

O'Bryan's reprieve denied

United Press International
 AUSTIN — The Texas Board of Pardons and Paroles turned down convicted killer Ronald Clark O'Bryan's request for a reprieve Tuesday but the inmate's attorneys continued to seek a stay of execution in the courts and from Gov. Mark White.

On a 4-2 vote, the parole board rejected O'Bryan's request for a 90-day reprieve. O'Bryan, also known as the "Candyman," is scheduled to be executed shortly after midnight Saturday.

Board members Connie Jackson and Winona Miles both voted in favor of recommending to Gov. Mark White that a reprieve be issued.

Jackson said she voted for the reprieve because she felt there was a chance a future ruling by the U.S. Supreme

Court would have an effect on O'Bryan's case.

Meanwhile, O'Bryan's lawyers filed another last-ditch appeal and request for stay with the Texas Court of Criminal Appeals. That court has twice rejected his appeals.

It was unclear when the Texas court would rule on the latest request, which alleges that jurors opposed to capital punishment were improperly excluded from O'Bryan's jury. The U.S. Supreme court Monday turned down an appeal based on nearly identical arguments.

The death row inmate's attorneys also have asked White to delay the execution. Texas governors have the authority to grant 30-day stays of execution.

O'Bryan, a 39-year-old former optician was convicted of the 1974 Halloween night

murder of his son, Timothy, who died after eating a piece of candy laced with cyanide, a deadly poison.

In arguments before the parole board, O'Bryan attorney Charlotte Harris argued that the issue of jury selection at O'Bryan's trial had not been resolved, despite the latest Supreme Court ruling.

She said two cases involving questions of jury selection were to be filed with the Supreme Court and that if the court agreed to hear those cases and issued a ruling, it could affect O'Bryan's case.

"I can not tell this board that the court will take up those cases but if the court does take these cases up and changes previous rulings, there is a very good chance Mr. O'Bryan would be harmed, he would be dead," She said. "This is not a pleas-

ant case under any circumstances. All we are asking you for is time."

Harris County prosecutor Bert Graham discounted that argument, saying O'Bryan was asking the board to speculate on what the Supreme Court might do. He also noted the high court has refused to hear O'Bryan's case three times since he was convicted in 1975.

"It seems there has to be some finality to jury decisions in this state," he said. "If you go along with that argument (from O'Bryan) we would never have a sentence carried out in this state."

Evidence at his trial showed O'Bryan had taken out \$60,000 in life insurance on his children and prosecutors said he killed the boy to collect the money.

Atheist O'Hair turns down offer from publisher Flynt

United Press International
 AUSTIN — Atheist leader Madalyn Murray O'Hair said Tuesday she had turned down Hustler magazine publisher Larry Flynt's offer to turn over his \$300 million business to her atheist organization because she does not want to spread pornography.

"Our choice is to fight religion instead of proliferating the pornography," O'Hair said.

She announced two weeks ago that the imprisoned Flynt had given her power of attorney on Feb. 23 to transfer all the assets of the Hustler and Chic magazine publishing empire to the American Atheist Center in Austin.

The transfer was challenged, however, in a Los Angeles court

by Flynt's brother, Jimmy, who claimed the wealthy publisher suffered from a mental illness.

In an affidavit filed Monday with the Los Angeles County Superior Court, O'Hair and her son, Jon Murray, director of the American Atheist Center, declined to accept Flynt's offer of power of attorney.

In a statement released Tuesday, O'Hair and Murray said: "We understand that pornography thrives in our nation because, and only because, Christianity has perverted human sexuality."

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Construction program started

By CASEY RAMSEY
 Reporter

In an effort to meet the needs of the construction industry, Texas A&M University has begun a program to improve the management skills of construction managers.

The Center for Construction Education was formed this year in response to a 1978-82 study of the construction industry by the Business Roundtable.

Winifred L. Buckingham, professor of building construction and director of the center, said the study showed that a lack of education in construction management skills was one cause of declining cost effectiveness in

the construction industry in the United States. The center, a joint effort of the colleges of business, engineering and architecture, was formed to teach construction professionals how to complete their jobs more efficiently and then pass those skills on to future construction professionals still in school, he said.

Buckingham said the initial emphasis of the center will be on continuing education.

"We believe continuing education in the most recent technological and philosophical aspects of project management is the best answer to improving construction management skills," he said.

Seminars are planned on a regular basis by the center and will deal with all aspects of construction management: contractors, architects, engineers and other professionals.

Seminars still in the planning stage include a four-to-six week executive development seminar for construction professionals moving into executive or ownership-level positions, a two-week project managers seminar and a faculty development program that will give faculty members the opportunity to spend time with contractors on construction sights.

"Our primary goal with the Center for Construction Educa-

tion is to increase the level of professionalism in the construction industry," Buckingham said.

A secondary goal of the center is to talk to professionals in the construction industry, find out what their needs are, and then determine how those needs can be met through education, Buckingham said. These contacts will also improve the education and job opportunities of undergraduate and graduate students, he added.

The center's first professional development seminar will be held March 26-April 6 and its first construction education seminar will be held April 12 in Houston.

Fritch sued for water market monopoly

United Press International
 AMARILLO — Two Panhandle firms have filed suit in U.S. district court seeking \$300,000 in damages from the city of Fritch for monopolizing the water market, an attorney said Tuesday.

Brinson Inc. and Hi Texas Water Corp. last week filed the suit claiming Fritch officials violated the Sherman Anti-Trust Act, said Eric Wolfram, attorney for Hi Texas Water Corp.

Hi Texas Water Corp. is a water utility serving about 5,000 customers outside Fritch's city limits, Wolfram said. Fritch and Hi Texas Water compete for water supplies.

Fritch owns all water rights in a disputed area except for a strip of right-of-way property that had belonged to the now defunct Chicago and Rock Island Railroad, Wolfram said.

Brinson bought the land and its water rights in 1979 and sold it to Hi Texas Water in 1983.

Fritch officials in 1980 passed an ordinance condemning the land. Wolfram said development of the property by Hi Texas was prohibited until a

court injunction was dropped in 1982 because of other rulings about utilities' rights.

Eminent domain proceedings remain pending in state district court in Carson County as Fritch officials attempt to gain control of the water sands now owned by Hi Texas Water, Wolfram said.

He said he believed the state district court ruling would be made yet this year, adding the federal suit was the first such water suit filed by a utility against a West Texas city.

Wolfram said the suit requested triple \$110,000 in damages resulting from loss of

property development and water sales from the water sands for two years. He said both Brinson and Hi Texas had invested in equipment that sat idle for months.

Hi Texas Water also owns other water sands, but needs water from the right-of-way property so it can maintain the needed water pressure to serve additional customers, said Wolfram, a former Hi Texas Water employee.

"We're now producing water from the disputed water sands," he said, adding some Hi Texas Water customers would have to drill their own wells or apply for

an extension of water service from Fritch if Hi Texas loses its suit.

"If we're turned down on purely legal grounds we'll certainly appeal it," Wolfram said of the federal suit.

"The long term prospects are we basically would be frozen out," of the water business if Hi Texas Water loses rights to the property now under eminent domain proceedings, Wolfram said.

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