

Staunton, Va., Daily News Leader, Wednesday, October 15, 1986

# STATE, LOCAL

## Experts on Constitutional law called in to help conflict panel

RICHMOND (AP) — A legislative panel studying conflict law is expected to call in two constitutional law experts to help it resolve a narrow conflict law in the least contentious constitutional provision.

Rep. Les Lee, the panel's chair, said he has a personal interest. He said the panel is expected to report to the House on the conflict law in the next few days.

The Virginia Constitution allows legislation to prevent conflicts, but it also prevents legislative speech or debate from outside procedure.

His experts said they believe

The General Assembly has the authority to impose criminal sanctions on its members for actions that otherwise would be protected. They disagreed on whether the state's 3-year-old conflict law is right enough to meet the required protection.

The key for the two scholars was the conflict law's provision for ethics advisory panels in the Senate and House of Delegates.

These advisory panels of distinguished citizens are called on to investigate ethics questions. The panel either clears the conduct in question or sends a recommendation for prosecution to the attorney general's office.

"The existence of these panels opens to each legislative director," said Howard.

Les Lee initially compared the advisory panels to a "liberalized grand jury" but said later their existence might pass court muster because they were created and appointed by the chamber whose members they are called on to investigate.

Whiteford said he was inclined to believe the conflict statute is constitutional. It might be made stronger by having the advisory panels report to their respective chambers rather than go to the attorney general's office.

Les Lee, however, said the law needs to "jump through some procedural hoops" to justify outside prosecution. Where it raises an evidence of how a legislator voted, he said, it violates the speech or debate protection.

The subcommittee, headed by Sen. John C. Buchanan, D-Wis., was appointed earlier this year after legislators complained they felt handicapped by the conflict law's vague language of what constituted a personal interest.

A number of lawmakers questioned whether a budget bill could be passed because that legislation includes salaries for General Assembly members.

## Presidential advisory primary discussed by panel

RICHMOND (AP) — A bill that would set up a non-binding presidential primary in Virginia was discussed Tuesday by a General Assembly study panel and referred to a public hearing next month.

The suggestion was made before the Election Law Study Commission headed by Sen. Hunter H. Andrew, D-Illinois.

Andrew said such an advisory primary would be an outgrowth of legislation passed by the General Assembly earlier this year to hold party caucuses in early 1988 on presidential preference.

"We said that if other Southern states adopted the primary, several Southern states have had a proposal for a caucus or primary in March 1988. The idea is to bring a block of Southern delegates to national nominating conventions in support of our candidate."

If Virginia adopts primary legislation, the vote would be held March 4, 1988.

Members of the study panel said political parties would not be required by law to establish delegate representation to the nominating conventions along the lines of the primary's results, but they probably would set their own rules.

Susan Fife-Hugh, secretary of the state Board of Elections, said the candidate's party committee also would set the rules for a primary, even if the candidate's party does not want one. Such a primary would require a petition signed by 20,000 registered voters.

The panel also discussed a proposal that would set the practice of deciding the votes by lot. Instead, the panel would set up a committee.

Earlier this month, U.S. District Judge Richard L. Williams upheld the results of an election in which M. J. Pagan lost by a straw of 101 votes to the Stafford County Board of Supervisors.

In last November's election, Pagan was declared the winner by 100 votes, but during a recount requested by challenger Wallace Brown, one vote for Pagan was disallowed and a previously unnoticed vote for Mr. Brown was added, leaving both candidates with 100 votes.

Late were drawn, Mr. Reed was declared the winner by 100 votes.

The study commission also discussed Tuesday a request by the American Civil Liberties Union to allow school buses to obtain lists of registered voters in localities where a school board election is held.

State law has strict limits on who may obtain registered voter lists.

The proposal before the commission will be considered at a public hearing set for Nov. 20.

## Meritage to take on senior status

RICHMOND (AP) — U.S. District Judge Robert H. Meritage Jr., who has presided over the landmark case since 1981, will take senior status effective Nov. 10, U.S. Sen. John W. Warner said Tuesday.

Warner, R-Va., said he was notified Friday afternoon that Meritage, 77, would take the semi-retired status. Meritage has spent little time in court since he was appointed to the bench by President Jimmy Carter in 1976.

Among decisions Meritage is known for were orders integrating students at Virginia's school systems, including Richmond, which made him an opponent that for a time he required 20-hour probation.

One of Meritage's most controversial decisions was in 1977 when he ordered the integration of public school systems in Richmond and Henrico and Chesterfield counties to stop segregation. That ruling was one of the few desegregation cases on which Supreme Court later was reversed by appellate courts.

The judge, nominated for the bench by President Johnson, had spent most of his career as a federal judge in the Richmond-based A. H. Robins Co. where which Meritage is presently delayed the first announcement to the summer of 1986.

Earlier this year, Meritage signed an order to take the semi-retired status. But the death of U.S. District Judge D. Lewis Williams and the resulting backlog of cases prevented him from doing so.

"His semi-retirement will mean another federal judge will be appointed to fill his position," said Warner. "I expect to make his return to the bench in the near future."

In 1986, Meritage ruled that the state of Virginia was a war, whether or not it was a declared war. That ruling was one of the few cases in which 90 U.S. Army reservists tried to sue for service in Vietnam.

Meritage denied their request.

Meritage also presided over the case involving American Indians accused of crimes at Wounded Knee, S.D., and a massive lawsuit that charged Westinghouse Electric Corp. with breach of contract regarding uranium.

Born in New York City, Meritage attended High Point College in North Carolina, and attended law school at the University of Richmond.

## FBI doubts quick arrests in slayings

NORFOLK (AP) — Quick arrests are unlikely in the slayings of a College of William & Mary senior and another woman who were found with their throats slashed in a car off the Colonial Parkway, FBI and Tuesday.

"We're working like crazy. There's nothing new," said Waters, an FBI special agent in Norfolk. "We probably will not get that until we have an arrest warrant which we do not intend to issue."

Waters declined to release names of the slain women, Dawn Dowdell, 21, a senior majoring in business management at William & Mary, and Catherine Marian Thomas, 27, a U.S. Naval Academy graduate who had just started a promising career as a stockbroker in Norfolk.

The two women, who were friends, were found dead in the back seat of a Buick Thruway 1980 coupe.

Hands down an embankment of the parkway near Yorktown Sunday evening, Waters said. They were last seen Thursday evening leaving Mr. Dowdell's dormitory at the college, about seven miles from the spot where the car was found, said Richard Cumbee, chief of police.

Bob Dowdell, 32, a financial analyst with IBM Corp. in Atlanta, was FBI to the public to help the FBI to the user's help.

## Homes damaged by tornadoes

NEWPORT NEWS (AP) — A powerful storm coupled with two tornadoes cut off power to parts around the region early Tuesday, damaging homes, businesses and knocking down trees and utility poles, officials said.

Harris Smith, a meteorologist with the National Weather Service in Richmond, said two tornadoes struck the southeastern part of the state between 7 a.m. and 8 a.m. on Tuesday.

The first tornado caused a large hole in the roof of a two-story building, in crash into a house owned by Bernard and Betty Tombs in Cerano, damaging half the house and forcing them to evacuate, Smith said.

Ms. Tombs said the bedroom collapsed right in front of her when the roof fell.

Wood was struck in the bedroom when the roof collapsed through the ceiling, landing within feet of the bed.

The tornado continued northward, spreading trees and crooked traffic lights along U.S. 98 in Prince George County, Smith said.

A 1 1/2 in. x 2 in. second tornado passed through the Hopewell area, according to the Norfolk Weather Service. Smith said residents saw a funnel-shaped cloud over the building that houses the Hopewell News on East Hubbard road.

Hopewell News Editor Ed Wiegand said the force of the tornado cracked the ceiling of the entry hallway into the building.

It is not an enclosed area, it would have done greater damage," Ms. Wiegand said. "It's a miracle no one was in there at the time."

Robert Seary, a security guard at the Stone Container Corp. on Hubbard road, was standing 100 feet away from the tornado when it struck his office. He said he picked up pieces of metal and wood and saw some trees near the entrance of the building. He said he was standing in a short time.

"I saw a small tornado with a hole about half of a mile wide (full of water) in the air," he said. "It fell on here and looked like a giant's foot."

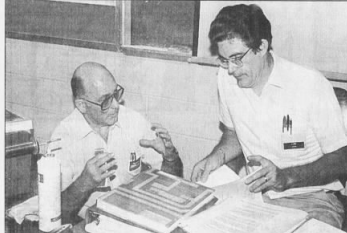
"It's a wonder no one was killed and no one injured," he said. "I'm sure the sheriff T. G. Brockwell said."

A Brunswick County family of five huddled in the corner of the kitchen as their two-story home was destroyed by the storm, Brockwell said. A truck from a trucking firm was crushed under the weight of the child was taken to a hospital.

About one dozen homes and barns were damaged in the county, where Brockwell estimated storm damage at \$1 million.

The storm also cut high winds, along rain and hail from Henry County across the Potomac and into Gloucester County.

A tornado funnel was reported in one locality in West Virginia. Service official in Norfolk said there were only seven thunderstorms in that area.



WILLIAM HARTZELL, maintenance coordinator with Arkansas Remington Arms Co. plant, discusses course requirements with Long Long, electronics instructor at Valley Vocational-Technical Center. Officials from Remington Arms are visiting the center to learn how to set up apprenticeship programs in their state. (Photo by Gay Campbell)

## Arkansas using WWRC as model

By CLAY CAMPBELL  
Staff Writer

FARGO, N.D. — Six Arkansas state government and industry officials are visiting Valley Vocational-Technical Center "to glean as much information as possible about the school's arrangements with area industry, according to one of the officials."

William Hartzell, a maintenance training coordinator with Remington Arms Co. of Cooke, Ark., said he and others are visiting the center to learn about multi-skilled training programs so they can set up similar courses in Arkansas.

"The purpose of our trip," Hartzell said, "is that they have a multi-skilled training program in place and we just wanted to see how they do it and what they've learned. It will give us some ideas as to how we can do it here."

"We're also moving toward a multi-skilled workplace and to reach that goal, we're going to have to do some training."

Hartzell said among the Arkansas group is particularly interested in the center's instrumentation and electrical training, and DuPont's organizational effectiveness training program.

"We're already doing some of this," Hartzell said, "but not to the degree we're satisfied with." Hartzell said his group is looking at course lists, scheduling, textbook lists and budgeting for the program.

Wes Craig, WWRC director of adult and apprenticeship programs, said that several weeks ago, officials from the Albany, N.Y., General Electric plant and the Mattawoman Du Pont plant were conducted on similar tours of the center.

Craig said the group from Arkansas arrived Monday and will leave Thursday.

## County Planners recommend rezoning for housing tracts

By RICHARD MILLER  
Staff Writer

The Augusta County Planning Commission voted 4-3 to recommend changing a 10-acre parcel of land in Va. 201 south of Staunton from an agricultural zone to one permitting residential estates.

The vote was in favor of the change despite the objections of several adjacent land owners who wanted the land to remain in an agricultural zone.

Robert E. Funk, who represents the developers of the estate and the land was not good pasture but said it could be turned into a productive pasture land if it was fertilized.

Robert Wright, who also objected to the change, said the land is too hilly for a housing development. Nancy Swisher, who lives on an adjacent dairy farm, said she was concerned that the residents of the property might be disturbed by the odor and noise attendant in a dairy operation. She

chief complaints lodged by Funk residents against a grain silo building facility near their homes last summer as an example of what might happen should the rezoning of the parcel from the dairy farm.

Harold Nelson, county planner, said there have been few objections from landowners to a residential estate zone — which has a minimum lot size of five acres and that most complaints are "unfounded." Several commissioners noted that a potential buyer would know that the dairy and other farms are in the area and should realize they will not be living in the city before they purchase land there.

The commission also recommended approval of a request by Lane D. Showler to rezone a 1.6-acre tract of land off U.S. 111 north of M. Showler from agricultural to business. Showler noted that the land has been used for business purposes in the past and said it

would be maintained "in a proper manner."

The commission also voted to recommend approval to rezone 78 acres of land off of Chesapeake Properties near the Va. 201 interchange of 144 south of Waynesboro from agricultural to single family residential.

George Lennox, a partner in the city planning development already started in the area, said plans are to create about 20 to 30 three-acre lots which should be more suitable than the five-acre lots in the current development.

A motion to deny the request made by commissioner Virginia Carter died for lack of a second vote and the recommendation was approved.

The Augusta County Board of Supervisors will file the final say on the commission's recommendations.

The commission's next meeting will be held Nov. 10 instead of Nov. 11.

## District honors conservationists

Charlevoix, William Braunton was presented the Forestry Conservation Award and Charles Morgan of Charlevoix was presented the Moffitt's Creek Award.

The four men were selected for their "participation and achievements." Each was presented a plaque and two bottles with the name of the individual programs each was involved with.

McCasill summed up the achievements of the organization over the past year including the leading role the organization has played at Moffitt's Creek, where cooperative ventures for improved fencing, tree planting and water conservation have been organized.

McCasill also thanked all the members present for their participation in food control, including the rearing of three dams in the area, and for the advances made in the Chesapeake Bay program, promoting a cleaner bay by improving waste management in the local area, according to a press release, the Shenandoah Valley Council on a major thoroughway to the Potomac.

Roger Montague, area conservationist with the Soil and Water Conservation Service, was featured speaker, calling for members of the district to consolidate over the next year in the area will be affected by the Clean-Builders Bill which might cut into the "technical assistance" the Shenandoah Valley might need.

## Free brochures list Christmas events in city

A wide variety of Christmas activities in Staunton is featured in the latest version of the "Christmas the Way You Remember It" brochure published by five area civic organizations.

This is the second year the brochure has been published, highlighting annual activities in the community. The season begins in November with Christmas workshops at the Staunton Fine Arts Center and ends Dec. 31 with open house for Woodrow Wilson's 100th anniversary at the Woodrow Wilson Birthplace.

"The Nutsacker" holds the annual Christmas parade, "Christmas at the Mansion," and Woodrow Wilson's 100th annual Christmas home tour. Copies may be obtained at local banks, restaurants, and the Woodrow Wilson Birthplace centers. The brochure was prepared by Historic Staunton, Staunton Fine Arts Center, Shenandoah Valley Association of Commerce, Staunton Fine Arts Center, and the Woodrow Wilson Birthplace Foundation.

For information on "Christmas the Way You Remember It," call the Shenandoah Valley at 853-2253 or 853-2260.



From left: William Braunton, Charles Morgan, Robert Seary, and Ed Wiegand.