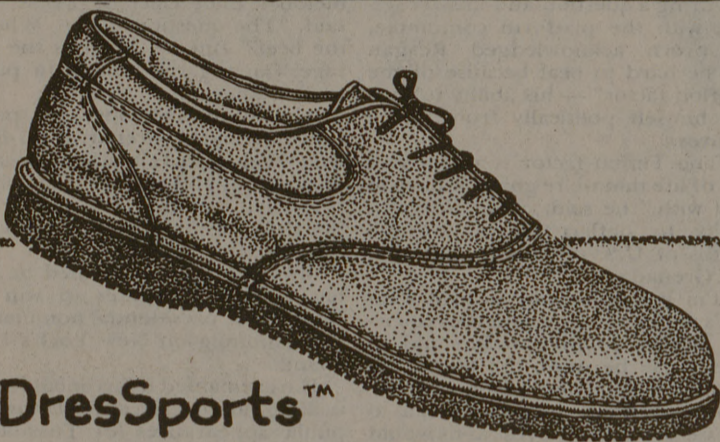


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Supreme Court

Seniority given priority over minorities in layoff disputes

United Press International
 WASHINGTON — Workers with seniority have top job priority when cities are forced to slash their payrolls — even if that means massive layoffs for newly hired minorities, the Supreme Court ruled Tuesday in a key civil rights case.

The 6-3 ruling — a crucial decision on reverse discrimination — will affect cities across the country that are being forced to lay off police officers, firefighters and other workers because of dwindling revenues.

But workers who are part of a "bona fide seniority system" — one that does not have a discriminatory purpose — must be insulated from economically motivated layoffs, the Supreme Court majority declared.

"It is inappropriate to deny an innocent employee the benefits of his

seniority in order to provide a remedy in the pattern of practice (of discrimination) suit such as this," Justice Byron White wrote for the majority.

Black firefighters in Memphis, Tenn., where the case originated, reacted angrily. They have been fighting since 1977 to bring more blacks into the fire department, which was almost exclusively white until the 1970s.

"The ruling is not only affecting blacks but all minorities, including women. It virtually set everybody back at least 50 years," said Ulysses Jones, president of the black firefighters union.

The Reagan administration had pushed the high court for a sweeping ruling favoring seniority rights

and limiting layoff protection to "actual victims of discrimination."

Jones' counterpart, Kuhron Huddleston, president of the Memphis Firefighters Local, said the ruling "preserves our seniority rights."

The court's decision overturns a court order that the fire department could make layoffs using the "last-hired first-fired" principle. Instead, the department had to retain a percentage of blacks, forcing them to lay off some veteran white workers, a judge ruled in 1981.

White wrote that the city did not intend, in a 1980 settlement of a race discrimination case brought by black firefighters, to place black firemen higher on the seniority ladder.

"It is clear the city had a seniority system, that its proposed layoff plan conformed to that system, and that

in making the settlement the city had not agreed to award competitive seniority to any minority employee whom the city proposed to lay off," he wrote.

White also ruled that there was no court finding that any of the blacks involved in the layoff had been an actual victim of bias.

"Even when an individual shows that the discriminatory practice had an impact on him, he is not automatically entitled to have a minority employee laid off to make room for him. He may have to wait until a vacancy occurs," White wrote.

Leading the dissenters, Justice Harry Blackmun wrote that "the conscious remedies" are not barred by federal bias law. Justices William Brennan and Thurgood Marshall joined him.

Some illegally gained evidence OK'd

United Press International
 WASHINGTON — The Supreme Court, easing restrictions on police, gave its approval Monday for courtroom use of illegally obtained evidence if it would eventually have been discovered anyway.

The justices, ruling 7-2 in an Iowa case, sanctioned the widespread practice of allowing use of illegally obtained evidence that inevitably would have been uncovered by legal means.

The decision leaves intact the murder conviction of Robert Anthony Williams, found guilty of murdering a 10-year-old Des Moines girl who disappeared from a YMCA on Christmas Eve 1968. The high court

reversed a ruling that police illegally coerced Williams to reveal the location of the body of Pamela Powers by telling him she needed a "decent Christian burial."

The ruling has nationwide impact because it rolls back the reach of the controversial "exclusionary rule," which forbids the use of illegally obtained evidence at trial.

The court is expected to further limit the doctrine later this term when it decides whether evidence gained illegally by police acting in good faith may be used in court.

In the Iowa case, Chief Justice Warren Burger wrote that certain evidence was properly admitted in Williams' second murder trial be-

cause it would have been discovered eventually.

Burger sanctioned the "inevitable discovery" exception.

He said the practice of suppressing evidence — in this case the location of the child's body — to deter unlawful police conduct should not be used to exclude evidence that would inevitably be discovered by legal means.

"If the prosecution can establish by a preponderance of the evidence that the information ultimately or inevitably would have been discovered by lawful means — here the volunteers' search — then the deterrence rationale has so little basis that the evidence should be received.

Anything else would reject logic, experience and common sense."

Iowa Attorney General Tom Miller hailed the ruling as "a major victory for law enforcement. The common sense principle that authorities should not be penalized for technical errors has been reinforced by the decision."

In dissent, Justices William Brennan and Thurgood Marshall said that in "its zealous efforts to emulate the exclusionary rule ... the court loses sight of the crucial difference between the 'inevitable discovery' doctrine and the 'independent source' exception from which it is derived."

Public safety takes precedence

Exceptions made to Miranda ruling

United Press International
 WASHINGTON — A legal battle that began in a supermarket when police asked a suspected rapist "Where's the gun?" ended Tuesday with the Supreme Court, for the first time, making an exception to its landmark Miranda rule.

The court, in a 5-4 decision, said police should not be forced to make split-second choices between public safety and following procedures laid out in the 1966 Miranda decision for advising suspects of their rights.

"We conclude that the need for answers to questions in a situation

posing a threat to public safety outweighs the need for the ... rule protecting the ... privilege against self-incrimination," Justice William Rehnquist wrote for the majority.

The decision allows New York City prosecutors to proceed with the trial of rape suspect Benjamin Quarles and to use as evidence a gun taken from the scene of his arrest and a statement he made about the gun before he was advised of his rights.

Quarles was arrested shortly after midnight on Sept. 11, 1980, in an A&P supermarket in Queens after a

woman stopped several officers and said she had been raped by a man who then went into the store with a gun.

Officers Frank Kraft and Sal Scaring went into the store and located a man who fit the description of the alleged rapist. The suspect ran when he saw the officers but was apprehended by Kraft a few aisles away.

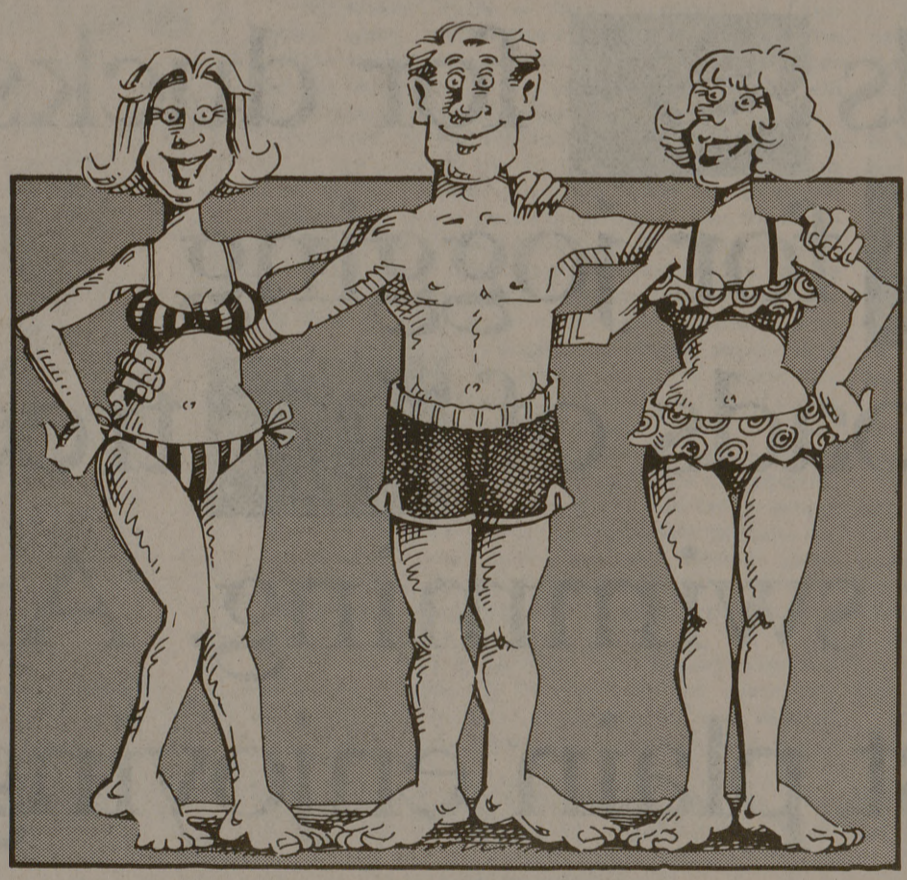
Kraft frisked Quarles and located an empty gun holster. Without first warning him of his right to remain silent, Officer Kraft asked Quarles: "Where's the gun?"

"The gun is over there," Quarles replied.

That statement began a legal battle over the Miranda rule.

At a pretrial hearing, a judge ruled the gun and Quarles' statement "The gun is over there," could not be used as evidence because Quarles had not been advised of his rights to remain silent and to have an attorney present during questioning.

The nation's highest court, with the narrowest possible margin, held for the first time that some exceptions must be allowed to the Miranda rule.



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