

Court may overturn civil rights ruling

WASHINGTON (AP) — A deeply split Supreme Court said Monday it will consider throwing out a key civil rights decision used to fight racial discrimination.

By a 5-4 vote, the justices took the unusual step of expanding the scope of a North Carolina racial-harassment case to consider limiting the ability of minorities to sue private citizens for monetary damages.

Critics said the announcement could have a major psychological impact on minorities, raising fears that a newly solidified conservative majority on the court is willing to consider dismantling other victories for the civil rights movement.

In other action, the court:

- Turned away the first "dial-a-porn" case ever to reach it, letting stand a ban on sexually explicit telephone message services in Arizona.
- Agreed to decide whether wardens of federal prisons should have sweeping power to say what publications inmates may read.

The court said it will use the racial-harassment case as a vehicle to weigh overturning a 1976 ruling that expanded the right of minorities to sue over alleged discrimination.

Justice John Paul Stevens, in a sharply worded dissent, said minority groups may feel betrayed by the court's willingness to con-

sider discarding an important civil rights precedent.

He said the action is unwise activism and will "have a detrimental and enduring impact on the public's perception of the court as an impartial adjudicator."

He was joined by Justices William J. Brennan, Harry A. Blackmun and Thurgood Marshall.

In a separate dissenting opinion, Blackmun said, "I am at a loss to understand the motivation of five members of this court to reconsider an interpretation of a civil rights statute that so clearly reflects our society's earnest commitment to ending racial discrim-

ination and in which Congress so evidently has acquiesced."

The court's majority said the dissenters were making it sound like the court was overturning the 1976 decision.

"We have, of course, done no such thing," the unsigned order issued by the majority said. "It is surely no affront to settled jurisprudence to request argument on whether a particular precedent should be modified or overruled."

The North Carolina case, argued last Feb. 29, now will be held over until the court's next term beginning in October.

A ruling is likely in 1989.

Dukakis, Jackson differ on handling of hostage crises

PHILADELPHIA (AP) — Michael Dukakis and Jesse Jackson differed Monday over whether any concessions should be made to terrorists holding Americans hostage, while a new survey said Dukakis appeared headed for another big-state presidential primary victory in Pennsylvania.

"You never make concessions to terrorists — ever," Dukakis told reporters during a final campaign swing across the state before Tuesday's primary.

Jackson rejected what he called "material concessions" to terrorists but did not rule out political accommodation. He also said he could conceive of situations where he would grant safe passage to hostage-takers and added, "I choose negotiation over blind, bloody confrontation."

"If we are going to deter terrorism, we must address the underlying causes of terrorism," he said after an appearance at a high school in Pittsburgh. "Terrorism does not emerge out of the blue."

The candidates agreed that in hostage situations, the government ought to talk to people who could bring about the release of people being held.

U.S. policy holds that Ameri-

can officials "will talk to any official or group about the safety and release of hostages but we will not make concessions," according to the State Department.

But Jackson insisted, "The fact is that our government has talked with terrorists and has negotiated, in some instances successfully. It is good as a policy, but there must be always flexibility in the policy. . . . We ought to take every initiative we can to gain the freedom of the American hostages in Beirut."

Eight Americans are held hostage by Moslem extremists in Beirut.

The discussion of tactics for dealing with terrorists was an abrupt shift in a campaign debate which had been focused on economic issues, particularly how to assist Pennsylvania's ailing steel industry.

Dukakis was aiming for his fourth straight primary victory in a contest with 178 delegates at stake.

Vice President George Bush, who could clinch a convention majority with a victory in Pennsylvania, compared his campaign re-birth after an Iowa caucus defeat to the revival of Pittsburgh, a once-strapped steel town.

Counsel: Prosecutor quit due to improper exposure

WASHINGTON (AP) — An Iran-Contra prosecutor withdrew from the case partly because he felt he had been impermissibly exposed to the defendants' congressional testimony, independent counsel Lawrence E. Walsh testified Monday before jurors.

During a lengthy grilling by a lawyer for Marine Lt. Col. Oliver L. North, Walsh revealed that associate independent counsel Christopher Todd had withdrawn from participation in the much publicized and renowned case.

Walsh said Todd withdrew partly because he believed he might be tainted by the congressional testimony given by three of the four defendants under grants of limited immunity from the prosecution council of the hearings.

"I don't know whether he was tainted or not," Walsh told one of the defense attorneys, Brendan V. Sullivan Jr. "All I know about Mr. Todd is that he chose to follow a certain course."

Todd, who remains on the independent counsel's staff doing unrelated work, didn't explain or elaborate on the possible exposure only because "he didn't want to taint me," Walsh said.

The defense contends that forcing North, former National Security Adviser John M. Poindexter and businessman Albert Hakim to go to trial on conspiracy charges would violate their Fifth Amendment right against self-incrimination because

they were forced to testify to Congress last summer.

Arguing there was "enormous taint" of Walsh's staff as a result of unprecedented publicity of the three defendants' immunized testimony, Sullivan said: "This case can't proceed if I have any understanding of the Fifth Amendment."

No date has been set for the trial of the three men, who along with retired Air Force Maj. Gen. Richard V. Secord, are accused of conspiring to illegally divert U.S.-Iran arms-sale profits to the Nicaraguan rebels. Secord testified on Capitol Hill without an immunity grant.

At the outset of Monday's hearing, U.S. District Judge Gerhard A. Gesell barred any defense testimony on the ground that lawyers for the defendants had disobeyed his order that they give Walsh timely notice of the witness they intended to produce.

"The orders of the court are going to be complied with," Gesell told the defendants.

"We are going to proceed whether the atmosphere is one of confrontation and name-calling or not," the judge told the defendants and their lawyers, who had accused the judge in court papers of establishing a procedure that "makes a mockery" of their clients' rights.

Late in the day, the defense filed a notice that it intended to appeal Gesell's April 13 order to the U.S. Circuit Court of Appeals here.

"I have a great sense of unfairness

for my client when you rebuke defense counsel," Sullivan, who denied he had violated the order, told the judge after the midday recess taken from the hearings.

"I don't believe you abided either with the letter or the spirit of the court order," Gesell replied.

During more than four hours of testimony, Walsh described elaborate procedures he used to prevent investigators, prosecutors and grand jurors from exposure to the testimony that North, Poindexter, Hakim and other immunized witnesses gave Congress.

Despite those procedures, Walsh said he was exposed to information about immunized testimony on six occasions — three before the four defendants were indicted on March 16.

"I was never exposed to the testimony itself — so far as I know," Walsh said. The information he received was in the form of summaries.



Photo by Jay Janner
Bubbles
 Jeff Sanchez, a junior electrical engineering major from Phoenix, Ariz., blows bubbles out of his window in Aston Hall.

Instructor, students rescue swimmer while scuba diving

By Deborah L. West
 Staff Writer

Jim Woosley, a Texas A&M health and physical education instructor, and four University students saved a drowning swimmer in Lake Travis on Saturday.

Jim Hill, a 23-year-old from Lubbock, was trying to swim across a cove and back and got too tired, Woosley said. Hill's young nephew, who was on shore, started calling for help when he saw his uncle was in trouble.

Two of the Texas A&M students, Kevin Walters and Glen Brasseur, had just finished Woosley's rescue diver class a few weeks ago, and the other two, Mark Janson and Stacey Bott had taken the class in previous semesters.

Woosley said the group had just finished diving with some basic scuba students when they heard calls for help.

Walters, a senior aerospace engi-

neering major, and Janson, a sophomore general studies major, got to Hill first and pulled him up on shore.

"He didn't have a pulse and he wasn't breathing," he said. "He had been under water for three to five minutes already. We started administering CPR and treating for shock immediately."

Brasseur arrived a minute later and controlled the crowd that was gathering on the shore and Bott, a senior electrical engineering major, called the paramedics.

"Within five minutes of compressions and ventilations, we got the first cough out of him and he started breathing," he said. "The crowd let out a giant cheer when they realized he came back alive."

Woosley said he then gave Hill 100 percent oxygen from their dive site, but there were no reactions other than breathing.

"Officers on a Travis County sheriff's boat got there about ten minutes later," he said. "We put Hill on the boat so he could be taken to where the life flight helicopter could land a couple of hundred yards down the beach. We transported him, still unconscious, in a neckbrace and backboard to the helicopter."

Hill was placed in intensive care at Brackenridge Hospital in Austin.

"We were afraid he would have neurological problems because of the lack of oxygen to his brain, but Sunday morning he started blinking his eyes to questions," Woosley said.

Hill was released from intensive care and put in a regular hospital room on Monday, a hospital spokesman said. He is fully functioning and will be able to leave in a couple of days.

"The paramedics and doctors said there is no doubt Hill would have died if we hadn't helped," Woosley said. "They said they had never seen anyone do a better job that wasn't a fully-trained paramedic."

Currently, the rescue diver classes are half-semester, noncredit classes taken after basic scuba. Next fall, a full-semester Dive Master/Rescue Diver Class will be offered for credit in the health and physical education department.

"This weekend was a real-life internship for the course," he said. "We go over things like diving-related and pressure-related injuries in the class. Students are taught to control situations around them to the best of their ability. They become certified rescue divers and are trained in CPR after this class."

'Ivan the Terrible' gets death sentence

JERUSALEM (AP) — A judge sentenced John Demjanjuk on Monday to die for Nazi crimes and said the retired Ohio autoworker personally killed tens of thousands of people as the sadistic death camp guard "Ivan the Terrible."

Hundreds of spectators jumped to their feet and applauded. Some shouted "Bravo!" and others "Death! Death!" Survivors of the Holocaust, in which 6 million Jews were killed, cried and embraced each other.

Judge Zvi Tal said Demjanjuk's crimes at the Treblinka death camp in Nazi-occupied Poland could "never be forgiven by the hearts of

men or be obliterated from memory. . . . The blood of the victims still cries out to us."

"Ivan the Terrible" operated the gas chambers at Treblinka, where 850,000 Jews were killed in 1942-43. Demjanjuk was convicted last week.

The judge, who was born in Poland and lost his parents in the Holocaust, said Demjanjuk "served as an arch henchman who with his own hands killed tens of thousands of human beings. He humiliated and degraded his victims."

Minutes before the sentence was read, Demjanjuk shouted in Hebrew: "I'm an innocent man!"

Demjanjuk, 68, was in a wheel-

chair because of back problems. He is a Ukrainian Orthodox Christian and crossed himself repeatedly and muttered, apparently in prayer.

The 14-month trial in a converted movie theater was only the second in Israel of someone charged with Nazi crimes. More than 250,000 people attended and sessions were broadcast live on radio and television.

Adolf Eichmann, who directed Adolf Hitler's program for exterminating Jews, was tried in Israel and hanged in 1962. He is the only person to have been executed in Israel since it became a nation in 1948.

Court spokesman Yossi Hassin said Demjanjuk also probably would

be executed by hanging "if the sentence is upheld on appeal."

John Demjanjuk Jr., the defendant's 22-year-old son, sobbed silently. He said the family had expected a death sentence and would appeal within days.

"This amounts to nothing more than the judicial murder of an innocent man," he said.

"It will bring shame to the state of Israel, the Israeli Justice Department, the U.S. Justice Department and most unfortunately the 6 million victims of the Nazi Holocaust," he said. The United States extradited Demjanjuk to Israel.

Student Publications' editors selected

By Karen Kroesche
 Senior Staff Writer

New *Battalion* and *Aggieland* editors have been nominated by the Texas A&M Student Publications Board, but *Aggievision* still is seeking a new producer.

Richard Williams has been named summer editor and Lydia Berzsenyi fall editor of *The Battalion* and Cindy Milton will serve as editor of the 1988-89 *Aggieland*. All three nominations, which were unanimous, are pending approval from Provost Donald McDonald.

But Douglas Starr, journalism department head and chairman of the Student Publications Board, said no one applied for producer of *Aggievision*, a video yearbook. The publications board will continue to seek applicants for that position, he said.

Williams said the nomination came as a surprise to him.

"I was shocked," he said. "But I'm looking forward to the experience. It's going to be a challenge."

Berzsenyi, 20, is a senior math major from Beaumont who is minoring in journalism. She has worked at *The Battalion* for one and a half years as an *At Ease* staff writer, assistant *At Ease* editor and *At Ease* editor. She is finishing up a one-year term as president of Tau Kappa, A&M's junior honor society.

Berzsenyi said she plans to concentrate more on feature articles and coverage of campus events.

"I've got a lot of new ideas," Berzsenyi said. "I didn't really expect to get it (editor), but now that I have, I'm very excited about it."

The Battalion will be accepting applications until 5 p.m. Wednesday for summer and fall staff positions. Williams and Berzsenyi encourage all those interested to pick up an application in 216 Reed McDonald.

Milton, 20, is a junior journalism major from Galveston. She has worked as a staff writer and assistant news editor at *The Battalion* and has been on the *Aggieland* staff since



Richard Williams

Spring 1987. She also has served as a journalism representative on the Liberal Arts Student Council.



Lydia Berzsenyi

Being yearbook editor has been a long-time goal for Milton.

"This is something that I've wanted to do since high school," Milton said, adding that she is working with a small staff right now, and en-



Cindy Milton

courages anyone interested in applying to do so. The *Aggieland* will be accepting applications until Monday.

They are available in Room 011 of the Reed McDonald Building.

Milton said A&M tradition dictates that the *Aggieland* remain pretty much the same each year, but she

Photos by Jay Janner