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Inmates may be provided with alternative to prison

FORT WORTH (AP) — A decision by a state district judge nearly two months ago could provide an exit lane for many of those caught in the state prison inmate traffic jam, several lawyers said in a published report.

Lawyers in Fort Worth and Austin told the *Dallas Morning News* that they intend to ask judges to follow the example of District Judge John Bradshaw, who released a 26-year-old Oklahoma woman from Tarrant County Jail on "shock probation" although she had never officially served the time in a state prison facility.

Gina Beth Carter should have served between 60 and 180 days in a state prison to qualify for shock probation, which can be offered to well-behaved state prisoners convicted of less serious offenses who never served time in prison previously. The theory is that the inmate is "shocked" by the short stay in prison and won't return to a life a crime if released.

The probation is different from the early release program, which is granted through the state parole board. Shock probation can be granted by a state district judge at the judge's discretion.

Bradshaw's release of Carter is the only known case in which a judge turned someone loose without that person actually setting foot in a state facility in the 10 years since the shock probation law was passed, according to state probation officials and prosecutors.

Bradshaw told defense and prosecuting attorneys he did "not know what real authority" he had to grant her shock probation because "the

law is not clear." Later, he said he wanted to give her a "fair shake."

"This woman had enough time for parole already, under the general view of what we see with people getting out on parole, but she did not want a final conviction on her record," Bradshaw, former 90th Judicial District judge in Fort Worth, told the Associated Press.

"I was open-minded to it because I feel with probation, the supervision is for a longer time, with the net effect, on probation than on parole," he said, "plus the factor that if she had the innate decency not to want a final conviction on her record, to give her a shot at it."

"Under this situation, since she had been in jail a substantial period of time, she had nothing to lose and I thought it appropriate under the circumstances," Bradshaw said Sunday.

David Spencer, general counsel for the Adult Probation Commission in Austin, said he knows of no one requiring someone to actually serve time in a state prison before being eligible for the shock probation and believes other judges may follow Bradshaw's example to relieve and prison overcrowding.

Fort Worth lawyer Lavne Harwell, who plans to request shock probation for one of his clients awaiting transfer at the Tarrant County Jail, said he will work to defy the law.

"I'm drafting a change to shock probation law saying that person can't get to TDG, then the 60 days would start in the county jail," Harwell said. "Hopefully, it can get it passed at the next Legislature."

Child AIDS cases rapidly increasing

BOSTON (AP) — He is 3 years old, wearing a red T-shirt and boasting how his dad had taken him to see the fireworks. His little sidekick sucks on a Popsicle and shows off his purple tongue.

"You can't get me, Daddy," shouts one of the boys as he races playfully down the hallway of the hospital wing.

The illness that put them there is masked by their innocence and perfectly normal ways.

They are the children of AIDS. Not all are so free to run and play. Some come into the world prematurely and drug-addicted.

Many have swollen glands, sometimes enlarged livers and spleens. Their bodies are wracked by diarrhea and nausea, burning with fever and wet from night sweats.

More than 500 of them across the United States have died of AIDS and 3,000 are infected, according to Dr. James Oleske, medical director of the children's AIDS program at Children's Hospital in Newark, N.J.

Their numbers are growing at an alarming rate in a nation ill-equipped to care for them; in many places, hospitals must serve as expensive baby sitters while foster homes are desperately sought for the infants.

Dr. Martha Rogers, chief of pediatric and family studies for the AIDS program at the federal Centers for Disease Control in Atlanta, estimates about 10,000 children under the age of 13 will be infected with the AIDS virus within a few years.

That's the low end of Oleske's estimate; he foresees 10,000 to 20,000 infected children by 1991. "I estimate that one in every 10 to 15 hospital beds for children in the United States will be occupied by a child sick with (AIDS) infection," he said. "That is a frightening statistic."

About 13 percent of the child victims got AIDS through tainted blood transfusions.

Almost all the others, however, were doomed before birth, born to mothers infected with the AIDS virus through intravenous drug use or through sex with a drug user. Six out of 10 of these children die by age 2 or 3, Oleske said.

The tragedy is compounded when the mother is a single parent and unable to care for the infant because of her drug habit or because she is incapacitated with AIDS herself. A grandmother

may care for both, watching both daughter and grandchild deteriorate and die.

With family members unavailable to help in many cases, "Where are the increasing numbers of children born with AIDS going to be cared for?" Oleske asked. "Who's going to care for them?"

One answer may lie in the establishment of state-supported transitional group homes that provide temporary care for outpatient children until foster homes can be found. Several have been set up in the last 18 months, including homes in Boston, Albany, N.Y., and Elizabeth, N.J. More are being planned.

At Boston City Hospital, a renovated wing known as Dowling 5 South can house four children. Among current residents are the two boys whose fathers cannot care for them full-time but who take them on outings like the Fourth of July fireworks.

Since the Dowling wing opened in February 1987, the mothers of two children living there have died.

"Give me two weeks," pleaded one mother — and she held on long enough to make arrangements for the care of her child.

Anne Murphy, a 31-year-old social worker at Dowling 5 South, has seen dying mothers "just coming in and spending time with their kids, playing with them, putting them to bed, feeding them supper, some of the daily routine kind of things that I think take on so much more meaning when you feel that your time could be limited."

For many of the children, however, the warmth of mothers and fathers is absent, and nurses try to comfort them when they cry out with withdrawal pains.

Some of the older children, unable to understand what is happening to them, turn to their toy doctors' kits and play out their own tragic lives.

"They give us fake shots and take our blood pressure," Murphy said. "They play out a lot of the things that happened to them in the hospital . . . and kind of deal with the experience removed from it in a way."

Many potential foster parents are reluctant to consider children with AIDS — fearful or ignorant of the disease or unwilling to commit the extraordinary amount of time and energy required.

'King' of Ludlow Hobo Club retires after 23-year reign

LUDLOW, Ky. (AP) — Even a hobo can get too old for his profession.

Harry Messer, "the king" of the Ludlow Hobos, is abdicating. He's going to kick back and take life even easier.

Messer, 71, has been king, or top hobo, of the Ludlow Hobo Club for 23 years. "They appointed me king for as long as I could prove myself worthy," he says.

Soon, another hobo will get that chance. In the main, the Ludlow hobos are knights of the road in spirit only.

They come from all walks of life, many of them holding blue-collar jobs. Their common thread is the fellowship found at Hobo Springs.

Since the mid-1960s, when Messer and the late Duke Botkin founded the hobo club, the leisure-hour hobos have been coming to the springs to have a few brews, maybe some homemade soup or barbecue and carefree talk.

The club, nestled in this Ohio River town in Kenton County, has about 150 members, some being non-active membership card holders.

springs attracted hobos and drifters in decades past and provided water for Ludlow during the 1937 flood.

It's the steep climb out of the ravine, whether by concrete stairway or up the banks, that pushed Messer into retirement.

A former bartender and cook who traveled as a hobo some, Messer said his health is in decline, and his doctor has recommended he avoid climbing.

One of the king's duties is to be judge of a kangaroo court. The charges against members were anything Messer could think of.

"They were always guilty, but the top fine was 50 cents," he says.

The Ludlow hobos lease their clubhouse, where Messer lives, and picnic grove from the Norfolk & Southern Railroad.

Messer plans to move back to his hometown of West Union, in Adams County, Ohio, where several of his children live.

He plans to return to Ludlow for future hobo events "if I'm able."

Along with a few dollars in the hobos' treasury, Messer is leaving the club his chickens — a tough rooster and eight hens.

It's hardly a rich inheritance, but, as Messer says, "hobo isn't supposed to have too much anyway."

In a ravine, and within earshot of passing trains, the