

# The Midland Reporter-Telegram

METRO EDITION

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THURSDAY, FEBRUARY 3, 1983  
4 SECTIONS, 48 PAGES



Peacekeeping patrol

French troops of the multi-national peacekeeping force patrol a street near Boug El Brajneh, a Palestinian refugee camp in Beirut. The French troops patrol the center of Beirut's western sector, where Palestinian guerrillas held sway until Israel's invasion last June.

## Truckers seek protection from militant strikers

By JOHN DANISZEWSKI  
Associated Press Writer

A Milwaukee brewery cut back operations and California growers warned that Valentine Day roses might wither because of the nationwide strike by independent truckers, whose working counterparts demanded federal protection from snipers, arsonists and vandals.

Officials reported more than 300 trucks have been damaged, one driver slain and 27 people injured in violence stemming from the shutdown, which was called by the Independent Truckers Association on Monday to protest higher fuel taxes and fees.

Food shipments to some Eastern cities were curtailed Wednesday, and some produce prices rose. Bennett Whitlock, president of American Trucking Associations, sent a letter to Attorney General William French Smith, demanding the Justice Department and the FBI play a greater role in fighting the widespread bloodshed and intimidation.

"There's an absolute need for strong federal leadership. ... Federal law enforcement officials must make their intentions known and their presence felt," he said.

U.S. attorneys across the country have been told "to be on the alert" for any violations of federal law, said Justice Department spokesman John Russell, who said he was not aware of Whitlock's letter.

Meanwhile, Florida offered Highway Patrol protection to truckers if more requests are received and if truckers can organize convoys of 15 to 25 trucks. And Alabama said Wednesday it would use state liquor agents, revenue agents and game wardens to help state troopers patrol the highways during the strike.

"It looks like war out there," said Chief Deputy Edmore Rush in Colleton County, S.C., who urged sheriff's departments in surrounding counties to step up patrols of major truck routes. "We don't want this to be a bloodbath."

Mike Parkhurst, head of the ITA, called the strike to protest scheduled increases in fuel taxes in April and highway use fees in 1985. The association claims to represent 30,000 of the 100,000 truckers who own and operate their own rigs — a claim that is disputed by other trucking groups.

While the independents make up about a fifth of the nation's truckers, they haul about 90 percent of its fresh food and much of the steel.

Drivers who idled their trucks, either out of sympathy with the strike or from fears for their safety, caused anxiety for produce growers.

California flower growers desperate to reach East Coast markets in time for Valentine's Day scrambled Wednesday to find trucks, and some shipments

were being sent on more costly railroads and planes.

If the flowers don't reach their destinations on time "we would have to absorb the total loss. Just like other perishable agricultural crops, our product has a limited life," said David Niimiya, a rose grower from Richmond, Calif.

The availability of trucks at Florida vegetable packing houses was off 80 percent, with packers "concerned" about being able to make their shipments, said Steve Hull, a spokesman for Gov. Bob Graham.

"Many truckers are now into a daylight-only schedule," said Terry Rodes, president of the New England Produce Center.

In Tennessee, truck traffic on five major interstate highways rose 46 percent Wednesday, and state police Sgt. Dale Page said he thought truckers were "running a little more legal and are trying to stick to the primary routes for safety."

Some Pabst Brewing Co. workers in Milwaukee were told to stay home today because a shortage of trucks had caused a lag in the company's beer shipments.

Officials at the giant Hunts Point Terminal Market in New York City said shipments of produce slowed to a trickle after remaining near-normal during the first two days of the strike.

Mike Pfluger of the U.S. Department of Agriculture station at the market said wholesale prices had already jumped as much as 30 percent.

Pfluger said supplies of beans, cauliflower, celery, eggplant, green peppers and tomatoes have dropped. He noted that 70 percent to 75 percent of the area's fruit and produce arrives by truck.

There were numerous new reports of illegal efforts to shut down truck traffic across the country.

At the trucking hub of Breezewood, Pa., power went out for 1 1/2 hours Wednesday and nails were dumped on ramps to the Pennsylvania Turnpike. An anonymous caller told The Associated Press that "unhappy local truckers" were responsible for the problems, but West Penn Power Co. spokesman Bob Van Atta said the outage probably was caused by a storm.

Officials in 32 states confirmed 166 trucks have been hit by gunfire and 167 damaged by rocks and bricks in the strike, with a few trucks torched, tires slashed, nails and glass scattered on highways and other scattered sabotage.

A member of the Teamsters Union was shot in the neck and killed while driving near Newton Grove, N.C., late Monday night. Another driver was seriously wounded by a gunshot while unloading his truck in Utah and a 14-year-old Pennsylvania girl suffered a fractured skull when a brick bounced off a truck into her family's car. She remained in guarded condition.

## U.S. Marine halts three Israeli tanks

BEIRUT, Lebanon (AP) — U.S. Marine Capt. Charles B. Johnson said today he told an Israeli commander, "You're going to have to kill me" to stop the Israeli from trying to move three tanks farther into an area under American control.

The 30-year-old leatherneck told reporters that he pulled his .45-caliber pistol, jumped onto the officer's tank and grabbed him to halt the tanks' drive on Wednesday.

The armored vehicles had crashed through a white fence and barbed wire only a quarter mile from Johnson's Marine company headquarters near Beirut International Airport, the captain said.

It was the most serious of a half-dozen recent incidents between the Israelis and the American peacekeeping forces.

Israeli officials disputed previous U.S. accounts of the incident, which are substantially similar to Johnson's. There was no immediate comment on Johnson's comments today.

In other Middle East developments today, Israeli and Lebanese negotiators resumed their talks aimed at getting all foreign troops out of Lebanon.

In Beirut, a bomb shattered the currently unused offices of Syria's official news agency SANA. The offices have not been used since last summer.

The force of the blast hurled a 65-year-old woman out of her bed onto

### 'Dedicated, disciplined' captain 'gave 100 percent,' father says

NEENAH, Wis. (AP) — Marine Capt. Charles B. Johnson, credited with single-handedly blocking the path of three Israeli tanks, "always gave 100 percent" and he hasn't changed, his father says.

"He's a very dedicated, disciplined guy and if you tell him to hold the point he's going to hold it," Don Johnson of Neenah, Wis., said after hearing of his son's actions Wednesday.

"He's the kind of guy you'd want there, no question about that." When three Israeli tanks tried to drive at "battle speed" into a U.S. Marine-controlled area Wednesday, they were turned back by Johnson who pulled his gun on an Israeli tank commander, the Pentagon said.

The leatherneck told the Israelis that "if they were coming through they'd have to do it over his dead body," said Secretary of Defense Caspar Weinberger.

The Israeli military command disputed the Pentagon version of the confrontation, saying the area in question was under Israel's jurisdiction.

the floor in the apartment directly under the SANA office. Doctors suspect she has a broken rib, the woman's daughter told reporters.

Police said there were no other casualties from the bombing. There was no immediate claim of responsibility for the attack.

In Damascus, the government-controlled Syrian news media claimed Israel was moving reinforcements of

troops and armor into eastern Lebanon to attack Syria.

Johnson, a native of Neenah, Wis., said he told the Israeli lieutenant colonel "he was in Marine lines and he could not come across Marine lines."

After a five-minute standoff, Johnson told reporters, the Israeli "started to get up on his tank and I said you're not coming through. You're going to have to kill me."

The Israeli officer then started to rev

his engines, Johnson recounted. "I pulled my pistol out, locked and loaded it and carried it at the ready and said again to him, you can't come through."

Johnson said the first Israeli tank peeled off and he followed it on foot for a short distance. Then two other Israeli tanks that had been circling behind the lead tank made a dash up the road in the direction of the Marine company position and the joint check-point.

"I just ran up onto his tank and grabbed him and said stop those something tanks," said Johnson. "He didn't say anything, he just stopped them."

The standoff ended shortly after that, he said. When asked about U.S. Defense Secretary Caspar Weinberger's statement in Washington that he had recommended him for a commendation, Johnson replied: "I think it's lot of fuss over not that much big of a deal."

"There has been a request to clarify some issues and find out what turf who was in and coordinate a little bit better that position, which is fuzzy at best," Col. Thomas Stokes, commander of the 1,200 U.S. Marine peacekeepers, said.

Asked if Johnson was right to act on his own, Stokes told reporters: "He's in command up there and he's the man making those decisions. I personally am not going to Monday morning quarterback him but he sure as hell did the right thing in my opinion."

## Work begins on city sewer projects

By LANA CUNNINGHAM  
Staff Writer

Most people consider the Bible passage "My cup runneth over" to imply good fortune. City officials think otherwise when it refers to the town's sanitary sewer and water lines.

To remedy the problem of overflowing sewage lines and insufficient water lines that seeped into the public's attention during the boom of 1981, the city is beginning a \$6 million construction program that will see installation of new lines. With \$3 million to be

diverted to each area, the city also is completing an upgrading of the Paul Davis Well Field to supply more water for city residents.

A sewer study released recently by the engineering firm of Parkhill, Smith & Cooper, Inc., uncovered \$26 million worth of work needed on the sanitary sewer system to meet Midland's needs up through the year 2000. The engineer noted that not all is needed immediately, although some lines today are severely overloaded. It's those areas which the city is attacking first.

The first site of a new line will be

east Midland where a 42-inch main is being installed. The line was approved by the City Council in November 1981. Delay in getting started grew out of time needed for designing plans and specifications and then seeking bids on the project.

According to Fred Baker, director of public works, a 42-inch line will start at the sewage treatment plant southeast of the city, run north to Schaubauer Drive and Parkway Drive.

The next project was approved Jan. 25 when the council instructed the staff to proceed with preparation of

plans and specifications on three large sewer lines.

The No. 1 priority in that group is a line that will start at Parkway Drive, extend westward to Wadley and I Street, then flow along Wadley to Godfrey and branch into the Northwest Drainage Channel. It will run along the channel and stop at a point 1,500 feet west of Midland Drive, said Baker.

The lines will vary in size, starting with 36 inches and tapering down to 21 inches at the northernmost point, he added.

(See WORK, Page 2A)

## Most of Panhandle still icy...

By The Associated Press

Most of the Texas Panhandle remained in the chilling grip of ice and snow today as forecasters warned of the possibility of another winter storm reaching the area tonight.

A winter storm watch was posted for the area tonight, raising fears that the snow and ice from a storm earlier this week would not melt in time.

All major highways in the Panhandle

were open today, but the Department of Public Safety said many were barely passable. Many secondary roads remained closed.

A sunny day Wednesday diminished 10-foot snowdrifts by half, but many schools and businesses remained closed.

"Most people can't leave their houses without some kind of help," said Randall County sheriff's dispatcher Randy Rogers.

## ...and Midland may get another dose

Thrice struck by winter storms already this season, the Permian Basin is bracing itself for a possible fourth onslaught tonight through Saturday.

The National Weather Service has issued a 30 percent chance of rain, possibly mixed with snow, through Friday and is outright predicting snow flurries on Saturday.

The low in the upper 20s expected tonight would freeze any moisture

already on the ground. Winds of 5-15 mph also are anticipated through Friday.

The high Wednesday of 53 was 26 degrees off the all-time record for the date established in 1932, while the low of 26 was well above the 10 of 1972.

No rainfall was recorded in the 24-hour period ending at 6 a.m. today, leaving the yearly total at 1.14 inches.



AP Laserphoto

The sculpture of winter snow surrounds an Amarillo resident as he tackles the steps of City Hall. The walkway for the handicapped, foregrounded, is one of many snowscapes decorating the city.

### INSIDE TODAY

*'Soft' strategy*

In line with a nationwide change in merchandising strategy, the J.C. Penney store in Midland Park Mall will take a new direction. Some services, such as auto repair, will be lost.

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Comics.....2C	Markets.....10B
Crossword.....9C	Obituaries.....2C
Editorial.....10A	Solomon.....12C
Energy.....9B	Sports.....1B

#### Weather

Chance of rain mixed with snow through Friday. Details on Page 2A.

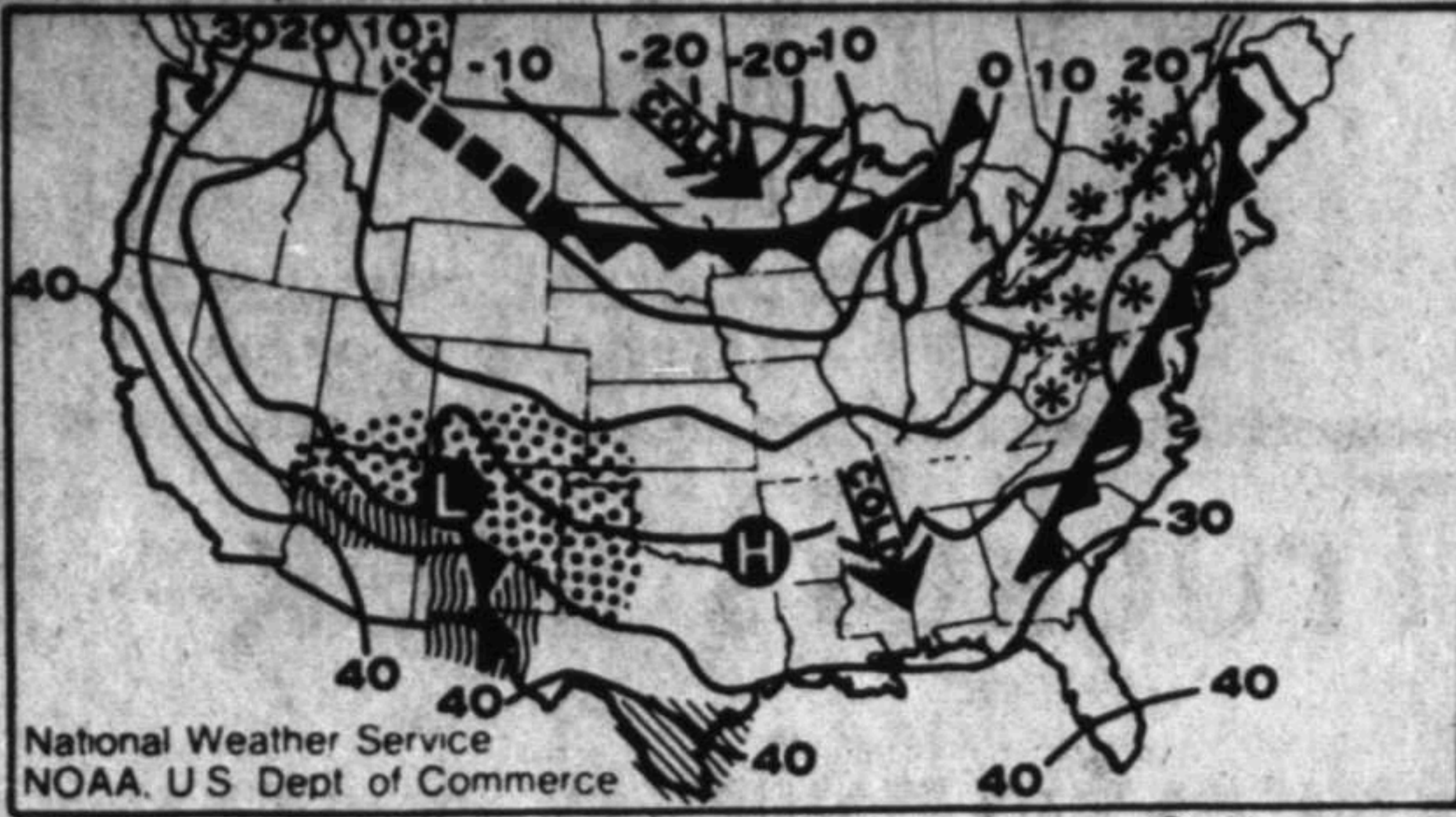
#### Service

Delivery.....682-5311  
Want Ad.....682-6222  
Other Calls.....682-4311

Business Property Sales  
8640.  
COMMERCIAL PROPERTY  
h, 1 1/4 acre in central park. Close to Backy St. John information at 480.  
Real Estate Property Sales  
acres. 2 BR house, furning golf course, Uiano Hills & Homes.  
FULLY FURNISHED RUIDOSO, 3 bdrm, dining area, FIRE-ot, refrigerated air, underneath storage, when includes dish- and compactor. Double garage. ERS TOTAL ELEC- WOODEN corner lot price \$130,000. Call 915-362-0236, 70.  
Real Estate Property Sales  
150' C-3 corner. 1500 sq ft. Call 682-8018.  
lease. 5000 sq. ft. approx. 1/2 acre. 14' doors, insulated, high plumbed. Call  
building. Two over- 43,000, or may be  
Great investment of 2011 N. Street of Big Spring. Call 682-5647.  
SE. Excellent retail located at Midland. 1/2 acre. 14' doors, insulated, highest traffic count. Call for contact owner  
available on North 1/2. Paved and down. 682-4488.  
Stainless, spanish says sale for loan or assume any Stewart. Real-Clarence Meekins.  
Commercial property. On Midland street. Cafeteria. Suitable for business. Owner price. Call 682-2556.  
Property. Reasonably lease. Close in, but located between state. Adjacent to al development.  
Highway 80 and acres, subdivided. Paved streets in area. On premise 682-4689.  
INDUSTRIAL property town. 507' W. Zone C-3. Paved 000 square feet. Prime area. Call 682-5315.  
LEX  
can't get to call. DON HAR- 682-5333, eve-  
vare foot with Fairgrounds and lot. Water well. Oak trim and for more information at Murphy and  
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eo, 3 bedroom, new fence. 83-0660.  
at Cotton Flat off Rankin High-  
of Opportunity. Located in the new Highway. 682-5333.  
llent north loca- each side. 2 New point and ental history. 89-8134.  
captional rental f over \$2500 ncing. 1201 S. Pioneer Land. 682-1759.  
Investment prop- urvey M.A.I. proposed First 684-0901. 1518 S. Dallas  
ions. \$60,000. 1702-1713 N. (B) 2 bedroom & dishwasher. e \$230,000.  
Wall St. loca- ce and furnished beds, kitchen- being installed. Pioneer Land. 682-1759.  
Individually chain desirable area College. Excal- monthly. Man- 900-340,000 AND 682-4689.  
UILDERS  
oned for 12 k sales. Call BARGER Insurance

WEATHER SUMMARY

The Forecast For 7 a.m. EST Friday, February 4. Rain, Snow, Showers, Flurries.



The National Weather Service forecasts snow and showers through Friday for the Southwest...

Midland statistics

Forecast: Thirty per cent chance of rain, possibly mixed with snow...

The weather elsewhere

Table listing weather conditions for various cities including Albany, Albuquerque, Amarillo, Ansonia, etc.

Texas area forecasts

West Texas: Winter storm watch tonight and Friday. North Texas: Increasing high cloudiness and cold today...

Texas temperatures

Table of current temperatures for various Texas cities like Abilene, Alice, Amarillo, Austin, etc.

Snow, rain, wind still sweep nation

More snow moved into the Midwest today and a new Pacific storm hit Southern California with rain and high winds...

Fate of Florida's first black U.S. district judge in hands of jurors

MIAMI (AP) — The career of Florida's first black U.S. district judge was on the line today after a 12-member federal jury began deciding whether Alcee Hastings sold light sentences in return for a \$150,000 bribe.

justice. He is the first sitting federal judge ever tried for crimes allegedly committed while on the bench.



Workers stand in the background, waiting for the machine to finish installing a new water line. This is one part of a \$6 million package of water and sewer improvements being implemented by the city.

Work begins on city sewer projects

(Continued from Page 1A)

Second priority out of that package is a line that — again — starts at Parkway and Scharbauer and follows the Northwest Drainage Channel until it stops at the southwest corner of Midland Country Club.

This second line should intercept needs of Plantation Hills, Polo Park and other nearby subdivisions, along with tying in Saddle Club. Eventually, when a Canadian subdivision north of that area and Green Tree North develop, the line will handle those loads, Baker said.

This line also should relieve overloading problems that are occurring at Wadley from Ward to Whitney streets

where a 12-inch line exists. Several apartment complexes and subdivisions such as Northgate and Fairmont Park have been constructed since the line was put in...

Third major project will cover downtown. As new office buildings rise, too, does the load of sewage. Baker explained the proposed line would run from U.S. Highway 80 at Scharbauer Draw into the downtown area.

Residents living north of Loop 250 who have complained in previous City Council meetings about low water pressure should be getting some relief in the near future.

Already, the city is installing a water line in Wadley Avenue. "This was made necessary by the development of Clay-Desta Plaza and other office buildings in that area," Baker said...

A major line is being installed from Paul Davis Well Field to McMillan along with a pump station to increase capacity of water coming into downtown, he noted.

While some areas of the economy in Midland may have slowed down and a cork put on some new office building plans, Baker views this breathing space as a chance to get these projects completed to avoid another "cup runneth over" situation in the future.

Congressmen hear hints of compromise

WASHINGTON (AP) — Budget Director David Stockman has indicated to members of Congress that the Reagan administration may be willing to compromise on defense spending and a jobs program.

In testimony before the Senate Budget Committee on Wednesday, Stockman indicated some willingness to add a recession-relief program to the president's budget proposal now being debated in congressional committees.

"If this committee comes up with something that is reasonable in its cost and is targeted to hard hit parts of the country, I'm sure there is room in the budget for it," Stockman said.

Sources, speaking on the condition that they not be identified, said talks had begun between Republican Senate leaders and President Reagan's top advisors about proposals for dealing with the recession, even though Reagan has publicly opposed any large-scale public works projects.

Democrats, led by House Speaker Thomas P. O'Neill Jr., are planning an emergency package expected to cost at least \$5 billion to combat unemployment, now at 10.8 percent.

Stockman, before the committee, also hinted that compromise may be within reach on Reagan's \$238.6 billion military budget for next year, which would boost defense spending by \$30 billion.

Referring to attacks on the defense budget, Stockman said: "The differences between us are far less than they would appear in the extreme rhetoric of the last few days."

Although there have been both Democratic and Republican in Congress voicing support for a lowered amount of increase in the Pentagon's budget, Defense Secretary Caspar Weinberger did not offer compromise when he appeared before the House Armed Services Committee.

He contends reductions in the spend-

ing request would endanger American security. He said cuts in defense requests last year "reduced the security of the nation in a way that we much rather would not have had."

In the House Budget Committee, members asked Treasury Secretary Donald Regan why the president was not willing to negotiate on tax policy, including the third year of the Reagan tax cut scheduled to take effect in July.

Democrats have eyed the scheduled tax cut in their search for ways to trim a projected \$189 billion deficit in fiscal 1984.

"If you show us your cards, we will show you ours," Regan said. "This might be possible when we see what you want to compromise to."

A Treasury Department spokesman later said Regan was not willing to delay the final reductions of the tax package enacted in 1981, however.

Elswhere on Capitol Hill, President Reagan's plan to overhaul the way

health bills are paid was under fire from Sen. Max Baucus, D-Mont., who said the administration proposals would "cut the heart out of Medicare benefits."

Baucus, a member of the Senate Finance Committee, made the charge during an appearance by outgoing Health and Human Services Secretary Richard S. Schweiker before the panel's health subcommittee on Wednesday.

Schweiker was preparing to defend the administration's health care package before the House Ways and Means Committee today, the secretary's final day on the job.

The Senate Foreign Relations Committee, meanwhile, scheduled more questions for Arms control nominee Kenneth L. Adelman.

Eugene V. Rostow, fired by Reagan last month as director of the Arms Control and Disarmament Agency, declined an invitation to testify.

Some violence toward truckers reported in Texas

By The Associated Press

A truck driver says he escaped injury when a bullet was fired at his rig in the fifth violent incident directed against truckers in Texas since the start of the national strike by independent truckers.

The shot was fired by the occupant of a station wagon in rural Haskell County in West Texas, according to driver James Hambrick, who reported the attack Wednesday night.

Hambrick, who was hauling sheet-rock, told authorities the bullet shattered the rig's windshield.

A sheriff's dispatcher who asked not to be identified said officers failed to find the bullet after searching the truck.

Texas authorities said Wednesday they cannot confirm that the incidents are related to the strike by independent truckers.

A gravel truck driver told authorities six shots were fired at him from a station wagon on the access road to Interstate 10 in Fort Bend County near Houston about 5:20 a.m. Wednesday.

One of the shots hit the truck's radiator, but the driver was not injured, said

Three arrested in North Carolina for allegedly firing shots at truck

NORTH WILKESBORO, N.C. (AP) — Two men and a woman were arrested after they allegedly pulled up alongside a moving truck and fired several shots at it, officials said today.

The Wilkes County Sheriff's Department said the three were charged in connection with shots fired from a car late Wednesday night at a truck driven by Warren Pope of Jonas Ridge. The

trucks at the time, he said.

A St. Louis, Mo., trucker escaped injury about 6:30 p.m. Tuesday when three shots were fired at his rig near Pecos in West Texas, according to the Reeves County Sheriff's Department. Two of the shots went through the passenger window and the third lodged beneath the truck, authorities said.

John Everett Hargrove, 47, filed a complaint of assault with a deadly weapon with the sheriff's department after the shooting on Interstate 20. He said he did not see where the shots came from.

The first incident was reported Tuesday when three unidentified men fired three shots at a gravel truck near Sealy in Southeast Texas.

Authorities said they had no suspects in any of the cases.

Independent truck drivers have called for a nationwide strike to protest higher fuel and road use taxes.

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Table with columns for Home Delivery, Paid-in-Advance, and Mail Rates in Texas/Outside Texas.

Vertical text on the right margin containing various small notices and advertisements.

PUC's new rule 'more illusionary than real'

AUSTIN (AP) — The Public Utility Commission's new rule barring electric companies from automatically charging customers for increased fuel costs is "more illusionary than real," says a lawyer who fights utility rate increases.

"If one wished to abolish the fuel adjustment clause, it didn't take a 15-page rule to do it," said Don Butler, lawyer for the Texas Municipal League.

PUC Chairman Moak Rollins defended the new rule as valuable, but conceded it would not lower rates.

PUC members voted 3-0 Wednesday to replace the automatic fuel adjustment clause with a complicated process in which companies must estimate fuel costs one year in advance.

The process, however, still allows for adjustments if electric companies face changing fuel costs. The big difference is that, with the new rule, those changes would have to be approved by the commission.

Rollins said Texans still will pay the fuel costs. "I think people will see differences in their bills, but only in the manner the costs are expressed. They'll know in advance what those costs are going to be. They will know that those costs have been examined in public hearings," said Rollins.

Commissioner George Cowden asked the PUC staff to draw up the new rule after Gov. Mark White made the fuel adjustment clause a major plank in his 1982 campaign. But White, in a brief statement issued by his office Wednesday evening, questioned the changes.

"I am glad to see the problem has at last gotten the attention of the Public Utility Commission. I am concerned, however, about whether the new rule does enough," the governor said.

Butler said the PUC effort was worthless. "I think the governor got their attention. But it's obvious they didn't abolish the fuel adjustment clause," he said.

The Austin lawyer's complaint is that the new rule still allows companies to seek periodic rate changes to reflect fuel price fluctuations. Butler wants the PUC to set a rate and leave it in force until the electric company seeks an overall increase.

He opposes periodic reviews of a specific business expense, such as fuel. Under similar logic, utility companies could seek increases when it costs more to buy a vehicle, according to Butler.

"We might have the 'pickup truck adjustment clause,'" he said. Several lawmakers joined White in calling for an end to the automatic fuel adjustment clause, which is often more than half of a customer's bill.

"I certainly hope it will satisfy many of the concerns legislators have expressed to us. That's been our objective," Rollins said.

"All of today's action was a result of that political rhetoric," he said. The new rule includes a formula for bringing the charge to customers in line with the actual cost to companies.

The utilities would add surcharges if the estimate turned out to be too low, and would make refunds if the estimate were high. Refunds would be made with 12 percent interest.

Rollins said there had been "no substantial abuse" of the automatic pass-through system that was banned Wednesday. He said there was "legitimate concern" from ratepayers upset that the old system prevented them from knowing the cost of electricity until after they used it.

But Rollins said customers should continue paying fuel costs because "the cost is a cost of producing electricity."

T.L. Baker, Dallas Power & Light vice president, said the automatic pass-through system "is the best for both the company and our customers."

"This may not be the lowest cost method of doing things for the customer," he said of the new rule.

The rule was adopted on an emergency basis, effective immediately. Another hearing will be held before it becomes permanent.

Under the new system, electric companies must come to the PUC in April, with fuel estimates for the year starting Sept. 1.

Public Utilities Commissioner George Cowden gestures during discussion of the Fuel Adjustment Charge Wednesday. The Texas PUC voted to ban electric companies from automatically passing on to customers increases in the cost of fuel to produce power.

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J.C. Penney going 'soft,' other retailers likely to benefit from planned changes

By JIM PRESNELL, Energy-Business Writer

New York-based retailer J.C. Penney Company Inc. is now changing merchandising strategy at its Midland Park Mall store. The change is part of a nationwide program of revamping and upgrading their stores.

Penney's stores are going to get back to basic "soft lines" of apparel and leisure-time goods. They will pretty much stop carrying the catalog lines of big appliances, car parts, and hardware, in all the chain's stores.

Donald V. Seibert, Penney chairman and chief executive, has said the changes represent "An acceleration of the company's efforts to reposition these department stores in the retail marketplace."

The change won't be drastic at Penney's Midland and Odessa stores, though, because they are limited-line stores which concentrate on soft goods: apparel, home furnishings, and leisure lines (sporting goods, toys, etc.).

The only thing that will make the change perceptible here will be the elimination of the adjoining Penney Auto Center at both stores. All car repair lines will be eliminated (Mainly tires, batteries, and accessories). The auto repair space will be used to

expand the aforementioned "soft goods" lines at the store. Local limited-line J.C. Penney stores never have carried big appliances, garden tools, or hardware, so the total removal of these lines from full line stores won't affect Midland or Odessa. Catalog sales of auto parts and refrigerators and all the rest of the Penney's menu will continue through local catalog outlets.

Penney's emphasizes soft goods at Midland already. "If you want to pinpoint it, our strengths at Midland Park Penney's are going to be clothing, furniture, and leisure items. These would be considered our 'strong lines,'" local store manager Walt Sunday said.

In a telephone interview, Sunday confirmed that the 60,000 square foot, medium-sized, J.C. Penney store is in the process of making the merchandising change. The Odessa store, he said, is similar in design and is making the same fairly minor adjustments.

The Midland Penney car care section employs about six or seven people at a time, Sunday said. "We'll redirect some of the six or seven automotive employees. We will place the remainder of the employees at area businesses, to the best of our ability."

"We're preparing for disposal of the (car care) merchandise — ultimately there will be an advertised sale in the newspaper, and this ad will state when service is included, as it is with tires," the store manager said Wednesday.

"Our research indicates people don't come to a regional shopping center (like Midland Park Mall) to get automotive service," he noted.

One store in Midland Park Mall that does a lot of car service is Sears. During the Sixties and Seventies, as well as now, national ads by Penney have not hit the security-and-protection trigger that is pressed by the award-winning Sears campaign for its DieHard Battery.

The current theme in this long-running "field test" of performance of this battery (one of the main draws of the Sears Auto Center) is "We Install Confidence." Then Sears shows a lot of automobiles starting up. In all kinds of predicaments — especially cold and rain.

"We're tickled to death," about Penney exiting the car care business, said Sears Manager Mike Milligan. He added, though, that the move would probably benefit both Sears and Penney's locally, by helping both to shore up very different strong areas: Penney in clothing and Sears in car repair. The Sears car center has been larger and has more mechanics than Penney, and Milligan says they service "40 to 70 cars" in a typical day.

Mahon's clerks said Wednesday the judge probably will not issue his decision for two weeks.

The Federal Aviation Administration joined four competing airlines, two unions, a pension group and the Internal Revenue Service in filing notice Wednesday that they will appeal if Mahon agrees with U.S. Bankruptcy Judge John Flowers, who approved the deal Monday.

Flowers ordered the FAA to return landing slots parceled out to competitors when Braniff ceased operations last May. The FAA has said it will not return the slots because it does not consider PSA to be a "successor" airline.

Braniff chairman Howard Putnam said Wednesday the federal government should stop playing judge and find a way to give some landing slots to Braniff's joint venture with PSA.

In a telephone interview with The Associated Press, Putnam said the FAA could appease competing airlines by letting them keep Braniff's old landing slots and giving the Braniff-PSA venture new slots allocated to Dallas-Fort Worth Regional Airport.

"We believe the FAA should be doing their best to expand the system and not sitting around playing bankruptcy judge and taking away slots from people," Putnam said.

But the FAA said the judge had outstepped the bounds of his charge.

"Congress didn't tell Judge Flowers to run the air traffic control system," FAA chief counsel Sandy Murdock said. "Either he is going to do it or we are going to do it. Not both."

Mahon met with attorneys for the parties Wednesday and secured agreements that no appeals would be filed until after the judge issues his review of Flower's decision.

Putnam expressed bitterness at the federal government's failure to support Braniff, saying the airline shouldered its own responsibility for its financial problems.

Braniff "tried to go along with President Reagan's Reagonomics ... We didn't go to Washington and ask for a bailout ... We didn't think that was the right thing to do," Putnam said.

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House committee plans hearing on independents

By Vic Ostrowidzki, Hearst Washington Bureau

WASHINGTON — The powerful tax-writing House Ways and Means Committee plans to hold hearings soon into special tax breaks enjoyed by the independent oil and gas producers.

Rep. Charles B. Rangel, D-N.Y., chairman of the panel's Oversight Subcommittee, said Tuesday the review will focus on the "differences in tax treatment between integrated oil companies and independent producers."

Democrats have complained for a long time that the independent producers have become a major source of contributions to the Republican party and its candidates and that they field their own slates even against those Democratic incumbents who vote with the oil industry.

To qualify as an independent, a producer can refine no more than 50,000 barrels of oil a day, and can sell in the retail market no more than \$5 million of oil a year.

Prior to 1975, the tax law treated income from domestic oil and gas extraction essentially the same regardless of whether that income was received by a major (integrated) company or an independent producer, or by an individual or a corporation.

Since then, Congress has enacted in a piecemeal fashion a series of tax laws that distinguish between various types of oil and gas producers.

Rangel said the subcommittee will inquire into the extent to which the present law "favors certain kind of oil and gas producers relative to others, whether tax treatment which is not uniform is good tax and energy policy, and whether the specific provisions to provide differing treatment work as they were intended."

Among special tax breaks enjoyed by the independents is a provision allowing them to write off 100 percent of intangible drilling costs. Major oil and gas companies immediately can write off 85 percent and the remaining 15 over a three year period.

Another break gives independents the right to claim percentage depletion on up to 1,000 barrels of oil or the equivalent amount of natural gas a day while major producers receive no favorable tax treatment.

Independents pay far lower rates under the windfall profits tax than the majors and pay no windfall tax at all on oil from stripper wells that produce at a very low rate.

Majors are also required to deposit their windfall profit tax faster than other taxpayers.

Braniff getting another day in court

FORT WORTH, Texas (AP) — A federal judge planned to begin hearing arguments today in the next stage of lengthy legal maneuverings to either put some Braniff International planes back in the air or liquidate the grounded carrier.

Attorneys opposed to a proposed venture between Braniff and Pacific Southwest Airlines said they will take their case to a federal appeals court if U.S. District Judge Eldon Mahon confirms the deal.

The deal would use about 30 Braniff planes and put some 2,000 employees back to work.

Mahon's clerks said Wednesday the judge probably will not issue his decision for two weeks.

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Predictable reaction to New York mayor's tax idea

Hearst Feature Service

NEW YORK — When Mayor Ed Koch proposed a revival of the stock transfer tax as part of an effort to close the city's yawning budget gap the reaction was predictable.

American Stock Exchange Chairman Arthur Levitt, Jr. and President Robert J. Birnbaum called the tax proposal "counterproductive," in a joint statement released a week later.

"Development of computer-assisted order routing systems ... has encouraged the growth of formidable competing markets on exchanges in Boston, Philadelphia, Chicago, Los Angeles and San Francisco and from over-the-counter market makers in various locations outside New York," the statement noted pointedly.

"Since (a stock transfer tax) can be avoided by executing transactions outside of New York, business will be

drawn away from the New York-based securities industry. This will diminish other tax revenues presently accruing to the City and State."

WTGS to hear of lake basin

Thomas D. Fouch, research geologist, U.S. Geological Survey, and a distinguished lecturer sponsored by the American Association of Petroleum Geologists, will address a meeting of the West Texas Geological Society, Tuesday, 11:30 a.m., at Midland Center.

Reservations should be made by calling the society at 683-1573. The cost is \$6.50.

Fouch, a former exploration geologist, will present a paper titled, "Character of Ancient Petroleumiferous Lake Basins of the World."

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EXPLORATORY WELLS

- ANDREWS COUNTY: Wildcat (plugback): The Superior Oil Co. No. 2 Logodon, C.W. 660 Int. 780 Int. sec. 2, blk. A-37, PSL, 17 nw Andrews, TD 6,800.
DAWSON COUNTY: RK Petroleum Corp. No. 1 High Line, 1900 Int. 807 Int. sec. 2, blk. M, ELARR, 4 nw Camessa, TD 7,900.
EDDY COUNTY: Exxon Corp. No. 1 Simasko Federal, 1980 Int. 660 Int. sec. 25, blk. 23, T-26, 10 ne White City, TD 8,000.
LEA COUNTY: HNG Oil Co. No. 1 Pitchfork 36 State, 1966 Int. 1,966 Int. sec. 36, blk. 24, T-36, 3 se Cooper, TD 15,700.
LOVING COUNTY: Wildcat (Lower Delaware): J.C. Williamson No. 1 Exxon, 467 Int. 2, 173 Int. sec. 4, blk. 57, T-1, TD 6,200.
MARTIN COUNTY: Parker & Parsley No. 1 Casrock, No. 467 Int. 2, 173 Int. sec. 37, blk. 36, T-14, T&P, 5 ne Stanton, TD 11,500.
REYES COUNTY: Texaco Inc. No. 2 K.M. Ringer, 467 Int. 467 Int. sec. 32, blk. 56, T&P, 2 se Orta, TD 4,500.
TERRY COUNTY: Triton Oil & Gas Corp. No. 1-A Coleman, 467 Int. 600 Int. sec. 13, blk. 1, PSL, 3 se Meadow, TD 11,700.
WARD COUNTY: Gulf Oil Co. No. 1 Lee 128, 1980 Int. 1,980 Int. H&TC, 6 se Barstow, TD 11,600.

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DEVELOPMENT WELLS CRANE COUNTY: Block 31 (Devonian): ARCO Oil & Gas Co. No. 3 Block 31 Unit, 2,180 Int. 760 Int. sec. 39, blk. 31, U.S.S. 57 ne Crane, 9,050. CULBERSON COUNTY: Carolina (Delaware) 3,400; Ona Petro No. 6 Catchlaw-State, 467 Int. 857 Int. sec. 8, blk. 58, T-2-S, T&P Survey, 8.5 ne Orta, 3,500. FECTOR COUNTY: Lawson (S.A.): ARCO Oil & Gas No. 2 TXL "M", 1,980 Int. 1,980 Int. sec. 5, blk. 44, T-2-S, T&P, 8 n Penwell, 4,500. Harper: R. C. Bennett Co. No. 3 Shell-Cowden, 330 Int. 1,650 Int. sec. 30, blk. 43, T-2-S, T&P, 6 w Odessa, 4,500. HOWARD COUNTY: Moore (Deep Fossil): Hunt Oil Co. No. 1 Harding-Idem, 467 Int. 467 Int. sec. 19, blk. 33, T-2-S, T&P, 3 1/2 ne Big Spring, 10,500. Moore: Marshall R. Young Oil Co. No. 1R Oulsten "B", 2,310 Int. 330 Int. sec. 28, blk. 33, T-1-S, T&P, 3 1/2 ne Big Spring, 3,200. MARTIN COUNTY: Sweeney C Trend Area: DCB Oil & Gas, Inc. No. 4 Kelly, 660 Int. 660 Int. sec. 17, blk. 36, T-1-S, T&P, 3 w Stanton, 8,800. PECOS COUNTY: Yates: Marston Oil Co. No. 20-A-27 Yates Field Unit, 242 Int. 17,257 Int. survey 34, 1 1/2 SW 1/4, 1,467.

Today's mid-morning stock market report

New York Exchange

Table listing various stock prices and market indicators for the New York Exchange, including NYSE and NASDAQ data.

NYSE

Table listing NYSE stock prices for various companies, including IBM, AT&T, and others.

NASDAQ

Table listing NASDAQ stock prices for various companies, including Intel, Microsoft, and others.

Market Summary

Summary of market activity, including volume, index movements, and key news items.

Market Data

Table providing detailed market data, including volume, open/close prices, and percentage changes.

Market News

News items related to the market, including analyst reports and company announcements.

Market Outlook

Outlook for the market, discussing trends and potential future movements.

Market Analysis

Analysis of market conditions, including factors influencing price movements.

Market Commentary

Commentary on market events, providing insights and perspectives.

Market Data

Table listing additional market data, including foreign exchange rates and commodity prices.

MUTUAL FUNDS

Large table listing various mutual funds, including their names, managers, and performance metrics.

Market Data

Table listing market data for various sectors, including energy, technology, and healthcare.

Market Data

Table listing market data for various companies, including their stock prices and market caps.

Market Data

Table listing market data for various commodities, including metals, grains, and energy.

Market Data

Table listing market data for various international markets and currencies.

BUSINESS MIRROR Executive's strengths also his weaknesses

By JOHN CUNIFF

NEW YORK (AP) — In every corporation there are executives who come close to winning one of the top 10 to 20 jobs only to be demoted, transferred, fired, retired or plateaued.

Those seeking quick explanations may attribute it to the Peter Principle — that the executive rose beyond his level of competence — or perhaps to the possession of some fatal flaw.

The Center For Creative Leadership dug deeper, and while it might not have developed any laws of success, since chance was found to be too important a factor, they did manage to find a few consistent patterns.

They found, for instance, that what might have been a candidate's strength when he was farther down the ladder, can become a fatal flaw higher up. Such as ambition or playing politics or overmanaging.

"Every strength is a weakness also," says Morgan McCall Jr. and Michael Lombardo, who conducted the study. Loyalty, for instance, can be reinterpreted as overdependence or narrowness or cronyism, they said.

The scholars studied many executive careers for the center, a non-profit, educational and research organization begun in 1970 with assistance from the Richardson Foundation, named for the Vick Chemical Co. family.

Those who arrive and those who derail are more similar than different, says McCall and Lombardo. They are very bright, are identified early, produce fine track records, have flaws, are ambitious and make many sacrifices.

But arrivals also may have characteristics that separate them. They do more different kinds of things well, maintain composure under stress, handle mistakes with poise and grace, focus on problems and solve them, and get along with all kinds of people, being outspoken but not offensive.

Stock market mixed

By CHET CURRIER AP Business Writer

NEW YORK (AP) — The stock market turned in a mixed showing Wednesday, leveling off after the wide swings of the past two sessions.

The Dow Jones average of 30 industrials, up 10.95 Monday and off 15.91 Tuesday, rose 2.85 to 1,082.64.

Volume on the Big Board totaled 77.22 million shares, down from 82.75 million in the previous session.

Analysts said many investors were convinced that a recovery from the recession was at hand, if not already under way.

Appearing before the House Banking Committee, Chairman Paul Volcker of the Federal Reserve said the economy "may be taking a first step" toward recovery.

But brokers said recent developments had raised concern that the upswing might run into some difficult obstacles in its early days.

One source of doubt was the recent rise of interest rates in the credit markets, where the federal budget deficit is a particularly touchy question.

Interest rates and bond prices were mixed in Wednesday's activity.

Another point of uncertainty was downward pressure on oil prices, and talk in some quarters that financial troubles in countries dependent on oil revenues might cause new problems for the international banking system.

While the market as a whole was trendless, analysts noted buying in depressed stocks like Pan American World Airways, which led the active list and rose 1/2 to 5%, and International Harvester, which was up 1/2 at 7%.

American Exchange

Table listing American Exchange stock prices for various companies, including IBM, AT&T, and others.

Market Data

Large table listing market data for various sectors, including energy, technology, and healthcare.



Meet the press

Halle Jordan, education reporter for The Midland Reporter-Telegram, meets the press at Washington Elementary School Wednesday.

## Reporter experiences the other side

Meeting sixth-grade press a bit unnerving

By HALLYE JORDAN  
Staff Writer

My palms were a little sweaty, I admit. It's been quite a while since I've sat on the other side of the notebook during an interview.

I guess my mind has blocked out the cold defensiveness of secretaries when I identify myself on the phone. On other occasions, I've tried to ignore the fidgety, reluctant manner of the person across the desk from me.

Although I try to put my interviewee at ease, I now understand how frightening the situation can be — no matter how friendly or formal the setting.

Visions of rude contacts from past interviews crossed my mind. But surely, some of the hostile nervousness they felt must have stemmed from fears of being misinterpreted or misquoted.

I knew I wasn't nervous about reading misconstrued statements in the newspaper. Still, there was no way around it — I was nervous.

I tried to fake it with a trembling smile as I faced the room full of eager faces and anticipatory pens posed above pads of paper.

I cleared my throat and, amazingly, the rows of determined journalists in front of me simultaneously raised their hands into the air.

I gulped and blindly pointed, bringing on the first question of what would seem to be an hour of intense grilling.

Actually, the "press corps" consisted of sixth grade language arts students of Joan Sipko, Washington Elementary School teacher.

The students, who grasped lists of questions firmly in one hand while heads were cocked in concentration, were studying the art of interviewing during a unit on newspapers.

If a city councilman held a press conference in front of such an intent and considerate group, he might never again be satisfied with the professional media.

When a student was called on to pose a question, the others politely lowered their hands. Either standing or remaining seated, students asked questions in a direct and honestly curious manner. And the answers appeared to be appreciated.

Questions ranged from which qualifications are required to obtain a job as a reporter on a newspaper, to the most exciting story personally covered, to the social life of a reporter.

As the tape reel rapidly turned, every answer, followed immediately by the firing of another carefully considered question, was recorded for future reference for articles assigned to follow.

Wednesday's press conference with a reporter was the first in a series of interviews which will include Midland Independent School District trustee Joe Golding and District Judge Pat Baskin.

The students' career in communications began with studies of different newspapers. According to Ms. Sipko, every child took a different segment of papers from major cities such as New York, Los Angeles and Dallas to compare with local newspapers.

Although comments ranged from the price of stereos advertised to the value of beachfront houses in California, Ms. Sipko said students also paid attention to newspaper design.

Previous lessons introduced students to terms such as layout, display and the difference between publishers and editors.

"I felt they really should know the meaning of the terms used before we began the unit," Ms. Sipko explained.

Task cards pertaining to headline writing and other aspects of print journalism were made by the students over the Christmas holidays, she added.

Creative writing was one of two reasons the study was instigated, according to Ms. Sipko. The other was to provide a more entertaining way in which to practice handwriting skills.

The class plans to begin publishing a school newspaper later this spring which will include a gossip column and articles about teachers and school activities.

Besides campus coverage, students will write articles on different aspects of the community. Sources for these stories will come from scheduled field trips to the post office and a bank. Students also plan on getting the inside scoop on The Midland Reporter-Telegram during a tour of the newspaper plant.

## Jury discussion of parole ends in mistrial ruling

By ED TODD  
Staff Writer

Jury misconduct has resulted in the mistrial and dismissal of a 1980 Midland robbery case.

But the defendant, who was a former college weightlifting instructor and an ex-Green Beret, was a suspect in a series of holdups and remains in prison on another conviction.

The misconduct issue arose after a Midland juror's initial vote for a five-year prison sentence for the defendant was changed to 10 years and finally to 20 years following the jurors' prohibited discussion on parole.

Jurors in the case of Kennis Earl Grismore, who was charged with the aggravated robbery of a 7-Eleven food store in April 1980, apparently discussed the actual time a prisoner might serve in the penitentiary versus the number of years of the sentence.

The verdict was reversed by an appellate court in El Paso due to jury misconduct. State law prohibits a jury from considering how much time a defendant might spend in prison. In general and barring misconduct, an inmate generally serves about one-third of his sentence before he is considered for parole by the Texas State Board of Pardons and Paroles.

In an opinion rendered by Chief Justice Stephen Preslar, the justice wrote that "any discussion of parole law is jury misconduct" and that the Texas Court of Criminal Appeals has ruled that "if even a single juror votes for a harsher sentence as a result of the misconduct, then the defendant has been harmed."

The three El Paso appellate court justices — Preslar, Max Osborn and Charles Schulte — concurred in their decision and cut Grismore free of the 20-year sentence.

However, Grismore, who was 31 when he was convicted of the 7-Eleven robbery, was not released from the Texas Department of Corrections. He is serving a 10-year sentence for violation of his probation in a theft case.

In the Grismore case, juror Douglas H. Peddy testified in a post-trial hearing that "the parole discussion made it easier" for him to vote for a higher sentence," Preslar wrote in the decision.

In the decision, Preslar noted that the juror's first vote on paper ballot was for a five-year sentence for Grismore. But following the jury's parole discussion, juror Peddy's second vote was for 10 years, and his third vote, which the 12 jurors in Judge Vann Culp's 238th State District Court unanimously agreed upon, was for 20 years.

In arguing against the opinion, the state contended the parole discussion only affected Peddy's vote for 10 years and not the ultimate 20-year verdict.

"THE STATE'S argument is tantamount to an assertion that a faulty building foundation caused the collapse of the first 10 floors but not floors 11 through 20," Preslar wrote.

The chief justice's opinion noted that "numerous jurors in the Grismore case" confirmed that parole was discussed in the jury's deliberations on sentencing and that one juror noted



Vern Martin

that "parole could occur upon completion of one-third of the sentence."

While the district attorney said he appreciates the "energy and sincerity" behind the appellate court's decision, District Attorney Vern Martin said he disagrees with the ruling.

"I respect what the judges do," Martin said, "and I can't really fault them."

However, Martin noted that: —The issue of parole is a "very common problem." A legislative bill which would have made a jury privy to parole laws while setting a sentence died due to its complexity, since parole laws are so complex. Martin noted that there's "no way" anyone can tell a jury that a defendant will serve "X number" of years for any given sentence. "It's possible to serve 20 years of a 20-year sentence," he said. And just because an inmate is eligible for parole "doesn't mean he's going to make it." The degree — if any — of a prisoner's rehabilitation and his behavior have direct bearings on whether or not a prisoner is paroled.

—THE TREND AMONG appellate justices is toward more psychological analysis of the court records. "If you're going to psychoanalyze, you need to know more celebration," said Martin. He noted that appellate justices, unlike a court's presiding judge, such as Culp, are working from court records and therefore miss the flavor and mood of a trial and any hearings and inflections.

—"The appellate judges are really changing the law," noted Martin. "This is a new trend for them...to make this kind of decision based on no more than what was in that record." "I think he was right," Martin said of Culp's decision not to declare a mistrial based on alleged jury misconduct. The appellate court was "going by the letter of the law" in making its decision, according to Martin. In the past, the appellate court had left such matter to the discretion of the trial judge.

"This was a borderline case," Martin said. Grismore was defended by Midland lawyer Mike Morgan. Martin's first assistant, David Joers, headed up the prosecution.

## Charges filed in labor dispute

ClayDesta walkout subject of petition

By VINCE GIORGI  
Staff Writer

Carpenters Union Local 1428 has charged Midessa Construction Co. with unfair labor practices in its handling of a Jan. 25 walkout by about 30 employees at the ClayDesta Bank construction project.

The charge, dated Jan. 28, was filed with the National Labor Relations Board regional office in Fort Worth.

The union has also filed a petition with the NLRB to hold an election among Midessa employees. A 51 percent vote in favor of union representation would force Midessa to recognize and negotiate with the union.

In the charge, Jim Purcell, carpenters union business representative, stated that Midessa terminated the employment of 16 employees on Jan. 25 "because of their membership and activities in behalf of" the union. Purcell stated that "at all times since such date it (Midessa) has refused and does now refuse to employ the above-mentioned employees."

About 30 Midessa workers, interior mechanics and laborers, walked off the job to protest the lesser-than-union scale wages being paid by the company. Although Midessa employees are non-unionized, the company had kept pace with union scale wages until January 1982.

During discussions at the job site, Max DeVilbiss, company president, told the workers that the company was unable to meet two subsequent increases in union scale wages.

After failing to reach an agreement with DeVilbiss at the job site Jan. 25, the workers sought assistance from the carpenters union. They voted to accept union representation in negotiations with Midessa.

The afternoon of Jan. 25, DeVilbiss said he declined to meet with a five-man negotiating committee and two union representatives selected by the strikers. He said the strikers were asked to pick up their final paychecks that afternoon.

Subsequently, union representatives sent a telegram to Midessa officials offering to meet and negotiate a settlement. Charles High, Midessa's attorney, said the company declined to voluntarily recognize the union representation.

Purcell said another petition in which the employees offered to return to work unconditionally was also declined by the company.

Midessa called employees to a Sunday meeting and gave those in attendance letters, dated Jan. 28, offering "immediate and unconditional reinstatement to the job and pay rate you held on Tuesday, Jan. 25."

Purcell said he did not learn of the letter until Monday, after the charge was submitted to the NLRB.

The letter states that although replacements were hired for some striking employees who failed to return to work, the striking employees were not fired for their activities.

The letter states that the National Labor Relations Act prohibits an employer from discharging employees who go on strike for higher wages or because of complaints over wage increases.

"In such cases, an employer can lawfully hire permanent replacements for the strikers but cannot 'fire' them," the letter adds.

High, explaining the difference between "firing" and "replacing" striking employees, said that under the NLRA, strikers would not necessarily be guaranteed a job upon their return, but would be entitled to reinstatement as job openings occur.

"We clarified in a letter to the people what their rights were and what our rights were," High said.

Although some striking employees are now back at work, it is unclear how many walkout participants have been reinstated.

Sharon Boles, an NLRB field officer, said the board will investigate the charge and determine whether or not the complaint should be handed over to an administrative law judge for a ruling. Ms. Boles said about 85 percent of such charges are settled prior to reaching a judge's decision.

She said the charges will be investigated and settled prior to initiating the administrative proceedings that might lead to a vote on union representation among Midessa employees.

"We're perfectly willing to have an election. That's the way it should be resolved," said High. He said Midessa declined to recognize the union representation voluntarily because it would deprive all the company's employees of the chance to vote for or against the union.

Ms. Boles said that within about a week, an NLRB representative should begin investigating the unfair labor practices charge.

## Improving road quality goal of state group

By LANA CUNNINGHAM  
Staff Writer

Grassroots support for two proposals which would raise money for maintenance and construction of state highways — an area facing a major shortfall — is being sought by the Texas Good Roads Association. And the organization is using a study compiled by The Road Information Program in Washington, D.C., to support its contentions.

Holding a news conference Wednesday afternoon at Midland Regional Airport to present these ideas were Charles Kirkham Jr. of Dallas, a member of the Texas Good Roads Association, and Sally Thompson of Washington, D.C., who compiled the study.

Basically, one proposal calls for a percentage gasoline tax, rather than the standard 5 cents a gallon which has been in effect since 1955, said Kirkham. The Legislature could change the percentage each year, and that percentage would be translated into cents per gallon for the consumer.

"Each extra penny would give another \$70 million to the fund," said Kirkham.

The second proposal calls for a change in motor vehicle registration fees. According to Kirkham, the switch would follow the line taken by Oklahoma, which charges a percentage of the vehicle's cost rather than basing it on weight. For example, if a \$38,000 Mercedes-Benz and a \$6,000 Chevette weigh the same, the buyers now pay the same fee. Under the proposal, it would be a percentage — such as 1 percent — of the cost of the car.

"There is \$165 million generated now from the fee," he said. "If we make it one-half of 1 percent, it would bring in \$200 million; 1 percent would be \$400 million; 1 1/2 percent would be \$600 million."

Vehicles are getting smaller and lighter in

weight, causing two problems. Kirkham said there are less monies coming in on vehicle registration since it is based on weight. And because these light vehicles run farther on less gasoline the gas tax fund is getting smaller.

Meanwhile, they noted, the need for more maintenance funds is increasing.

The Texas Department of Highways and Public Transportation has estimated it needs \$2.55 billion per year over the next 20 years to catch up on a growing backlog of highway needs and to improve the system to meet future demands.

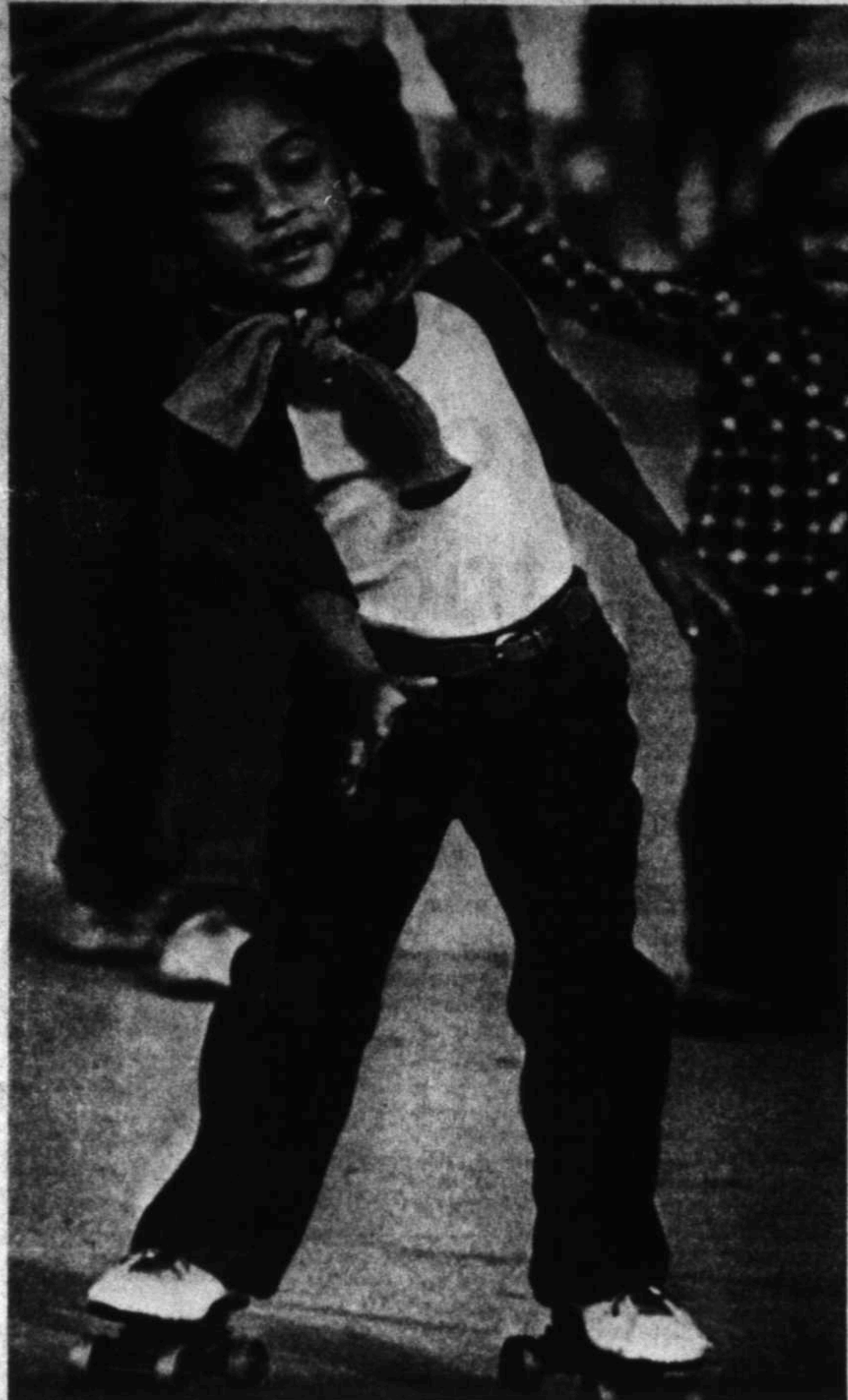
Agreeing with that was Bill Lancaster, district engineer with the State Highway Department. "Anybody who has traveled the highways in West Texas can see maintenance is not what it should be. An ounce of prevention is worth a pound of cure."

"Our biggest problems are with the Farm to Market systems. They were county roads at one time and we took them in the FM system. Oilfield traffic is tearing them up. We've lost some roads in the north part of Martin County because of heavy oilfield trucks," Lancaster said.

Adding to that line of thinking was Ms. Thompson. "We're trying to show a direct dollar benefit to the consumer" with fewer vehicle repairs and less need for new tires. "A driver can save close to \$200 a year" by paying enough to keep the roads maintained.

Kirkham noted the State Highway Department gets \$1.4 billion a year as compared to the \$2.5 billion estimated it needs. The shortfall, he contended, should be made up by users of the highway system through the two proposals.

These additional monies, reasoned the two speakers, also would generate more construction jobs and thus reduce the unemployment benefits.



AP Laserphotos

Children's wheels come in different styles, as evidenced here. Four-year-old Alisha Robinson of Galveston likes to keep both her feet on the ground, left, at least whenever she can keep her balance. Rolling skating, that isn't always possible, but this beginning skater isn't too bad. San Antonio high school student Jeff Sanders, on the other hand,

doesn't mind flying high every once in awhile — so he opts for the two-wheeled approach. Sanders is no fool, however. He's been racing bikes professionally for three years and the ramps in his home's driveway are for practicing tricks he's been performing the past year.

## Park fund could go up in smoke

AUSTIN (AP) — Senators considering various proposals to continue an urban parks fund paid for by cigarette smokers were told that even with the fund, Texas has too few urban recreational areas.

Three senators have introduced bills to continue the fund, which was created in 1979 and scheduled to expire on Aug. 31. One cent of the 18 1/2 cent-per-pack state cigarette tax currently goes into the fund, contributing about \$19 million a year to it.

"Recreational areas for urban residents is a necessity, not a frill," Madge Gatlin of the Sierra Club told the committee after reading them news clips about traffic jams and fist fights in crowded Dallas parks over a holiday weekend.

Another penny of the cigarette tax would go to parks under a bill sponsored by Sen. Oscar Mauzy, D-Dallas. The bill also would change the fund so it would not be restricted to urban areas.

Sen. Don Henderson, R-Houston, wants to simply extend the fund in its current form.

A bill sponsored by Sen. Carlos Truan, D-Corpus Christi, would expand the fund to cover rural as well as urban counties, but would not change the allocation of the tax.

Henderson said rural areas originally were excluded from the bill because state parks officials spent most of their funds on rural acreage, which is cheaper.

Jim Bell, director of the parks division of the Texas Parks & Wildlife Department, testified Texas has only about 150 acres of parkland per 1,000 residents. The national average, he said, is more than 1,400 acres per 1,000 people.

Committee Chairman Tati Santiesteban, D-El Paso, expressed concern that Mauzy's proposal would take \$19 million a year out of general revenues, to the detriment of various programs that also receive funds from the cigarette tax.

## Houston, cops sued by ACLU

HOUSTON (AP) — Officers rescued one man from two jail inmates who attacked him, but another was beaten and raped after he was left at the mercy of the assailants, according to a \$2 million negligence suit against the city and the police department.

The American Civil Liberties Union filed the action Wednesday on behalf of Melvin Roy Wells, a liquor store employee who said he was victimized by his cellmates after being arrested Dec. 26 on a public intoxication charge.

Wells, 25, was one of four inmates in the cell. The two cellmates tried to assault the fourth prisoner but he screamed for help and was moved to another cell, Wells said.

"Without making inquiry as to the cause of the disturbance, the officer transferred the fourth prisoner. The officer, however, did nothing to safeguard Wells, who was left behind," the suit said.

The two "nearly asphyxiated" Wells by holding his head under water in a toilet, then sexually assaulted him and beat him unconscious, the suit said.

"Notwithstanding Wells' calls for help, he received no assistance (from officers) either as a result of the fact that the jail was understaffed or that those officers on staff failed to make adequate patrol," the suit said.

## Two break-ins reported

In burglary complaints to city police during the past 24 hours, the Patricia Thomas residence at 3211 Kessler was reported broken into sometime Wednesday.

Taken were a TV set, stereo system, a diamond ring and a microwave oven. Total loss was placed at \$1,930. Entry was gained by prying open a rear door.

William S. Busby of 4614 Floyd Court said his home was entered Wednesday. Missing were clothing and assorted stereo equipment valued at \$2,153.

## DEATHS

### S.L. 'Pete' Sitton

LITTLEFIELD — S.L. "Pete" Sitton, 69, of Littlefield and a prominent West Texas oilman, died Tuesday morning at a Houston hospital after a lengthy illness.

Services were to be at 2 p.m. today in the First Baptist Church in Littlefield with the Rev. H.A. Kennemur Jr. officiating.

He was born in 1913 in Snyder. Sitton was president and owner of Sitton Drilling Company of Lubbock and Levelland. He was noted for his knowledge and expertise in the oilfield. He

was in the oil business for 51 years. Survivors include his wife, Ester Ray Sitton of Littlefield; three sons, Frank Sitton of Dallas, Ronald Sitton of Lubbock and Keith Sitton of Levelland; a sister, Alma Bearden of Pyote; and four grandchildren.

### Bill Samples

Services for Bill Samples, 65, of 415 W. Shandon were Wednesday at the Newnie W. Ellis Funeral Home chapel with Dr. Pete Adcock, minister of the Foursquare Church, officiating. Burial was in Resthaven Memorial Park.

He died Monday in a Midland hospital. Pallbearers were Byron Davis, James Wood, Jimmy Wood, Calvin Wood, Tony Lanzoni and Robert Hines.

### Mrs. V. Bushwar

McCAMEY — Mrs. Velva (Willis) McCamey, 82, of McCamey died Monday in a McCamey hospital.

Services will be at 2 p.m. Saturday in Assembly of God Church with burial in McCamey Cemetery, directed by Richard W. Box Funeral Home.

She was a housewife and had been a resident of McCamey since 1982. She

was a member of McCamey Assembly of God Church and had formerly lived in Granbury.

### Estella L. Brown

DALLAS — Services for Estella Lee Brown, 78, of Dallas and formerly of Midland, were to be at 2 p.m. today in Restland Wildwood Chapel in Dallas. Burial was to be in Restland Memorial Park directed by Restland Funeral Home of Dallas.

Ms. Brown died Tuesday. She was a longtime employee of Shell Oil Co. She lived in Dallas for a

little more than a year, having moved there from Midland.

Survivors include a sister, Susie I. Crowell of Dallas, and a niece.

### Julia E. Fallon

BIG SPRING — Julia Elizabeth Fallon, 88, died Monday in Little Rock, Ark.

Services were to be at 2:30 p.m. today in Trinity Chapel of Memories with burial in Trinity Memorial Park, directed by Trinity Funeral Home of Big Spring.

She was a housewife and a Baptist.

# White urges immediate action on teachers' pay

AUSTIN (AP) — Gov. Mark White says raising teachers' salaries is an emergency matter to be handled immediately, but legislative leaders are not as enthusiastic.

White sent the Legislature a special message Wednesday designating teachers' pay hikes as emergency legislation.

The message will allow the House to set aside its rules against committee consideration of a bill for the first 30 days or for debate of a bill the first 60 days.

"I talked with the governor about it Tuesday," said Sen. Bill Prensai, D-Bryan, chairman of the House Appro-

riations Committee. "This is just to emphasize his interest in the issue. It does not name a special bill. So far as I know, there have been no separate (teachers' pay raise) bills introduced."

The governor did not indicate if he planned to have a separate bill introduced, he said.

White told a joint session of the Legislature last week that he favors a 24 percent increase in state money for improving the teacher program during the 1984-85 spending period.

Prensai said he assumed any teacher pay raise bill, which would be considered separately from increases pro-

posed in the general appropriations bill, would be handled by the House Education Committee first and then relayed to the House Appropriations Committee, which has the final say.

Sen. Grant Jones, D-Abilene, chairman of the Senate Finance Committee, said he did not know of any teacher pay raise bills ready for introduction in the Senate.

He also said he had not talked to the governor about the emergency message, "but this is what gets Congress in trouble, taking care of specific spending bills before they get to the general appropriations."

At an afternoon briefing session, Jim Butler, executive director of the Texas State Teachers Association, said the TSTA was "very pleased" by the message, but did not know of it in advance.

TSTA spokesmen said the various teacher pay raises proposed by the State Board of Education, the Legislative Budget Board and the TSTA could not be compared on a percentage basis because each contained different elements.

Butler said the TSTA plan would increase the \$11,110 starting salary for a teacher with a B.A. degree to \$15,000. Top salaries for classroom teachers

would go from current \$19,200 to \$22,040.

The State Board of Education would increase current minimum salaries to \$13,940 the first year, while maximum salaries would go to \$20,860 the first year.

Under the Legislative Budget Board recommendation, the minimum salary would go to \$12,110 the first year and the maximum to \$20,700.

Butler said the LBB plan would cost \$1.4 billion in new state money for teacher improvement, the State Board of Education plan \$1.4 billion and the TSTA plan \$1.7 billion.

## Fate of Chagra resting in hands of Florida jury

JACKSONVILLE, Fla. (AP) — The question of whether Jimmy Chagra ordered the murder of a U.S. district judge or was framed by a convicted hit man faced a federal jury today in Chagra's murder trial.

In closing arguments, the government planned to repeat its claim that

Chagra, 39, paid Charles V. Harrelson \$250,000 to murder U.S. District Judge John H. Wood Jr. of San Antonio because he feared a stiff sentence from Wood in a 1979 narcotics case.

The defense contends Chagra never ordered Wood's murder, but was blackmailed by Harrelson, who threatened

to falsely implicate him in the May 29, 1979, assassination.

Defense attorney Oscar Goodman said any talk of murder on Chagra's part was merely boasting to create a "tough-guy" image as an inmate at Leavenworth Penitentiary, where he was sentenced to 30 years for operating a continuing criminal enterprise after Wood's death.

Goodman called just two defense witnesses, including one alleged to be dead, before resting his case Wednesday afternoon.

The first was Jerry Ray James, a former Leavenworth Penitentiary inmate who turned informant and tape-recorded Chagra's prison conversations.

James testified as a government witness that Chagra told him he had arranged Wood's murder. Wednesday, he said Chagra also told him he shot and killed a "Mark Finney" in the presence of a man named Jack Stricklin.

Goodman then called Martin E. Finney of Austin as his second and final witness.

Finney testified that he knew Chagra

and Stricklin. After establishing he was the man previously referred to, Goodman asked:

"Did Jimmy Chagra ever point a gun at you or shoot at you?"

"No," Finney replied.

"The defense rests, your honor," Goodman said.

Before resting his case earlier Wednesday, the government called 87 witnesses and introduced more than seven hours of tape-recorded conversations related to Chagra — a convicted narcotics dealer and former Las Vegas gambler — and Wood's death.

The trial, moved to Jacksonville because of pretrial publicity in Texas, began Jan. 10. Jury selection lasted three days.

After a 12-week trial in San Antonio, Harrelson, 44, was convicted Dec. 14 of murder, conspiracy to commit murder, and conspiracy to obstruct justice for firing the shot that killed Wood. Harrelson's wife, Jo Ann, was convicted of conspiracy to obstruct justice. Chagra's wife, Elizabeth, was convicted of both conspiracy counts. The three are to be sentenced March 8.

## Sex offense council possible

AUSTIN (AP) — The Senate has voted to create a council that would recommend whether state money should be spent to "break the cycle" of sex crimes.

The bill to establish an Interagency Council on Sex Offenders was sent to the House Wednesday on voice vote.

Sponsor Chet Brooks, D-Pasadena, told the Senate that 2,850 of Texas' 35,000 state prison inmates were convicted of sex crimes, but the Department of Corrections "hasn't been able to develop treatment programs because of overcrowding and other problems."

## Regional bands to compete Saturday

The 1983 5-A All-Region Band Concert will be held in the Robert E. Lee High School auditorium at 7:30 p.m. Saturday, following the Junior High All-City Band Concert scheduled for 7 p.m.

Band students from Midland, Lee, Odessa High School, Permian High School, Big Spring and Central will attend the band clinic Friday and Saturday.

Clinicians will be Dr. Francis McBeth, resident composer and chairman of the theory and composition department at Ouachita University in Arkadelphia, Ark., and Dan Gibbs, long-time music educator and band director at Monahans High School.

The clinic is organized by LHS band directors Randy Storie and Don LeFevre.

## Club names its 'Lion of the Month'

Warren Kelley has been named "Lion of the Month" for January by the Westside Lions Club.

Kelley has been involved in the Lions organization since 1972 when he became a member of the Big Spring Evening Lions Club. He held offices including taltwister and third, second and first vice presidents. He also served as District 2-A1 newsletter edi-

tor from 1976 to 1977 before moving to Graham.

He held various posts in Graham, including president. He is currently secretary of the Westside Lions Club.

An employee of Texas Electric Service Company, he is married and he and his wife have two children. The Kelleys are members of Crestview Baptist Church.

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30x72	94 <sup>50</sup>	\$60
30x60	93	\$55

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