

### NATIONWIDE \* BESTSELLER A Perfect **Gift for Fathers That's Easy To Mail** FATHERE (010) **Special Price** for **Father's Day**

Page 4/The Battalion/Tuesday, June 16, 1987

## **Texaco** wants Supreme Court to review case

HOUSTON (AP) — Texaco Inc. On April 12, Texaco filed for pro-on Monday asked the Texas Su-tection from creditors under Chappreme Court to reverse a lower court's ruling that upheld a \$11 bil-lion judgment against the oil giant won by Pennzoil Co., attorneys said.

The application for a writ of error was accepted Monday afternoon by a clerk of the Texas 1st Court of Ap-peals in Houston, who was to for-ward it to the Texas Supreme Court, Texaco attorney James B. Sales said. The request filed Monday asked

the Supreme Court to either reverse the appeals court's February ruling upholding the massive judgment, order the case to be retried or lower damages against Texaco to \$512 mil-lion plus interest, Sales said.

Mickey Gentry, a spokesman for Pennzoil, declined comment on the filing, saying the company had not

yet seen a copy of it. In November 1985, a Houston jury found that Texaco wrongfully interfered with Pennzoil's planned merger with Getty Oil and awarded Pennzoil \$10.53 billion.

In February, the state's 1st Court of Appeals upheld most of the judgment but reduced punitive damages. The judgment, with inter-est, now totals about \$11 billion.

The law and the facts show that there could have not been a contract (between Pennzoil and Getty), and secondly, that there never was any knowledge of Texaco of an alleged or proposed contract or agreement between Pennzoil and Getty," Sales

ter 11 of federal bankruptcy law, saying the judgment against it had affected its ability to do business with suppliers and creditors. Prior to the filing, the two sides

held several meetings in an unsuccessful effort to negotiate a settlement of the case.

Texaco, in a statement issued from its White Plains headquarters, said that, among other things, the Texas appeals court had ignored the application of relevant New York, Delaware, Texas and federal laws that had a bearing in the case.

"In perpetuating the unjust trial court judgment, the appeals court went through the motions of the ap-pellate process but turned its back on any meaningful review of the case," Texaco said in the statement. "We urge the Supreme Court of Texas to provide the simple justice to which every citizen is entitled."

The Texas Supreme Court was expected to receive the case within a week, at which point Pennzoil would have 15 days to file a brief in re- Hall said. "I was astounded. I had sponse, Sales said.

The state high court would then review the evidence, and ultimately decide whether to affirm the lower court's ruling, Sales said. If the Texas Supreme Court upheld the appeals court ruling, Texaco could then appeal the case to the U.S. Su-preme Court, Sales said.

# What's up

#### Tuesday **COMMODORE SPECIAL INTEREST GROUP: will p** a software demonstration on the Amiga at 8:15 p.m. Horticulture Forestry Sciences.

Items for What's Up should be submitted to The Bata 216 Reed McDonald, no less than three working day fore desired publication date.

### Witness: Feazell's with for fees was surprisin

AUSTIN (AP) — A former Mc-Lennan County chief prosecutor said Monday he was astounded when present District Attorney Vic Feazell asked for a share of legal fees when he got drunken driving cases

dismissed or reduced. "He told me that he wanted to participate in our fees," testified Don Hall, who was district attorney in 1963-66 and a former law partner of Feazell. "He said he had done us a lot of favors and we had made

money as a result of those favors." Hall is the last scheduled govern-ment witness in the federal court bribery trial of Feazell, 35.

"He said he wanted a mathematical percentage of cases dismissed," never shared a fee with anyone, nor had I taken one when I was in public office

Hall testified Feazell finally asked for one-third of the fees that Hall's law firm received in cases where Feazell became involved in getting charges dismissed or reduced.

Hall said he and his partner, Dick

### Navy 'whistle blower' retires after missing on promotions

DALLAS (AP) — A Navy man who called attention to \$130,000 in overpayments to weekend reservists said he is retiring in disgust after being passed over for promotions

Chief Petty Officer Michael Tufariello, 39, who is retiring from the U.S. Navy later this week, said that after blowing the whistle he was involuntarily hospitalized for psychiatric evaluation and cited for poor work performance.

"My chances of ever getting promoted were awfully slim," he said. "I was given a letter of commendation for doing what was right, but the commendation does nothing for me two weeks before I get out.

The commendation, given at a June 4 ceremony at Dallas Naval Air Station, cites Tufariello for maintaining "the highest traditions" of the Navy in "single-handedly" documenting and reporting the improprieties. But Tufariello, whose nickname in the Navy was "By-

the-Book", said the praise more than three years later was too little, too late. After 20 years in the Navy, during which he received 16 medals, he says he is retiring on Friday

'None of the money has been recovered, and the officers who knew of the inconsistencies have not been reprimanded," Tufariello told the Dallas Morning

A spokesman for the Naval Air Station says Tufaanding sano disciplined if he had not reported the payments on Dec. 18, 1983 for military drills that never occurred. Chief Petty Officer John Egbert said,"He should not have gotten into any trouble for what he did. It's sad, but in any large organization there are going to be people who, at one time or another, seem to get shafted." Egbert said all the other non-commissioned officers

and officers involved in the incident have either retired or have been transferred.

Tufariello, a Brooklyn native who was decorated for accompanying ground troops on search-and-destroy missions in Vietnam, said he never felt more stress than when he reported the pay fraud to his superiors.

The Navy man said he was told to "go to your desk and mind your own business" after he told his superiors that the reservists should not have been paid because the December 1983 drill was canceled.

He said lower-level officers prohibited him from going to higher-level officers about the pay fraud and that he was warned that he would receive a poor evaluation if he persisted.

My wife said to forget it, and the base chaplain said he would say a prayer for me, but I took pride in follow-ing regulations," Tufariello said.

He complained to the Navy's Fraud, Waste and Abuse Unit and wrote to several senators, including Edward Kennedy, D-Mass.

An investigation by the Naval Inspector General, prompted by Sen. Kennedy, commended Tufariello and noted in its report there was "considerable highlevel interest" in the case

The report, isssued last month, concluded that Tufariello had suffered injustices for documenting the im-

"He (Kettler) was asto Hall said Monday. " reached a conclusion on t The next time a case came just cut him (Feazell) out at gave it to him." Hall testified that shot he and Kettler became go witnesses, Feazell threater

Kettler, discussed Feazell's

with state prosecution by General Jim Mattox. "He (Feazell) told Ketter could still be prosecuted by and he would have his god

Jim Mattox do it," Hall said the government would not extend to thes that as a threat againstood Kettler testified for three week, telling of numerous in which he and Hall agree

Feazell one-third of the a Feazell "handled." Feazell is accused o \$19,000 in bribes from Wa

neys in exchange for de charges against their clients

#### Woman die after 2-lung transplantfo

HOUSTON (AP) - A who received a double lu plant from organs dona family of a shooting vi nearly a month after u the operation, a hospita said Monday.

Vicki Nickell-Lane, Clear Lake City, died about 1:30 a.m. at the Me Hospital, spokesman

Blake said. Nickell-Lane had rea double lung transplant Ma

the hospital. The woman suffered b rare and fatal form of a ons, killi He de sema. She was one of fivep that sultr who received organs do psycholo the family of James Wade ingham, who was shot todd 'reduced uations. ter he stopped to helptw with their disabled car. An ex wrongful Willingham's liver was

intruder when he planted into a 47-year woman, his heart went ba daughter year-old man and two other ages 38 and 36, each received Davis' of his kidneys, officials said isitor, B Three of the recipients in the hospital in stable of while the heart transplant a's boyfr The p second h was discharged June 4, said.

DC on FORT

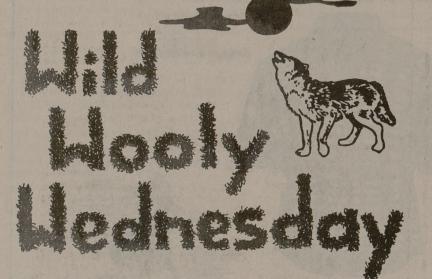
Co

Some c Cain Po

endant (

appearar when a g





### All the Pizza, Peproni Rolls and Beer you can hold

9 - 12 p.m. every Wednesday night

only 575 Tax Included Males 4.50 Tax Included Women

If anyone's enjoyment exceeds relaxed merriment, DoubleDave's reserves the right to cease serving them.



Participants must be at least 21 years old.

The report also cited his superior officers for dem-onstrating a "serious lack of sensitivity" for the seaman's rights in ordering a psychiatric evaluation July 20, 1984. But the report noted that the seaman's method of dealing with immediate superiors in demanding corrective action had generated concern for his mental stabil-

vis in a pa the gunr crude bla An Am eath in 1

ally signi

To

Is P

E

2

On

cess

pute

Coll

764-

### Expert says slain officer could have held gu

SAN ANTONIO (AP) — A patrolman suspected of vigilante activities could have been holding a gun on another officer who killed him, a blood-spatter expert testified Monday.

Farrell Tucker, 36, is charged with murder in the slaying of his best friend and fellow patrolman, Stephen Smith, 31, last Aug. 18.

Smith, who was suspected of vigi-lante attacks, planned to kill three top law-enforcement officials, Tucker says. Tucker claims he shot Smith five times in self-defense.

Prosecution witnesses have testified that Smith could not have been holding a gun on Tucker because of. very little blood spattering on the gun. Tucker says Smith was holding first shot could have forced him to

the gun and threatening him with it. Smith also had gunshot residue on his right palm, indicating he was trying to fend off an attack, according to testimony.

Terry Laber, a blood-spatter ex-pert with the Minnesota Forensic Science Laboratory, countered the prosecution witnesses Monday.

Laber examined the men's clothing, the car and photographs of Smith and simulated a shooting.

"It is my conclusion that Smith could have been covering Tucker when he was shot," Laber said, adding that the first shots weren't actually to Smith's head. "Tucker could have been holding the gun and the drop the gun and it could have dropped immediately and the blood spattered over it," he said. "It's an incorrect conclusion that spatter could have gotten onto it if he were hold-

ing it Dr. Sivarim Krishnan, a professor

of chemistry at the University of To-ronto, testified Monday gunshot res-idue found on Smith's right palm could have come from numerous sources, including Smith trying to fend off an attack

Krishnan, declining to refute expert prosecution testimony, said he would have to simulate the shooting or test the weapons to come up with his own conclusion "I don't want to reflect on some-

Davis, I body else's experiment," Ko lays, left 1 said. "I don't want to say some else is wrong. It could well't after both shot residue.

Laber's testimony count of FBI agent Robert Spald said small amounts of bloo on the gun only could have there if the gun were upside Spalding was one of Labe

'He saw the same things Laber said about his pupil didn't interpret them thes

"Everyone is taught to d plete string reconstruction it involves a vehicle. He fail that. He didn't spend the

ate amount of time on it."

dents.

#### Galveston launches recall election over trolley controver

GALVESTON (AP) — The mayor and four council members could lose their jobs through a recall election launched in response to controversy concerning a new trolley system.

"They kind of laughed and snickered and ridiculed some of the people who were doing the recall in the beginning," said Pete Fredrik-sen, chairman of We The People, the group that started the recall effort.

'But it wasn't just talk, and we went out and did it.'

We The People, whose members claim civic leaders have ignored the needs of the general public and favored special interest groups, gathered the 3,000-plus signatures needed to force a recall election, scheduled July 11.

At the heart of the controversy is Galveston's new trolley system - a project designed to boost tourism.

Conceived in 1979, the trolley project met little, if any, resistance as supporters looked for federal money to build the 4.5-mile system.

But by last year, some residents viewed the trolley as a wasteful frill in rough economic

Last fall, the Galveston Municipal Police Association, which was fighting for higher wages, circulated petitions for adoption of two city charter amendments — one requiring voter ap-proval of hiring private firms to provide refuse services.

The other requires voter approval for establishing new mass transit systems

Despite a "Don't Derail the Trolley" campaign, voters turned thumbs down on the pro-

But the council said the construction contracts were unbreakable without financial ruin to the city and the election didn't apply to the trolley system.

We The People then went to work

"The point of the whole thing is that the voters are once again going to take charge of the city, and the city council is going to be more responsive to the citizens' concerns," Fredriksen, a former council member and one-time trolley supporter, said. Voters will choose whether they want to keep

Mayor Jan Coggeshall and council J John Sullivan, Barbara Crews, Sonny and Steve Greenberg.

Don Brooks, who won re-election i and new council member Pat Harts exempt from recall under charter prove Coggeshall and other council membr

they have tried to be responsive to citiz that they don't listen only to special into

The mayor said, "I've said all along ought to be thankful for all the special in this community, the small groups large groups that care about Galvestor 'We ought to be thankful to the de

here who put t ir money into Galvest And the tark is of the recall have the porters, including about 200 people w

ered last week to form Citizens Against call Election. Attorney Roland Bassett, who head group with Bennie Holland, an execute the International Longshoremans Asso said,"I think they've been responsive to the

ple.

Cal

Dete Rad 2414