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## Appeals court kills 'vague' beer law

**Associated Press** 

AUSTIN — The state ban on beer sales to drunken customers is unconstitutional because it could be used to forbid beer sales to the "soused or the sober," the Texas Court of Criminal Appeals ruled Wednesday.

The law makes it illegal to sell

beer to "a person showing evidence of intoxication." That could include almost anyone, according to the appeals court.

"Slurred speech, bloodshot eyes, a staggering gait or simple drowsiness are each individually 'evidence of intoxication,' but common experience teaches us that each may be demonstrated by the intoxicated or the abstemious, the soused or the sober," Judge Chuck Miller said in

the majority opinion. In a 6-3 vote, the court reversed the conviction of a Houston man fined \$200 for selling beer to a drunken customer.

David Leon Cotton's appeal com-plained that an "overzealous police officer can determine that anyone shows 'evidence of intoxication' and can use the proscription as a subterfuge for the arrest" of Alcoholic Beverage Commission license-hold-

ers and their employees.

Miller agreed there is doubt in the law as written.

"A statute which forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law," said Miller.

ABC officials said they would ing.

have to look at the decision before

calculating its effect.
"The commission and all law enforcement agencies have for years been following the typical standard (for determining who's drunk)—the slurred speech, the staggering gait...," said Joe Darnall, executive assistant to the ABC administrator.

"We would have to take a look at where the stagger is a stagger in the stagg

where we stand on intoxication in light of this ruling," he said.

Miller's opinion said the current law might make it illegal to sell a beer to customers with alcohol on

'Our inability to answer these questions, except with a guess, demonstrates clearly that the law is unconstitutionally vague," he said. "As currently enacted, a retail dealer licensee must simply guess at the standard of criminal responsibility.'

In a concurring opinion, Judge Marvin Teague urged lawmakers to quickly amend the law, which he said unquestionably is needed to protect some of our citizens.

"Without question, to uphold such a statute as we have here would permit an overzealous member of law enforcement to unlawfully invade the privacy of some of our citizens," said Teague.

Presiding Judge John Onion, in a dissent, said the law is not vague because it can be interpreted through "common usage and understand-



Photo by JOHN MAKEL

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#### **Business Week**

Kyle Coldren, a marketing/finance major and vice president of the business student council, holds a collection of reports and brochures from some of the 68 companies attending the 6th Annual Business Career Fair in the Blocker Building.

# Western · STEAK HOUSE · \*

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# A&M offers mediation program

By CATHY RIELY

Students now are offered help in solving student-to-student conflicts: the Student Mediation Service. Chairman of the Student Media-

tion Service Committee Bill Kibbler said the mediation service is designed to provide student mediators as impartial third parties in student-to-student conflicts.

The theory behind mediation is that between any two conflicting people, there are points of compromise," Kibler said.

When solving conflicts, student mediation is a less traumatic alterna-tive than the student legal advisor, small claims court, intervention by university administrators or a fist-fight, said Kibbler, assistant director of student affairs.

The idea for the service was suggested last semester by a worker in the Off-Campus Center.

Students wanting to use the service can fill out applications available

in 108 YMCA, the Off-Campus Center, the Department of Student Activities or the students' legal advisors offices located on the third floor of Bizzel Hall.

Once the completed application is returned, a member of the Student Mediation Service Committee will talk with the student and make an initial determination of whether the service can help.
"They will then contact Jan Win-

niford (assistant director of student affairs) or myself," Kibler said. "We will assign a coordinator to the case. This can be the person who did the initial intake or another member of the committee.

The case coordinator then assigns two of the 12 student mediators to the case and sets up a time when all four can meet. Kibler said two mediators are used because studies have found that the team approach is more effective. Sometimes the in-dividual case will be taken into account when assigning mediators.

"For instance, research has shown

that same sex mediators works bet-ter," Kibler said. "We also take into account whether the problem is an on-campus or off-campus problem

and assign mediators accordingly."
Of the 12 mediators, seven are women and five are men. Seven are off-campus students while five are on-campus students. Three mediators are seniors, three juniors, five sophomores and one is a graduate Kibler said the 12 students were

chosen from 30 applicants. Those 12 have completed 18 hours of training, and each has made a one year commitment to the job. Mediating is strictly volunteer, there are no salaries and no college credit is offered.

"One of our long range goals is for the mediators to receive aca-

demic credit for their work," Kibler said. "Our projection is that it will

A mediation session begins with the students telling their sides of the story and their preferred end result.

Neither student is allowed to in rupt the other.

The mediators then talk to students one at a time. They do come up with suggestions but will ten for common points agreement, he said.

The mediators will continue talk to the students one at a time til an agreement can be made. At end of each individual session, mediators ask the student if at thing was said during the sess that he doesn't want the others

"This is even if the mediators is that what was said should be out the open," Kibbler said. "If the sident wants what he said kept sense." it will be. Integrity is maintained.

When a compromise has be reached, all the students involve with the conflict and the mediate sign a written agreement. Each s dent will get a copy and the service keeps one. All notes taken during the session will be destroyed.

# Local group helps women contend with breast cancer

By KAY WHIGHAM

Reporter

Women who have had breast cancer may take advantage of local services offered by the Reach to Recovery program sponsored by the American Cancer Society.

Trisha Blackman, secretary for the district office in Bryan, said the rehabilitation program has served 13 different counties in Texas since

Statistics show one out of 11 women has breast cancer during her lifetime. In 1984 an estimated 115,000 new cases and 37,300 deaths were recorded.

If not detected early enough, breast cancer, the leading cause of cancer deaths, can spread to the lungs where it may lead to terminal

a high risk of having breast cancer are usually over the age of 50, have had a personal or family history of the disease, have never had a child or have had their first child after the

Blackman also said patients with breast cancer experience the follow-ing symptoms: lumps, swelling, skin irritation, distortion, scaling, discharge and pain or tenderness of the

Margaret Lambert, coordinator for Reach to Recovery, said the staff must have a doctor's written permission to call upon a patient

Records are kept on all individual

Blackman said women who stand

Lambert said many cancer pa

patients who enter into the program Most of the working staff consists of trained volunteers who have had breast cancer at one time or another. Each volunteer must be fully recovered and wait 2 years after an operation before working with patients.

tients are affected emotionally and are scared and afraid of dying. Hence, the program is not only designed to help a patient physically, but mentally as well.

Other programs include "I Can Cope," which is organized to help patients and their families, and Cansurmont, which involves patients helping patients.

Each program is six sessions and is

## Bright bummed out about bank takeover try; but offer still stands

**Associated Press** 

DALLAS — H.R. "Bum" Bright's crusade to create a "financial juggernaut" stumbled this week when Dallas Federal Savings rebuffed his \$98.6 million takeover

But Bright — chairman of the A&M Board of Regents, principal owner of the Dallas Cowboys football team and head of a financial empire that includes savings, insurance, title, mortgage, truck-leasing and other companies — said Wednesday he's still interested in Dallas Fedoral

"I feel it was a good offer for them. I just hope they will reconsider it," said Bright, owner of Bright Savings

Their shareholders bought this stock two years ago (when Dallas Federal went public) for a little better than \$12," Bright said. "Under our proposal, they'd get 21/2 times that amount.

Dallas Federal announced Tuesday it had rejected Bright's offer for the savings association to enter a non-binding understanding for acquisition of all of its out-

A combination of Bright Savings and Dallas Federal would have created the second-largest savings association in Texas, with more than \$4.4 billion in assets.

Akins said Wednesday in a prepared statement Dallas Federal rejected the offer because it did not have

time to adequately consider the proposal or the price.

Dallas Federal is protected from takeover attempts by federal regulations that prohibit unapproved takeovers during the first three years a company is publicly traded. The bank completed its first stock offering in

Bright proposed to purchase Dallas Federal through his ownership of Bright Savings, which was formed with the \$86.8 million takeover late last year of Texas Federal Financial Corp. by Bright's Trinity Banc Sav-

By combining the financial services, Bright said he intended to create a financial "juggernaut," with interests in banking, leasing, mortgage banking, title companies, insurance and real estate development.

### Big Event planned for March

By DARYN DEZENGOTITA

More than 120 organizations-including about 5000 studentsare expected to participate in 8th dent Government's 1985 Big Event on March 2.

Each year, the Big Event con mittee organizes a full day of service projects for A&M su dents to complete, says Manie Pena, committee chairman. The projects include making repair and cleaning hospitals and c parks, and some groups will assist the elderly.

Pena said certain groups have expressed a special interest incertain types of work.

For example, a building trade organization would like to get some practical experience while they participate in the project.

The number of groups which will participate is unknown, Penacid Several organization for

Several organizations find their own projects rather than having the committee arrange the

Pena said the committe is still receiving service requests and i in the process of matching grou to services. Pena says she plans

have all requests in by Feb. 12.
"It isn't hard to find people who need services," Pena said They usually come to us. After reading ads in The Eagle, they contact the Student Government

Students interested in working with the Big Event should conta their dorm activity coordinator club officers or student senators Pena also said she recent learned Pennsylvania State Un versity is sponsoring a similar program modeled after A&M's.