Court Denies Permits For Alaska Pipeline

BUYING DOLLARS — A clerk from the Bank of Tokyo, one of the major foreign exchange banks of Tokyo, takes a phone call in front of a bulletin board bearing foreign exchange quotations Friday. The Bank of Japan bought up dollars to support the market. (AP Wirephoto)

WASHINGTON (UPI) — The U.S. Court of Appeals here dealt another setback to the multi-billion dollar Alaska oil pipeline project Friday, ruling it cannot be carried out under present federal law because it would require a wider strip of right-of-way than allowed.

Congress set an exact limit on the width of such rights of way when it enacted mineral rights legislation, the court said, and the executive branch may not ignore that limit in considering applications for pipeline construction.

The Alaska project would require a width of 200 feet, nearly four times the limit, for construction of the long-distance conduit proposed by a consortium of oil companies and armed the Alyeska Pipeline.

Decade-Long Fight

Environmentalists' in a decade-long fight against the project, have stressed the potential damage such a large swath across the heart of Alaska might cause fragile frozen tundra and its wildlife. Their efforts have won many delays.

The pipeline was planned to connect Alaska's ice-bound northern slopes, rich with oil, with ice-free ports in the south.

In its opinion the seven-member court held that it must literally interpret federal law and administrative regulations which limit construction activities to a 54-foot wide strip the length of the proposed 789-mile pipeline and that because it could not actually be built within those restrictions, construction must be enjoined.

The ruling by the U.S. Appeals court for the District of Columbia reversed action in a lower federal district court which had given the Secretary of Interior clearance to issue construction permits for the giant project.

Severe Consequences

The appeals ruling could have severe consequences for oil companies which have invested hundreds of millions of dollars in the proposed Alyeska Pipeline to run between Prudhoe Bay on Alaska's North Slope and the Port of Valdez on the state's southern Pacific coast.

It also dealt a severe blow to Alaska state revenues, which had been expected to burgeon as a result of oil revenues, and other aspects of the state's economy expected to benefit when and if the rich North Slope oil deposits are tapped.

Opposition to the pipeline had come principally from environmentalist groups, which contended it would destroy the vastest and most primitive wilderness area of this country, could not be built with adequate safeguards to protect natural surroundings and native Indian groups, and would fundamentally violate the nation's stated environmental preservation goals.

No Alternative

Proponents contended there was no alternative if the nation was to meet *its energy needs* at reasonable cost and develop the North Slope's rich resources.

The Appeals Court said that since the right-of-way issue was reason enough to rule out the project under present law it would not address the environmental issue.

It appeared to leave the way open for further pursing the project by asking Congress to amend the right-of-way restrictions cited in the decision as the basis for prohibiting the project now.

The Appeals decision laid heavy stress on an issue currently creating great tension between Congress and the Nixon administration in such areas as White House impoundment of congressionally appropriated funds and the abandonment of congressionally mandated program

The court said: "In the last analysis, it is an abiding function of the courts, in the course of decision of cases and controversies, to require the Executive to abide by the limitations prescribed by the Legislature.

"The scrupulous vindication of that basic principle of law, implicit in our form of government, its three branches and its checks and balances, looms more important in the abiding public interest than the embarkation on any immediate or specific project, however desirable in and of itself, in contravention of that principle."

The court said it appeared obvious the government "should have taken note of the limitations that had been prescribed by Congress, and should have presented to Congress the case for revision of the basic statute."

The basic statute was the Mineral Leasing Act, which prescribes under what circumstances mineral rights may be granted on federal lands, along with certain regulations of the Bureau of Land Management.

There was no immediate word whether the Interior Department, which originally granted Alyeska a right-of-way permit for the 48-inch pipeline, would appeal the latest ruling to the Supreme Court.

Although some members of the Appeals Court had dissenting opinions about certain more minor aspects of the complicated decision, there was no dissent to the fundamental ruling.

The Appeals Court was headed by Chief Judge David L. Bazelon and the court's opinion was written by Circuit Judge J. Skelly Wright.

PROBE SHOOTING — Det. Capt. Wayne Love, left, is shown holding gun used by an ex-convict to fatally wound Det. Larry Jack Stevens, 32, in downtown Lubbock Friday afternoon. Det. Russell McKenzie displays the badge carried by the slain officer. McKenzie himself was wounded in a racial disturbance here in September, 1971. Texas Ranger Capt. J. L. Rundell is at right. Other men are unidentified. (Staff Photo)

European Finance Ministers Meeting

(Continued From Page One)

—$3½ billion in the last two days in Germany alone.

Bonn insisted publicly it will not revalue or float its mark upward, or adopt a compromise "two-tier" market for a partial float. Speculators nevertheless, feared the weekend could bring anything from a German or Japanese revaluation to a U.S. dollar devaluation or import surcharge.

Brandt's telephone talks with Nixon and the French and British leaders were "businesslike and friendly," a Bonn government spokesman said.

But he did not say whether Brandt merely reiterated his refusal to let the mark rise in value or whether he discussed some new attempt at a solution.

The chancellor sent his finance minister, Helmut Schmidt, to Paris for talks with Finance Minister Valery Giscard D'Estaing of France and Chancellor of the Exchequer Anthony Barber of Britain, who flew in from London.

Despite Brandt's insistence he will stick to the endangered 1971 Smithsonian agreement fixing exchange values, speculators massively sold dollars on a bet that he will have to surrender eventually — possibly after a separate move from Japan or elsewhere.

Former Commerce Secretary Peter G. Peterson, now a special ambassador to President Nixon on international economics, will leave for Europe Monday morning to begin discussions on trade, monetary and defense matters.

"He's not a special emissary on the dollar crisis by any means," said an aide to Peterson. But he conceded that Peterson could not avoid discussing the question with other countries on his trip.

Peterson specialized in trade issues as an adviser to Nixon and as head of the Commerce Department. In his role as Nixon's adviser, he headed a committee that recommended imposition of surcharge on imports, a measure Nixon used in late 1971 and is considering again.

At the Treasury Department, officials considered whether anything could be done this weekend to calm the troubled markets.

The Japanese also stuck to their refusal to float or revalue the yen upward, a move Washington wants to help cure the huge U.S. balance of payments deficit, which was $8.5 billion last year.

Amid an apparent war of nerves between Germany and Japan as to who might have to move first, the German central bank stepped aside and let the yen soar in Frankfurt to 1,1300 marks per 100 yen. This was an effective yen upward revaluation of 7.5 per cent against the dollar.

Dealers said the immediate cause of the dollar's Black Friday was speculation that the 1971 Smithsonian agreement — hailed by Nixon as "the most significant monetary achievement in the history of the world" —was virtually dead.

That agreement came after a similar 1971 dollar crisis that ended in new exchange rates attempting to restore stability by devaluing the dollar and revaluing upward the German mark, the Japanese yen and other currencies.

Speculators were betting that such governments as Germany and Japan can no longer hold the line, and that current exchange rates will have to be realigned yet again.

"You can't maintain a fiction," a senior German banker said, doubting that the current rates will hold much longer.

Bankers said they fear a trade war if the United States imposes import surcharges. This would make it harder for foreign countries to sell goods in America, but might improve the U.S. trade deficit by giving U.S. exports a chance to catch up with imports.

It is the big U.S. trade deficit which has resulted in billions of dollars being accumulated abroad.

In Tokyo, the Japanese bank was forced to buy $220 million to support the existing dollar-yen rate —more than double Thursday's $105-million support buying.

This came after William Eberle, Nixon's special trade negotiator, pressed the Japanese to revalue their yen upward and accept more American exports.

Either or both proposed moves would help get America's trade balance out of the red and ease pressure for a dollar devaluation against the yen.

Fuel Oil Price Discussions See Protest

(Continued From Page One)

that it would not solve the shortage in the short run, but would help restore the kind of profits needed to invest in additional production and refining facilities.

Consumer spokesmen said Friday, however, that oil industry profits have been adequate or even exorbitant.

Max Weiner, executive director of the Consumer Education and Protective Association International, said the oil industry was not truly competitive and was already overcharging the public.

"Do you really have to let this industry add still further to the already unconscionable burden it has imposed on us?" he asked.

Mrs. Lynn Jordan, president of the Virginia Citizens Consumer Council, said that "The oil industry has always enjoyed high profits; it has been protected from competition by the import quota program; it has by its own actions eliminated much competition through a significant merger movement; it has for years enjoyed special tax treatment—for the very purpose of stimulating exploration and expansion."

Fuel Shortages

Earlier in the hearings, Sen. Edward M. Kennedy, D-Mass., said in a statement that industry and government policies combined to create this winter's fuel shortages.

And Rhode Island Gov. Philip W. Noel contended there was "a high degree of incompetence, bad faith and insensitivity to state and consumer interests on the part of federal officials" in managing oil policy.

Almost lost in the debate was the fact that the Cost of Living council could take direct action only on the single limited question of permitting or rejecting the heating-oil price increases, under the administration's cost justification guidelines.

Charter Day

(Continued From Page One)

of five outstanding young Texans by the Texas Junior Chamber of Commerce in 1965.

He serves on the board of regents for the University of Houston and has been a member of the Presidential task force on suburban problems and the national Citizens Advisory Committee on Vocational Rehabilitation.

U.S. POW Release Slated

(Continued From Page One)

numbers at two-week intervals until the 60-day deadline for freeing all prisoners March 28.

U.S. spokesmen in Saigon said the exact timing and other remaining details of the release will be worked out at a meeting Saturday among delegation chiefs of the four-party Joint Military Commission at the Tan Son Nhut air base.

While the prisoners to be released were not identified, the agreement specifies that "persons who are seriously ill, wounded or maimed, old persons, and women shall be returned first."

"The remainder shall be returned either by returning all from one detention place after another or in order of their dates of capture, beginning with those who have been held the longest," it continued.

Army Maj. Floyd Thompson has been held longer than any other American. He was captured in South Vietnam in March 1964. The second longest in captivity is Navy Lt. Cmdr. Everett Alvarez, 34, of Santa Clara, Calif., shot down over North Vietnam and taken prisoner after the Tonkin Gulf incident in August 1964.

Defense Department spokesman Jerry W. Friedheim said in Washington that an 18-man team of U.S. officials will fly into Hanoi three hours before the scheduled release to assist in the repatriation. Prisoner recovery teams from the four-nation International Commission for Control and Supervision all will go to Hanoi to observe, as called for in the peace agreement.

U.S. C141 Starlifter aircraft likely will be used to pick up the prisoners in Hanoi, American officials said. They can carry up to 83 men and can easily make the 1,800-mile, six-hour round trip from Hanoi to Operation Homecoming headquarters at Clark Air Base in the Philippines.

The American prisoners being released near An Loc in South Vietnam, expected to be mostly military, will be picked up by U.S. helicopters and flown back to Saigon's Tan Son Nhut air base, a 45-minute flight. At Tan Son Nhut, they will be put aboard medical evacuation aircraft for the one hour, 45-minute flight to Clark. If they are physically unfit for immediate travel, they will be taken to the Saigon Army Hospital.

At Clark, 60 doctors and 100 nurses will give the prisoners medical tests. U.S. officials say most of the men probably will be on their way home within 72 hours of their arrival at Clark, depending on their condition.

Civilian prisoners also will be cared for by Operation Homecoming.

In addition to the 27 Americans, 700 South Vietnamese soldiers will be freed near An Loc at the same time.

Also on Monday, another 300 South Vietnamese soldiers will be freed by the Communists in Pleiku Province in the central highlands, central commission officials said. These officials said the South Vietnamese in turn will free 2,000 North Vietnamese and Viet Cong, at two sites. One thousand will be released near An Loc, and 1,000 more will be freed at Dong Ha just below the demilitarized zone.

Huge Canadian Storm Continues Across U.S.

(Continued From Page One)

cularly severe in South Texas where pressure dropped in the Del Rio gas lines to as low as 48 pounds from a normal 250 pounds as citizens used from four to five times the normal amount of gas.

To Conserve Supply

The Del Rio Mayor, Dr. Alfred Cuiterrez Jr., asked all business firms using natural gas to close until further notice to conserve the supply. City residents were asked to turn their thermostats down to 60 degrees from a normal 70-75 and to keep warm with sweaters and coats.

Sabinal, farther east toward San Antonio with 1,500 population, was hardest hit. It lost service completely Thursday night when pressure dropped to two pounds. At that pressure pilot lights go out.

Uvalde gas pressure fell to nine pounds and schools closed and large consumers were asked to conserve the supply.

The snow cover extended into both West and Southeast Texas. Downtown Houston had 1.2 inches in the city's second snowfall in a month. In Austin and San Antonio the streets were so slick with ice and snow that all colleges and public schools were closed.

In Corpus Christi which was covered with an inch of snow, ice that had accumulated on palms along city streets fell off in big chunks. Employes of a radio station hanged a weather man in effigy for failing to give advance warning of the snow.

Light snow cover extended as far as the semitropical lower Rio Grande Valley, where two inches of rain coated a wide area around McAllen and Brownsville with ice. Temperatures stayed a degree or two above the danger point for the citrus groves, but growers were worried about what the coming night might bring.

Two persons, including a policeman, were injured in a seven-car pileup on an ice-coated expressway near San Benito, where one vehicle skidded on an overpass and six more rammed into the wreckage. Patrolman Arnold Rivas was hit by another skidding car while investigating the crash.

The storm even spread enough snow in Florida to build snowmen and close schools, stores and business.

Schools Closed

Schools were closed in Alabama, south of Montgomery, as up to five inches of snow fell in some areas.

In Macon, Ga., where more than six inches of snow accumulated before night with more on the way, Mayor Ronnie Thompson declared a state of emergency. He ordered all nonessential businesses closed and all unauthorized traffic off the streets and imposed an indefinite curfew beginning at 8 p.m.

It was the heaviest snow in that city since the 1920s, and predictions were for up to eight inches of now there by this morning.

Temperature extremes within the 48 contingous states were 27 degrees below zero at Bozeman, Mont., and 83 at Verdo Beach, Fla.

SUSPECT'S CAR SEARCHED — Det. Jimmie Myers straddles the wineline of a wrecker outside the police station as he searches the auto of James Emanus shortly after Det. Jack Stevens, 32, was killed. A uniformed officer and a detective are in the background. (Staff Photo by Wes Phillips)

Fables Entertain 500 Lubbockites

By SUSAN KLOPFER
Avalanche-Journal Staff

Some were jolly, some tales grim as Story Theater were presented to 500 Lubbockites Friday in Municipal Auditorium.

Director Paul Sills brought his entertaining fables to the South Plains. The atmosphere was improvisation, but the talent and performers were not.

No props were used and none were needed. The actors received sufficient support from one another and the audience.

The show began with a song accompanied by guitar.

In the "Brenen Town Musicians," the actors portrayed animals so skillfully that the children in the audience probably will be asking for pets for somewhere afterward. Exceptional were Stephen Keet as the cock and Devin Goldenberg as the hound.

In another sketch, Henny Penny, Jamie Sanchez gave a sly performance as Foxy Woxy. This was done to the music "I Feel Like I'm Fixing to Die Rag," by Country Joe McDonald.

The fables of Story Theater give its viewers pleasant humor and powerful insight into man's phenomenal foibles.

Detective Jack Stevens Slain In Shootout

(Continued From Page One)

Steven's badge lying on the sidewalk.

Police records here reveal that Emanus was on parole from a three- to seven-year burglary sentence, part of which he served in the Menard, Ill., prison. He entered the prison in 1968 and came to Lubbock in June, 1971.

In 1965, Emanus received a five-year prison sentence for theft and served a term in the state prison in Angola, La.

Late Friday, sheriff's office received a call from Emanus' brother, Tom, in Jonesboro, La., who told an Avalanche-Journal reporter: "He's been in trouble all his life, I guess. I haven't seen him since 1971 when he left Illinois and went to Lubbock. Last time I talked to him was around Christmas of 1971 and he said he hoped when all this parole business was over to come home and stay with us."

Worked As Printer

After James Emanus moved to Lubbock, he worked as an apprentice printer, in a bakery shop "and the last time I heard from he was working at a gas station," his brother said.

Stevens went to work for the Lubbock police department on Nov. 1, 1964, in the patrol division. On March 1, 1968 he was assigned to the detective division.

Services set Monday

The slain officer's brother, Sgt. Jerry Stevens, is in charge of the department's tactical division.

It was the first death of a local policeman since Det. Ralph White was killed by a hail of bullets at Broadway and Avenue A streets in September, 1953.

JAMES EMANUS
Suspect Wounded

Services for Stevens will be at 2 p.m. Monday in the Broadway Church of Christ with Carnie Atkisson, minister of the Northside Church of Christ, officiating. Burial will be in the Peaceful Garden Cemetery with Rix Funeral Directors in charge.

Survivors include his wife, Francis; a son, Mark, 8; two daughters, Shelley, 7, and Andrea, 5; his parents, Mr. and Mrs. Curtis W. Stevens of Seminole; and a brother, Jerry.

Policemen will serve as honorary pallbearers.

Shock Grips City Police At Station

(Continued From Page One)

just stood in the hall.

"We just came by," one deputy said, and shook his head.

As other officers arrived, they all asked the same question—what happened. Most knew, but they had to ask.

Witnesses Questioned

Detectives were using every office in the detective division to question witnesses. Crowds of other officers simply waited, like members of a bereaved family who seek reassurance in numbers.

Lt. Pete Hubbard talked quietly with several policemen on the first floor. Hubbard is one of the few officers on the force who vividly remembers the day almost 20 years ago when Det. Ralph White, 28, was shot to death at a service station at Broadway and Avenue A.

"I was holding him in my arms, but I think he was dead," Hubbard said in remembering White's death.

The news of Stevens' death reached the Lubbock County Courthouse in disjointed fragments. For a time all the county employes knew was that for some reason several police units were converging around the In Town Inn downtown.

Lots Of Friends

Personnel in the criminal district attorney's office probably were the first at the courthouse to know that a deputy had been shot, but it was some time before they were told anyone had been killed.

"When I heard it my mind just didn't want to believe it—not the Jack I knew," a young assistant prosecutor said.

"Jack was a friend of mine. He had a lot of friends everywhere," he said.

Witnesses At Shooting Numbed By Gunfire

(Continued From Page One)

on the area surrounding the 1200 block of Main Street despite swift arrival of a cordon of city, county and state law enforcement vehicles that converged on the scene.

"Two men had a shoot-out right there on the street," a man called to a late arrival.

Dull With Shock

Faces, dull with shock, turned to him a second and then swung back to the sidewalk, the bright spots of red, the milling uniforms, the solid line of flashing red lights.

Lips moved now and then, but voices didn't carry. Sounds of traffic a few blocks away didn't register. Even another flashing red light couldn't draw faces away from what they didn't believe had happened

"I didn't think it was real," Pamela Hudgins, a Texas Tech sophomore from Socorro, N.M., said.

She was sitting in her car, waiting to pick up a friend getting off work at West Texas hospital a block to the west when the shooting started.

"I heard the shots and looked and he had a gun and I ducked down," she recalled moments after the incident.

On The Ground

"Then it got quiet and I looked up and he was on the ground. He moved a little and I ducked down again. I never did see the policeman."

Things stayed quiet, so she looked up again from beneath the dashboard.

"People were coming from all directions, but I stayed in the car until the police came."

It worried her a little, sitting there, that all she had thought to do was duck.

"I thought of all the people who walk by and never help people, but I couldn't think of anything to do to help."

Then it was over. The police arrived and she stood by her car, "kinda shaky," while an ambulance came and took the man from in front of her car.

Crowd Gathers

Crowds came, stood silent and left.

Like Miss Hudgins, who had seen a part of it, they didn't really believe it could happen.

Law officers huddled, talked, pointed.

A Policeman came with a shovel, sodoying snow from the street onto the puddle of blood before Miss Hudgins' car. Then he scraped the pile into the street and mixed it with slush beginning to melt a little down the curb.

Bullet Hits Car

"A bullet hit my car," a voice came — a little loud in the quiet. "It didn't penetrate, probably went through something first."

The voice trailed off as its owner looked at the blood mixed with snow beside a tire.

Ferguson pointed to the same spot a few seconds later when he left his appointment.

"He was right there . . . his badge laying beside him."

Around the corner, a policeman tucked a bundle under his arm, swallowed a little, and started into the street.

Carroll-Frost Marriage Off

NEW YORK (UPI)—The off-and-on marriage plans of entertainer David Frost and singer Diahann Carroll are apparently off.

John Springer, a spokesman for Frost, said Friday the couple has cancelled their marriage plans, but still remain the "best of friends."

Springer read a statement for both entertainers that said: "We can confirm that while remaining the best of friends after two glorious years together, we recently decided not to go ahead with our plans to get married."

Following a stormy relationship, Frost and Miss Carroll announced their engagement last Thanksgiving in a reception at the Plaza Hotel here.

The spokesman said Frost is now in London scouting locations for a British television series. Miss Carroll is in Los Angeles.

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Avalanche Journal, February 10, 1973,Pg. 17, Lubbock, Texas, US

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