said tests such as the intoxilyzer will help take the doubt from the judge's and jury's mind as to a defendant's intoxication, the defense will be working to bring doubt about the validity of the tests.

Local attorney Tyler Moore said the tests are not an accurate measure

See DWI page 10

U.S. woman killed in Salvadoran attack

United Press International

SAN SALVADOR — An American woman was shot to death Thursday when caught with her husband and two children in a combat zone, the U.S. Embassy and other sources said.

There were conflicting reports on who killed the woman, whose identity has not been released.

A Salvadoran priest who administered last rites to the woman said leftist guerrillas "apparently" shot her, but a Salvadoran official told the embassy that government soldiers fired at her.

There was a lot of combat on the road, the "Military Route," said the Rev. Jose Luis Calderon, who gave the unidentified woman last rites of the Catholic Church in the eastern border crossing of El Amatillo.

The priest said he had received unconfirmed reports that one Salvadoran civilian was killed and another wounded in the fighting.

Father Calderon, in a telephone interview with United Press International, said the man, woman and two children were traveling in "a large bus" from western El Salvador toward the Honduran border when the vehicle came under fire. The bus apparently was the family's private vehicle. "Apparently it was the guerrillas,"

the priest said when asked who was responsible for the shooting.

U.S. Embassy spokesman Donald Hamilton said the mission had received information from an unidentified Salvadoran official that government soldiers fired on the vehicle.

"According to a Salvadoran official, someone missed a roadblock near Santa Rosa de Lima. Soldiers opened fire and one U.S. citizen was killed," Hamilton said.

Two U.S. consular officers flew in a helicopter to the area to investigate the report, Hamilton said.

Hamilton said the embassy could not give details on the American citizen killed because of Privacy Act restrictions.

A Defense Ministry spokesman said he had no information on the incident.

Residents of Santa Rosa de Lima, 67 miles east of San Salvador, reported heavy combat at three points on the Military Route highway west of the city Thursday.

The incident reportedly occurred near a hamlet called El Limon, 5 miles west of Santa Rosa de Lima, Father Calderon said.

The priest said the woman's family were tourists apparently traveling to Honduras.

"I was called from the border. She was a Catholic and I went to give her

last rites. She was already dead when I arrived," he said, adding that when he left the border post at noon a helicopter was arriving.

Military sources said the body was flown in a helicopter to the port city of La Union, capital of the province of the same name, where judicial authorities would register the death.

In response to recent guerrilla bombings of a civilian plane, the American Embassy ordered all U.S. military advisers to stay off commuter flights, a spokesman said Thursday.

Last Friday, a rebel-planted mine exploded underneath a commuter plane landing near San Miguel, 70 miles east of San Salvador, where four American military advisers were waiting to take off aboard another flight.

A 50-year-old passenger died at the scene, the pilot died Tuesday of injuries suffered after one leg was amputated and four civilian passengers were seriously injured in the attack.

U.S. advisers have been ordered not to fly on civilian commuter airlines as a result of the incident, the spokesman said.

Radio Venceremos vowed to continue fighting the advisers, "who have invaded our country to help the dictatorship and to make war against our people."

Negotiations to reduce federal deficit underway

United Press International

WASHINGTON — Treasury Secretary Donald Regan said Thursday "everything is on the table" in negotiations to reduce the massive federal deficit, but made clear the administration will fight anyone who reaches for a tax increase.

Appearing before the congressional Joint Economic Committee to give his "State of the Economy" message, Regan predicted a continued strong recovery this year without high inflation.

But much of the discussion focused on plans for high-level discussions between the White House and congressional leaders on ways to reduce the \$180 billion deficit.

Democrats have said they fear President Reagan will not yield to any effort at trimming defense spending or raising taxes, but Regan said, "Nothing is non-negotiable. Everything is on the table."

At the same time, when asked if a tax increase would be acceptable, he replied, "In a down payment situation, it is not necessary."

He said his idea of a "down payment" on the deficit would be to trim about \$100 billion over three years — \$20 billion in fiscal 1985, \$30 billion in 1986 and \$50 billion in 1987.

"Why bother to increase taxes when you can get it through loophole closings," he said.

Regan predicted that closing tax loopholes would generate about \$31 billion over three years. He refused to give a list of specific loopholes, but did offer an example of the "type of thing we think should be closed" — investment tax credits for non-profit operations such as colleges and city governments that sell their buildings to investors seeking tax shelters and then lease them back for nominal fees. A bill now before the House Ways and Means Committee deals with such situations.

Regan said the administration decided against proposing contingency taxes — which would be put into effect only after specific spending cuts were approved this year because a similar proposal was "laughed out of

existence" last year in Congress.

Rep. Lee Hamilton, D-Ind., asked Regan to outline where spending cuts should come and referred to recent reports that Budget Director David Stockman has said that in practical terms there is little room left for cuts.

"We can cut in all areas of the budget," Regan said. Regan also said the president's fiscal 1985 budget, to be sent to Congress next week, would include a recommendation to increase the limit on tax-deferred individual retirement accounts. Under the proposal married couples with only one earner would be allowed to put \$4,000 into an IRA, up from \$2,250 now.

In his formal message, Regan predicted inflation will rise from 3.8 percent in 1983 to about 5 percent next year and said unemployment should drop from 8.2 percent to about 7.7 percent. He said the gross national product — the overall measurement of the nation's goods and services output — would grow at a healthy 4.5 percent rate this year.

In Today's Battalion

Local

- Bryan's Midwest Video and Community Cablevision will soon become one company — so look for higher cable subscription prices. See story page 3.
- Now's your opportunity to race through campus in a sports car. For more info see page 6.
- Texas A&M's men's and women's tennis teams begin action for 1984 this weekend. See story page 13.

State

- An Austin man cashes in \$1,200 in pennies. See story page 7.
- Baylor dorm students are now allowed to put their posters of nude girls and beer products back on their walls, after being told to take them down. See story page 12.

National

- A 66-year-old Florida man becomes the first person to be executed in 1984. See story page 3.

World

- Poland reacts to the nuclear war film "The Day After." See reaction page 5.