

State and Local

A&M prof offers views on man chosen to be high court justice

Senate to review Bork's nomination by Reagan this month

By Doug Driskell
Senior Sports Writer

Editor's note: This month the U.S. Senate will review Robert Bork's nomination to the Supreme Court. Bork's nomination by President Reagan has created controversy among many civil rights groups.

Dr. Larry Hickman, a Texas A&M philosophy professor who is a member of the American Civil Liberties Union, agreed to give his views on this issue in a Battalion interview.

With a lighted cigar in his mouth, Dr. Larry Hickman leaned back in his chair and waited for the first question.

Q: Who is Robert H. Bork?
A: The first thing that comes to mind is he's the guy who's responsible for the articulation of the Saturday Night Massacre. He's the guy who fired Archibald Cox.

Q: What was the Saturday Night Massacre?

A: Archibald Cox was the special prosecutor investigating the Water-gate affair. What happened was the word went out from Nixon's office that the attorney general, who was then Elliot Richardson, was to fire the special prosecutor. Richardson refused. It went on down one level to somebody I cannot remember now, who also refused. It got to Bork and Bork did it.

It infuriated a lot of people that Nixon would have people working for him who would do this kind of thing.

Q: What are Bork's political beliefs?

A: He is a right-wing ideologue, he is not a conservative. Bork is a reactionary. I wouldn't in any way call him a conservative.

Q: Why does Ronald Reagan want Bork in the Supreme Court if Bork is not a conservative?

A: Well, because Ronald Reagan is not a conservative. I have been saying this for years. He is not a conservative, he is a reactionary. He is a right-winger, but a conservative is a person who believes that you should have minimum government intervention into people's lives. Bork and Reagan are not that mold. You can see, for instance, from the position that Bork has mapped out on the First Amendment, that he is not a conservative. What is that position? Well, as far as we can tell his position is that the First Amendment does not fully apply to artistic or scientific matters and that it only applies to political issues. If he was given free reign he would be for intrusion into artistic and scientific expression. And that is something that we have come way too far in our society to allow.

Q: Why should the average person oppose Bork, in your view?

A: I have long since given up on trying to fathom what the average person is up to, especially in the aftermath of the Oliver North affair. The question to be asked to the average person is whether one is for open access to scientific and artistic expression and whether one feels that there are scientists and artists out there who have something to say that we would like to hear.

If you do not think that is very important, and if you think the government should have power in those areas to keep us from having access to that information, then I suppose you should be for Bork. But if you believe that the government of this country is not really either traditionally or correctly charged with intervention into those affairs, then you should be against him.

Q: Who should be the most afraid of Bork?

A: Blacks, women, anyone who is not a white Protestant or a Catholic male. Any of those people are going to suffer a retrogression in terms of their liberties. I read a piece in the New York Times in which a group of attorneys had done a study of Bork's decisions. They found in 90-some-odd percent of the cases in which a decision had to be made either for the corporation or the individual, he decided for the corporation.

In cases where it is a question of the government vs. the individual, he decided for the government. The guy is for big power groups. He is not for the underdog. He is not for the individual. Conservatives are for the individual. It seems to me that if a person is a true conservative that he would be against Bork.

Q: Do you think Bork will be approved by the U.S. Senate?

A: I think it will be real close. I think there is a real danger here. That is, the people who oppose Bork are afraid to push the issue because

they still believe that Reagan is very popular and if they fight him, it will cost them in the November '88 election.

By the way, I do not buy that business that ideology or political views should not enter into the confirmation process.

Q: Who supports the view that these factors should not be weighed?

A: The Republican supporters — Alan Simpson, R-Wyo., Robert Dole, R-Kan., Orrin Hatch, R-Utah — the main supporters of Reagan. All of these people are saying this should not be a political issue in the Senate confirmation and I think this is absolutely false. The guy was chosen on the grounds of his political ideology. For Reagan then to say 'Well, this has nothing to do with politics' is just a case of self-deception.

Q: What will happen if Bork gets the job?

A: The I think it is a safe guess that Bork does not like Roe vs. Wade; he believes the decision of whether abortion should be allowed and to what extent should be left in the hands of the state.

This means that if you are a woman, whether or not you ever anticipate having an abortion at all, then your future behavior is going to depend on: one, how close to Mexico you live and how willing you are to undergo uncertain medical practices. Two, who got elected governor in that state. In Texas you would not be doing very well right now. And three, how close you are to a state that provides abortions.

Pickens leads group offering buyout of mining company for \$5.64 billion

DALLAS (AP) — An investor group led by oilman T. Boone Pickens made a \$5.64 billion buyout offer Monday for Newmont Mining Corp., setting up a possible battle against Newmont's biggest shareholder, Consolidated Gold Fields PLC.

Newmont stock soared \$9.50 to \$92 in New York Stock Exchange trading following disclosure of the \$95 a share offer.

The investor group, Ivanhoe Partners, disclosed early in August it held 9.95 percent of Newmont's 66 million common shares outstanding and might seek to acquire the rest.

But until Monday's offer there was uncertainty over whether the group — 45 percent held by Pickens' Mesa Limited Partnership — actually would make a play for Newmont, a New York-based mining and energy company.

A major obstacle is Consolidated Gold Fields, a London-based gold mining concern that holds a 26.2 percent stake in Newmont.

Consolidated stated Aug. 19 that it supported Newmont's desire to remain independent and would take whatever action it deemed appropriate to thwart a hostile bid.

But Consolidated also has said it does not want to take over Newmont or to increase its stake in the company.

In a letter to Newmont outlining the buyout offer, Pickens indicated Ivanhoe's offer "represents a significant

premium to recent market prices and more than 200 percent of the price at which Newmont sold its own shares to the public only two months ago."

The letter also stated Ivanhoe was willing to discuss alternatives to Consolidated's sale of its Newmont interest, such as an exchange of its stock interest for direct ownership in one

Consolidated stood by its Aug. 19 statement.

Ronald Shorr, an analyst with Bear Stearns & Co. in New York, said Ivanhoe's \$95 a share offer was close to what Newmont would be worth if sold off in pieces.

"I think (Pickens) would do whatever possible to give himself the quickest profit, and that wouldn't be

operating Newmont Mining Co. without some dramatic change in the financial situation."

— Ronald Shorr, analyst

or more Newmont assets or continued ownership by Consolidated of a minority interest.

Newmont spokesman James Hill was said to be unavailable for comment and did not return telephone calls.

Hill's secretary, Dari Gates, said there were no immediate plans for a board meeting.

Pickens also was not available for comment and did not return telephone calls.

Spokesmen for London-based Consolidated said it was too early to comment on the buyout offer.

But a company official in London, who declined to be identified, said

operating Newmont Mining Co. without some dramatic change in the financial situation," Shorr said.

Shorr also speculated that if Consolidated declined to acquire a larger interest in Newmont, the company might seek aid from other mineral companies.

Newmont last week revised sharply higher the estimated geologic reserves and gold production of its 90 percent-owned Newmont Gold subsidiary, in a report that raised the company's potential value.

Newmont also owns 75 percent of Newmont Australia and a stake in Nevada's Carlin Trend, considered one of the world's biggest gold deposits.

Texas prisons hit capacity, close doors

HUNTSVILLE (AP) — The 27-unit Texas prison system was well above its state-mandated 95-percent population limit Monday, officials said.

"We sent a teletype out today that we will not be open tomorrow," said Charles Brown, spokesman for the Texas Department of Corrections.

At a midnight count, the population of the prison system stood at 39,009, or 96.32 percent of capacity, 535 over the 95 percent cap, Brown said.

After the count was taken, 324 prisoners were admitted, while 102 were released, Brown said.

The prison system, the third largest in the United States after New York and California, has closed its doors 20 times this year because of excessive numbers of prisoners.

When a closure occurs, the prison system does not admit new inmates until releases bring the total population to at or below the 95 percent limit.

Companies face few problems with new U.S. immigration laws

EL PASO, (AP) — A mass of immigration paperwork has forced some El Paso businesses to hire temporary workers to deal with the backlog, officials said Monday.

But employers by and large are reporting few problems complying with the statute, which calls for companies to help enforce U.S. immigration law by verifying whether their employees are legally entitled to work.

Kelly Services Inc., the temporary employment company, has hired about 600 people since the new immigration law went into effect last November and most had to be contacted later to verify they could work legally in the United States, branch manager Rosa Navarro said.

Navarro assigned two Kelly employees to contact the employees and complete the paperwork, a project that took about two months.

The company is now checking documents as employees are hired.

Anywhere from six to a dozen other companies have hired Kelly workers to deal with paperwork stemming from the law that requires employers to prove employees hired after Nov. 1, 1986, are U.S. citizens or have permission to work.

"With the documentation that is required now, there is no doubt that person is a U.S. citizen or has permission to work in the United States," she said. "I think it will reduce the influx of illegal workers into this country."

Since the law went into effect, the Immigration and

Naturalization Service has been teaching employers how to comply.

But the INS planned to start enforcing employer sanctions Tuesday. Employers of undocumented workers face fines and even prison sentences.

Some El Paso businesses said the law has not been a burden.

But companies with high turnover, such as Kelly, or with a wide geographical spread, such as El Paso Natural Gas Co., have had problems complying.

The gas company has had to round up its independent contractors, who work in such places as Bloomfield, N.M., and Casa Grande, Ariz., said John McFall, director of public relations.

The workers have to take time off at company expense to go to a district office and verify their work eligibility.

But McFall said getting documentation for independent contractors has been a minor problem, and the only one.

"By and large, it's going very smoothly," he said, adding that the 3,300-employee company has hired few people in the last 10 months.

The law has been no problem at Tony Lama boot company, industrial relations manager Wes Schotten said.

"Even before the law, we used to check for aliens," he said of the 800-employee company. "So we have to fill out their (the government's) forms and not ours. That's about the only difference."

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