

State and Local

Hightower calls for federal help to aid struggling Texas farmers

WASHINGTON (AP) — Expressing exasperation at the irony of farmers who are having trouble putting food on their own tables, Texas Agriculture Commissioner Jim Hightower called Wednesday for federal help.

"The old poor, the new poor and the near poor are in need of immediate help at a time that Washington is washing its hands of them," Hightower told the House Select Committee on Hunger.

The Democratic commissioner said that since 1981, more than 43,000 Texas farmers and ranchers have gone out of business and that last year alone, 14,000 commercial farmers lost their farms.

"Farm failures are already up 300 percent in the first four months of 1987 when compared to the same period last year," Hightower told the committee, chaired by Rep. Mickey Leland, D-Houston.

Minority farmers are losing their land at twice the rate of their white counterparts, Hightower said, and a Texas farmer, Ollie Williams, told the committee what he felt were the reasons.

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"No financing, lack of education and, most important, lack of a market," said Williams, a founding member of the Hempstead Small Farmers Cooperative, an organization of black farmers who market watermelon to Kroger Co.

Williams said that because of their fundamental problems, Texas farmers are faced with the threat of hun-

ger — "and if you haven't ever felt hunger, then you just don't know how hard it is."

He urged the committee to help formulate markets and show the way

to future productivity.

Hightower said the federal government could begin helping farmers through a series of initiatives including crop insurance and alternative crop loans, which would allow farmers to take some chances and make some advances.

"There are 150,000 Orientals in the Houston area, your district, Mr.

Leland," and last year they bought \$5 million worth of Oriental vegetables, most of which came from Hawaii, Hightower said.

"Safeway has said they would like to buy all their Oriental vegetables from Texas farmers," which could be grown by the Oriental farmers in the Houston area, Hightower said.

To aid the hungry in the near term, he suggested the government help distribute surplus foods, such as those left in the fields because they are too ripe for shipping but could be consumed in the immediate area without quality problems.

He also stated his support for legislation authored by Sen. Edward Kennedy, D-Mass., and Rep. Leon Panetta, D-Calif., that would return the food stamp eligibility requirements to 1981 levels.

"As policymakers and as worker people, we've got to put our faith and our energy and our resources into here-and-now, hands-on, grunt-level economic development programs," Hightower said.

Bentsen speaks out against Senate critics of new energy plan

WASHINGTON (AP) — In a point-by-point response to senatorial criticism of his energy security measure, Texas Sen. Lloyd Bentsen argued Wednesday that his bill seeks only to avert another oil crisis.

The Democrat's measure, attached to the omnibus trade bill due for Senate debate this week, would establish a 50-percent ceiling on oil imports and require the president to reduce imports if they are expected to reach that in a three-year projection.

Last week, Sens. Bill Bradley, D-N.J., and Bob Packwood, R-Ore., sent out a letter in which they labeled Bentsen's measure unconstitutional because it "upsets the traditional division of powers between Congress and the president."

Twenty-seven senators joined them in opposing the provision.

"The president could impose an oil-import fee, a gasoline tax or tax incentives for domestic oil production," the two senators wrote. "He could use quotas or oil rationing. He could also suspend environmental regulations and antitrust laws, regardless of the impact on U.S. consumers or manufacturers."

The Bradley-Packwood letter suggested that oil prices are driven by a global market and that the price of U.S.-produced oil will always be the same as the price of imported oil.

"If supplies are disrupted and the world price of oil goes to \$60 per barrel, so will the price of domestic oil," wrote the senators, both of whom are members of the Finance Committee.

Bentsen, who chairs the committee, called their arguments inaccurate and, in a responding letter, addressed the constitutional question and others raised by the measure's opponents.

"According to opponents of the Energy Security Act, the act

'is unconstitutional (because the) authority delegated to the president appears boundless,'" Bentsen wrote.

"This is not the case. The act . . . directs the president, in limited conditions defined in part by him, to control imports of oil through the use of . . . the Trade Expansion Act."

He ridiculed the idea that an oil-independent America would make no difference in the price stability of oil for U.S. consumers.

"If the United States produced enough oil to satisfy all its needs and did not import any oil at all, there would be so much excess capacity in the world that virtually any disruption could be covered," he wrote.

As for the position advanced by opponents that a 50-percent import cap was merely an arbi-

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— Sen. Lloyd Bentsen

trary ceiling and not necessarily a national threat, Bentsen was incredulous.

"The only foreign sources of oil on which our dependence can increase are unreliable," he said. "More than 70 percent of the new oil imported into the United States now and in the foreseeable future will come from the Persian Gulf."

"Fifty-percent dependence on foreign oil is a bona fide emergency in just about any circumstances that one can imagine."

A close fight on the measure is expected when the Senate takes up the trade bill, which is expected this week.

Supreme Court abolishes law barring spouses from filing suit against mates

AUSTIN (AP) — A century-old state doctrine that has barred married partners from suing each other for personal injuries was abolished Wednesday by the Texas Supreme Court.

"It is difficult to fathom how denying a forum for the redress of any wrong could be said to encourage domestic tranquility," Justice William Kilgarlin wrote.

The case garnered a 9-0 opinion. The ruling came in a San Antonio case in which Kimberly Price was injured when a motorcycle on which she was riding collided with a truck in July 1983.

The motorcycle was driven by Duane Price. Six months after the accident, Duane and Kimberly were married.

Kimberly Price then sought damages from her husband and the driver of the truck, claiming

their negligence caused her injuries.

The truck driver and his employer settled with Mrs. Price.

The trial court granted summary judgment for Duane Price, relying on the doctrine that one spouse could not sue another for negligent conduct.

The Supreme Court said the origins of the doctrine of interspousal immunity "are shrouded in antiquity," but the basis of the law is "that a husband and wife are one person." The court cited a 1764 case from England as an example of the law's application.

"Without ascribing any reasons for doing so, Texas adopted the doctrine of interspousal immunity 100 years ago," barring all civil actions for tort between husband and wife, the justice wrote.

"The doctrine of interspousal immunity has previously been abrogated as to some causes of action in this jurisdiction," Kilgarlin said.

"We now abolish the doctrine completely as to any cause of action," he said.


Justice Oscar Mauzy wrote a concurring opinion in which he said he was outraged at a recent State Board of Insurance decision incorporating the same "senseless doctrine" into contract law by prescribing a standard auto policy endorsement that excludes liability coverage for intrafamily units.

The Supreme Court in the Price case reversed the judgment of the 4th Court of Appeals at San Antonio, which had upheld the trial court's summary judgment in favor of the husband.

The case was returned to the trial court for further proceedings.

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