

# Officials: Failure of zoning slows war on pornography

HOUSTON (AP) — Sex is a \$200 million-a-year business here that comes in the guise of book shops, arcades, topless clubs, modeling studios and street prostitution, and officials say lack of zoning laws makes fighting crime more difficult than in many other cities.

Authorities in other urban areas use zoning laws as a tool to restrict the location of sexually oriented businesses. But in Houston, city officials have opted instead to wage a regulatory war on pornography, a choice that many believe has proven less effective.

There are laws stipulating how many

sex aids a bookstore can sell and laws regulating how far sexually oriented businesses must be from homes, schools, churches and each other.

Other laws regulate how close a dancer can get to a customer, forbid soliciting a drink in a strip joint and call for bright lights in adult arcades.

But most are routinely broken by business owners who often fare better by paying fines or appealing cases in court than by complying with laws that cost them money, authorities said.

"We know we can't legally put these places out of business and that's not our

purpose," said City Council member Christin Hartung, chairman of the council's sexually oriented business committee.

"Our purpose is to make sure they are as respectable a business as possible by adhering to the law," she said. "Especially in a city without zoning, we have to be sure that neighborhoods and people are protected."

Most of the city's strip joints and modeling studios have moved to areas permissible under city ordinance, while a few have been granted extensions until 1991 to recoup their investment before closing.

In 1985, the threat of the spread of AIDS prompted a public health ordinance to regulate peep show booths, where police say anonymous sex is common. The ordinance requires owners to carry an arcade permit, which will not be issued unless booths remain well-lit and in open view.

After more than two years, none of the city's arcades has applied for a permit

and police have branded the law as a mockery.

About 50 clerks are arrested each month as authorities attempt to force compliance, a method that draws criticism from defense lawyer Rökkie Roberts.

"We don't have zoning and the city wants to get rid of these businesses, so what do they do?" Roberts said. "If there's anything obscene, it's to arrest a citizen for a crime they can't go to jail for."

A few clerks have gone to jail, however, and Roberts has vowed to appeal their cases.

While city officials point to health risks in such businesses, police stress that the industry is riddled with violence spawned by turf wars and greed.

"In any industry with a lot of money to be made, people will be fearful of losing their ground," said Lt. Bill Brown of the Houston Police Department's vice division. "But what we're talking about here is a real street mentality."

## Global warming could flood coast

HOUSTON (AP) — Experts looking at the possible effects of global warming under the greenhouse effect suggest that a rise in sea level and other changes could have disastrous effects along the Texas Gulf coast.

The Texas shoreline is more susceptible to damage from rising seas than the coasts of all other states but one, said Stephen Leatherman, director of the University of Maryland's Laboratory for Coastal Research and chairman of the Climate Institute.

"Essentially, the Texas coast is one of the most vulnerable," said Leatherman, a coastal geologist and a leading authority on sea level rise.

"The only other coast more vulnerable is Louisiana, because of its land-subsidence problems," he said.

It's hard to envision a lot of benefits for Texas from higher oceans caused by the greenhouse effect, agreed Jim Titus, the EPA's project manager for sea level rise.

One widely expected impact is rising seas, as water expands and melting occurs in polar regions.

However, scientists say that any projections of specific coastal changes from rising seas hinge on many variables, such as the amount of greenhouse gases that man continues to pump into the atmosphere.

Leatherman says some sea level rise is inevitable because of the lag between past and present emissions of those pollutants and the greenhouse warming they will produce.

"The direction is set, although we don't know how far the sea will rise," Leatherman said. "The point is, it's going to go up. If there's anything hot-wired to temperature increase, it's sea level."

Basically, Leatherman said, only three things can be done in response: People can move back from the coastline, letting it erode. They can armor the coast with structures such as the seawall built to protect Galveston. Or they can replenish beaches with extra sand, pumped from offshore to keep pace with the rising sea.

## Natural gas crisis feasible for winter

DALLAS (AP) — Americans could be grappling with an energy crisis as early as this winter because low prices have depressed the production of natural gas, members of the Dallas Morning News Energy Board said.

"We are running the risk of getting what would be an artificial crisis in natural gas," Tom Cruikshank, president of Halliburton Co., told the newspaper in its Sunday editions.

"The risk is that this temporary crisis will spike prices up, which then runs the risk of bringing in the federal government with regulation — and scaring consumers about availability," he said.

The Texas Railroad Commission has estimated that the state's maximum daily natural gas deliverability fell from 13.8 billion cubic feet in the winter of 1983-84 to 12.3 billion cubic feet last winter.

manent shortage of natural gas in the late 1970s.

Board members said an energy crisis of the 1980s would result from the nation's failure to see and prepare for what the future might hold.

"I think we'll see some shortages this winter in natural gas, not only in deliverability but in transportation and storage, and I don't think we've prepared ourselves to take care of the needs," said Kenneth Perry, president of American Petrofina, an integrated oil and gas company.

Natural gas prices may rise to \$2.25-\$2.50 per thousand cubic feet during the upcoming heating season — levels not seen since 1985. But levels won't fall back to lows seen last spring, Perry and others said. Wellhead natural gas prices averaged \$1.71 per thousand feet in 1987.

Projects to prevent or mitigate some effects of rising seas are all going to cost money," Titus told the Houston Chronicle.

"People will have to ask, 'would we rather avoid global warming than have all these costs,'" he said.

Leatherman's study covered the northern third of Galveston Island, the top of Bolivar Peninsula and a mainland area encompassing Texas City, La Marque and San Leon. Projected consequences of higher seas included:

- With a sea level rise of 7.8 feet by 2075, flooding now associated with a 100-year storm would occur at 10-year frequency with catastrophic damage.
- By 2075, a rise of three feet would place 94 percent of the study area in the 100-year floodplain, and a 7.8-foot rise would increase that to almost 98 percent. About 60 percent of the area is now considered susceptible

to a 100-year flood.

- The 15-year floodplain, which now covers a fourth of the area, would grow to a third of the area with a three-foot rise in sea level. Half the area, including as much as four-fifths of Galveston, would be included with a rise of 7.8 feet.
- Virtually the entire San Leon peninsula, a residential area, would erode by 2075 with a 7.8-foot rise. Six percent of the whole study area would be lost to erosion by 2075 with a three-foot rise in sea level, and 12 percent would erode with a rise of 7.8 feet.

Because recent winters have been unusually mild, the system has not been tested. But the fear is that any lengthy cold snap will prove demand can, and will, dangerously exceed available supply.

"If we have a demand on the state of Texas the same as we did in the winter of 1983 and 1984, every well in Texas (flowing) wide open today could not produce that volume of gas," Texas Railroad Commission chairman Jim Nugent said.

"Unless we do something to get those (drilling) rigs running, we're going to face a crisis," he said. "When we do, the price is going to accelerate up, and we are going to face the distinct possibility of the federal government stepping in."

The Natural Gas Policy Act, which instituted a complex price regulated system and the Fuel Use Act, which prohibited the construction of industrial plants fueled by gas, are the result of what was thought to be a severe and perhaps per-

A solution — and a blessing for Texas, which produces almost one-third of the nation's gas and holds one-third of its gas reserves — would be to enlarge the market for gas by promoting its use in the energy-strapped Northeastern United States, according to Texas Railroad Commissioner John Sharp.

"We get the Yankee or whomever hooked on gas . . . and its got to follow that they must be concerned about those peak demand periods in winter," Sharp said. "That would be enough incentive to get the gas out of the ground."

In 1987, Texas' share of U.S. natural gas production dropped to 27.8 percent — its lowest level since the Texas Railroad Commission has kept statistics. Meanwhile, U.S. consumption of natural gas has fallen by 27 percent from peak usage in 1972.

Gas is being touted for its positive properties. It's relatively cheap to produce and transport and a cleaner fossil fuel to burn, which could help solve acid rain problems in the Northeast.

## Death row inmate still awaits new murder trial

DALLAS (AP) — It has been a year now since a Galveston courtroom erupted in euphoria at the words of a state district judge presiding over a hearing in the case of death row inmate Clarence Lee Brandy.

"I shall recommend a new trial for the defendant," said Judge Perry Pickett of Midland, who a month later outlined his reasons in findings of fact delivered to the Texas Court of Criminal Appeals, which had ordered the 10-day evidentiary hearing.

"The court became convinced that Clarence Lee Brandy did not receive a fair trial, was denied the most fundamental rights of due process of law and did not commit the crime for which he now resides on death row," Pickett wrote.

Pickett went on to point an accusing finger at two men who have long figured in the case and who appeared before him at the hearing.

"The testimony . . . unequivocally establishes that Gary Acreman and James Dexter Robinson are prime suspects and probably were responsible for the death of Cheryl Dee Ferguson," Pickett wrote.

But Brandy still sits in prison waiting for Texas' highest criminal appeals court to act on the recommendation for a new trial.

The absence of any detectable action has led to speculation that the delay has somehow been politically inspired and that no ruling will take place until after next month's elections.

But a year is not a long time to wait for a ruling from the Court of Criminal Appeals, particularly in a case as complex as Brandy's, Rick Wetzel, the court's chief administrator said.

"The record in this case is mammoth. The transcript of the evidentiary hearing in Galveston was longer than most trials. There's no telling when they're going to act," he said.

On Aug. 23, 1980, Ferguson, 16, the manager of the Bellville High School volleyball team, was raped and slain in Conroe High School.

Brandy, who is black, and four whites, including Acreman, were working at the school that day.

The others accused Brandy.

He was tried twice in Conroe, the first trial ending in a mistrial, the second in a conviction, for which he was sentenced to death.

In March 1987, Brandy came within six days of execution, but it was stayed. Since then, a steady trickle of evidence has shifted the focus of guilt away from him.

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