

# Father recalled to court in death suit in Houston

United Press International

HOUSTON — A man jailed for refusing to testify against his son in a murder trial has been ordered to appear in court today in a \$5 million wrongful death suit.

District Judge Weldon Berry ordered Bernard Port to appear to give a deposition in a suit filed by the mother of a 23-year-old letter carrier who was killed. Port's son, David, is charged with the murder.

Attorneys in the tangled cases do not expect Port to talk, even though the courtroom will be closed and the deposition will be sealed.

Attorney Randy Schaffer, who represents Bernard and Odette Port in their battle not to testify against their son, said their resolve has been strengthened 20 times since being jailed for contempt of a grand jury.

"What's the judge going to do, twist his arm?" Schaffer asked before Monday's hearing.

Attorney Joe Jamail, who represents Barbara Schatz, said he ex-

pects Port to take the Fifth Amendment on some questions.

"If it's not a question of self-incrimination, I will seek a default judgment," Jamail said. "I'll ask the court to impose whatever sanctions are necessary."

Berry could find Port in contempt or approve a request for default judgment, Jamail said. If the default judgment is approved, the Ports will forfeit their right to defend themselves in the civil suit, he said.

The civil suit seeks \$5 million in actual damages and an unspecified amount of punitive damages for the deaths of letter carrier Debora Sue Schatz and her father. It contends Albert Schatz died of a heart attack brought on by grief over the shooting of his daughter.

Jamail said he wants to proceed with the civil suit because "the criminal case could go on for years." To delay the civil case would be a "misuse of the court system," he said.

The criminal case and the civil

case are separate and should be allowed to continue separately, he said. While a judgment in the wrongful death suit will be based on a preponderance of the evidence, a guilty verdict in the murder trial can come only if the evidence proves the case beyond a shadow of a doubt, Jamail said.

The wrongful death suit says the parents were negligent in allowing a dangerous weapon to be available to their 17-year-old son, and in failing to seek medical attention for him.

The parents "should have known he was a person capable of extreme acts of violence," the suit says.

Jamail said he will seek a written statement from Odette Port later.

The 5th U.S. Circuit Court of Appeals Friday refused to grant bond for the Ports, who contend they have a constitutional parent-child privilege to refuse to testify against their son. While they remain in the Harris County Jail, David Port is free on \$20,000 bond.

# D-FW to clean-up air ozone

United Press International

DALLAS — Federal air quality officials said Monday Dallas and Fort Worth have the fourth worst corrosive ozone pollution in the nation, and warned federal funding will be cut off unless corrective measures are taken.

In the last three years San Antonio, New Orleans, Shreveport and Little Rock have all reached compliance by reducing hydrocarbon emissions from vehicles, and that should be possible in Dallas and Tarrant counties as well, said Allyn Davis, director of Air and Waste Management for the Environmental Protection Agency.

"A report put together by our headquarters shows Dallas and Tarrant counties tied with New York for the fourth worst ozone levels in the nation based on 1982 information," Davis said.

Fred Barnes, manager of environmental control for the city of Dallas, said the problem will not be easy to correct.

"We have to show we're making an effort, but we're talking about inspecting a million vehicles in Dallas County alone," Barnes said.

Davis said the inspection requirements for vehicles are \$5 to \$10 per

vehicle.

Although Davis admitted there have been cases where crackdowns on auto emissions have not achieved reductions in corrosive ozone, he said this is because other factors have offset the improvements.

Jack Davita, head of the air branch in the Dallas EPA office, said progress is slow, but conditions are improving.

"Everyone asks 'Why isn't the air getting better after we've spent so much money on controls?'" Davita said. "But in areas where there's so much growth, we say 'What would have happened without them?' Our projections are it would have gotten phenomenally worse."

Davita said laboratory tests have proved that ozone is produced when automotive hydrocarbons and some oxides of nitrogen are bombarded with intense ultraviolet light from the sun.

Davis said Harris County, Los Angeles and Philadelphia, which top the ozone level list, have implemented an inspection program designed to catch cheaters who remove pollution equipment from their vehicles. In Harris County, motorists must submit to a litmus paper test that shows the presence of lead in

the tail pipe, as well as inspections of catalytic converters, filler necks, PCV valves and other pollution equipment.

Davita said cheaters are a problem in the Dallas area, too.

"There's evidence that there's a lot of tampering with pollution control systems, and we believe about 20 percent of the vehicles in Dallas-Fort Worth have had their pollution systems disabled," Davita said. "In the Dallas area, 70 percent of the problem is due to motor vehicles, so we've got 14 percent of the air problems due to outlaws."

Davis said the tests may not be stringent enough to solve the problems in the Dallas area.

"We're not sure that will be enough in Dallas-Fort Worth," Davis said. "It may take the classic tailpipe emissions analysis."

On Oct. 4, Dallas County officials will meet with representatives from the EPA and the Texas Air Control Board, which is charged with developing an air cleanup plan for the whole state. The TACB must submit a plan by February, 1985, or risk losing \$150 million in federal highway, wastewater and air cleanup funds.

# What's up

Tuesday

**LEADERSHIP DEVELOPMENT:** "Freshman Advance Forward" is having a meeting at 8:30 in 302 Rudder for all freshmen interested in getting involved in Student Government and other committees.

**IM-REC SPORTS:** entries for triathlon, handball singles and long driving close at 6 p.m. in 159 E. Kyle.

**HILLEL JEWISH STUDENT CENTER:** a Rosh Hashana lecture will be given by Rabbi Tarlow at 6 p.m. at the Student Center.

**AMERICAN PRODUCTION/INVENTORY CONTROL SOCIETY:** is sponsoring a panel discussion on "Why Become A Member of APICS" at 7 p.m. in 342 Zachry.

**STUDENT GOVERNMENT BIG EVENT:** is having an organizational and planning meeting at 7 p.m. in 704 Rudder.

**MSC COLLEGE BOWL:** is having a mandatory meeting for all team captains at 7:30 in 4110 Rudder.

**CAMERA COMMITTEE:** is having a presentation on "Existing Light Photography" at 7 p.m. in 308 Rudder.

**TAMU SAILING TEAM:** is meeting at 7 p.m. in 109 Military Science Building.

**MECHANIZED AGRICULTURE CLUB:** is meeting at 7 p.m. in the P&M lab. Dr. Carl Anderson will speak on the state of the farm economy.

**ASSOCIATED GENERAL CONTRACTORS:** is meeting in 110 Harrington at 7:30 p.m. Stephen Baker of Commerce National Bank will talk on "Banking Considerations for Young Construction Professionals."

**TAMU FLYING CLUB:** is having a meeting for members and anyone interested in the club at 7 p.m. in the airport clubhouse.

**MSC CAREER DEVELOPMENT:** is having an introductory general members meeting at 7 p.m. in 704B Rudder.

**A&M CHRISTIAN FELLOWSHIP:** is meeting at 10 p.m. in front of Sully for a prayer time.

**CLASS OF '87:** is meeting at 8:30 p.m. in 601 Rudder.

**MSC HOSPITALITY:** is meeting at 7 p.m. in Rudder. All those who want T-shirts should bring their money.

**ALL STUDENT ORGANIZATIONS:** Sept. 28 is the deadline for accepting re-recognition forms for organizations. Forms are available in the Student Activities Office 208 Pavilion.

**STUDENT GOVERNMENT EXTERNAL AFFAIRS COMMITTEE:** will meet at 7 p.m. in 228 Pavilion. All student are welcome.

**MSC CEPHEID VARIABLE:** is having a meeting at 7:30 p.m. in 302 Rudder.

**FELLOWSHIP OF CHRISTIAN ATHLETES:** is meeting at 8:30 in 140 MSC. Bring ticket books for Game Day Witness.

**ONE WHEELERS:** is having an organizational meeting at the Grove at 6:30 p.m. Beginners are welcome.

**AMERICAN METEOROLOGICAL SOCIETY:** is meeting at 7:30 in the O&M observatory. Dr. Dennis Driscoll will speak on the topic of Biometeorology.

**MSC ARTS COMMITTEE:** is meeting at 7:30 p.m. The movie "Shock of the New" will be shown at 8 p.m.

**ON-CAMPUS CATHOLICS:** is meeting at 9:30 p.m. in the All Faith's Chapel. Abortion and birth control will be the topics of discussion.

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