

Hispanics seek education change

Mexican American attorneys say border area in need of 'first-class' universities

THE ASSOCIATED PRESS

AUSTIN (AP) — Lawyers for Mexican Americans in the border area asked the Texas Supreme Court Tuesday to declare the state's higher education system unconstitutional because it denies their clients equal opportunity.

"There's no (other) place in the whole United States where so many people live so far away from first-class universities," Al Kauffman of the Mexican American Legal Defense and Educational Fund said after the court hearing.

But state attorneys said the Texas Constitution doesn't require that everyone be provided substantially equal access to a comprehensive, "first-class" university, such as the University of Texas at Austin or Texas A&M.

"It may be good policy, it may be good legislation, but it's not required by the constitution," lawyer Rick Gray said.

The Supreme Court didn't immediately rule in the case. Justices questioned the lawyers about constitutional provisions and the placement of universities.

Kauffman cited among other items a constitutional mandate that the Legislature provide for "an efficient system of public free schools." That was the section originally used by the Supreme Court in ordering reform of elementary and high school funding.

"I'm having some difficulty wrestling with your rationale" that the provision also applies

to higher education, Justice Bob Gammage told Kauffman during the hearing.

Special Assistant Attorney General Javier Aguilar and Gray said if applied to universities, that would require the state to provide tuition-free higher education to all students.

Kauffman said that's not the case. And he said that under the constitution, "There is no way you can have a system like this."

Besides denying equal access, he said the system is inefficient, in part because of the concentration of resources in some areas.

The state has spent money "in a discriminatory fashion," Kauffman said. Some areas of the state have "every conceivable program," he said, while the border area has "basically nothing."

Among other questions from the court, Justice John Cornyn asked whether the state could remedy cited problems by providing students with transportation and rooming costs. He noted that it's not "particularly unusual" for people to attend college away from their homes.

And Justice Raul Gonzalez asked if the location of universities is more a matter of "political clout" than discrimination.

Gray said plaintiffs have cited five areas with comprehensive university programs: Austin and Bryan-College Station, whose universities are provided for in the constitution; the large population areas of Dallas-Fort Worth and Houston; and Lubbock, which Gray suggested got program expansions at a

time when state leaders hailed from West Texas.

The state is asking the court to overturn a January ruling by State District Judge Ben Euresti Jr. of Brownsville, who found that the higher education system violates the Texas Constitution by denying Mexican Americans equal education opportunity.

Plaintiffs have contended that the state has discriminated against Hispanics by systematically underfunding higher education institutions in a 41-county swath stretching from Brownsville to El Paso.

Euresti gave lawmakers until May 1, 1993, to make changes or quit funding state colleges and universities.

Since the Supreme Court scheduled Tuesday's hearing, Hispanic leaders have offered a \$2 billion, 10-year plan as a way to end the lawsuit.

The University of Texas and Texas A&M University systems have announced their own plan, with a similar price tag, to boost border programs.

Monty Jones, a UT spokesman, said that the universities didn't offer their plan as a proposed settlement, although Attorney General Dan Morales has said it had that potential.

Kauffman said there are no ongoing settlement discussions. Some state leaders have noted that Texas is facing tight budget times.

"This state doesn't have money," Gov. Ann Richards said. She said she's warned state agencies, "We're going to make do with less."

Governor endorses insurance reform plan

THE ASSOCIATED PRESS

AUSTIN — Gov. Ann Richards on Tuesday endorsed a proposal for the state to start collecting information independent from insurance companies to help in setting automobile insurance rates.

Currently, the data considered by the State Board of Insurance is supplied by organizations that are controlled by the insurance industry, Richards said.

Changing that system "may be the single most important reform that the Board of Insurance has considered to make insurance more accessible and more affordable to the people of the state of Texas," she said.

A proposal is being considered by the three-member Insurance Board.

Insurance representatives criticized the plan, saying the cost to collect independent data would drive up premiums.

They also said a recent state audit found nothing wrong with the data supplied by the industry to the Insurance Board.

"The bottom line was that the data collection organizations were doing a good job," said Rick Gentry of the Insurance Information Institute.

Gentry said another concern was that if the state collected the data, then insurance companies could find out confidential information about their competitors.

But Richards dismissed the insurer's objections as "non-issues," adding that no other regulated service is the sole supplier of information in the rate setting process.

"This independent data collection would give us what we have never had before, and that is reliable, verifiable information. Let the sun shine in," she said.

Richards said she did not know if the proposal would lower rates, but added, "It's designed to tell the public that these are the honest to God fair rates."

But insurance spokesmen said it would cost tens of millions of dollars for the state to collect the data, and that would have to be passed on to the ratepayers.

On another topic, Richards criticized a proposed health insurance plan by Employee Retirement System for teachers and school district employees.

She said the health insurance plan was too expensive and offered low benefits.

"The agency has failed to do what the Legislature told it to do," she said.

Last resident left in town refuses to leave for collider

THE ASSOCIATED PRESS

BOZ — The last resident of this tiny North Texas community has refused to leave her home to make way for the superconducting super collider being built in Ellis County.

However, if she hasn't moved by Oct. 26, she could be removed forcibly by sheriff's deputies, said Robin Stringfellow, spokesman for the Texas National Research Laboratory Commission.

The state began proceedings Monday against Monnie Bratcher, but the woman refused to sign eviction papers and insists she won't budge. The 84-year-old woman has been living in her home for 56 years.

"All hell is coming loose," Bratcher said. "I'm not going to do it."

State officials say they will file a complaint with an Ellis County justice of the peace if the woman doesn't move out within three days.

Bratcher's case is the first eviction proceeding in the 172 relocations of families in the collider's path, Stringfellow said. The state plans to move

181 families in all.

Bratcher already has sold her house and 42 acres to the state for \$170,000 and has bought a house and 47 acres in nearby Maypearl for \$160,000.

But she says the new house is rundown and dirty and the land has no fences, which she needs to keep her 10 head of cattle. She wants more money from the state to fix it up.

Bratcher has been living in her house rent-free since February 1991, when she sold it. She bought the new property in April.

The state also paid her closing costs and a relocation allowance, leaving her about \$20,000 extra to repair her new property, according to Rick Hurst, project manager for United Field Services, the company handling land purchases for the collider.

Boz, which once had a population of 200, sits in the path of what will be the West Campus of the \$8.3 billion collider. The campus will contain laboratories, office buildings and the machines that will send subatomic particles speeding around a 54-mile underground ring of magnets.

Judge encourages passage of law okaying castration

THE ASSOCIATED PRESS

HOUSTON — A Houston judge who agreed to grant probation to a sex offender if the man underwent castration says Texans should demand the Legislature pass laws allowing alternative punishments.

State District Judge Michael T. McSpadden told sex offenders counselors attending a statewide conference Monday that they should work for such legislation.

"I strongly urge you to accept (castration) before every woman and child is touched by this horrible, horrible crime," McSpadden said.

McSpadden drew nationwide attention earlier this year when he agreed to allow Steve Allen Butler, 28, to undergo castration and receive a 10-year probated sentence if he pleaded guilty to raping a 12-year-old Houston girl.

The sentence never was carried out because no doctor could be found to perform the procedure. Butler, who already was serving a probated term for sexual assault of a 7-year-old, was convicted and sentenced to life in prison.

McSpadden said the laws should make surgical removal of a man's testicles a voluntary alternative for sex offenders and suggested the state eventually might follow the path of some European countries that have made castration mandatory treatment for rapists who repeat their crimes.

But a medical authority speaking at the same conference urged restraint in such cases.

If all 9,000 sex offenders now in the Texas Department of Criminal Justice were castrated, there would be only 450 repeat offenders, McSpadden said.

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