

# BATON ROUGE/REGION

## State decision on IT Corp. plant permit expected in early '89

A hearing officer will decide whether to allow a massive hazardous waste treatment plant to be built south of Baton Rouge after listening to three days of testimony that ended Wednesday.

Attorneys for the IT Corp. and opponents of the company's proposed \$33 million plant made their final arguments Wednesday before hearing officer George Cramer.

Cramer, head of the groundwater protection division of the Louisiana Department of Environmental Quality, said a decision should be handed down in early 1989.

Permit hearings on the proposed IT plant, advertised as the world's largest, began in 1980 and were reconvened in 1986 to update the record. The plant's permits were remanded to environmental officials for more study after a coalition of environmentalists challenged the permits in court.

Cramer said he will review volumes of evidence and

testimony as well as IT's most recent permit application to determine whether to uphold the permits issued in 1981. He also must rule on a request to dismiss the IT case.

The Louisiana Attorney General's Office, which intervened in the matter, asked Cramer to reconvene the hearings because IT did not establish a need for the proposed hazardous waste plant.

"The total volume of evidence is totally deficient," said John Sheppard, head of the attorney general's environmental division. IT attorney Charles McCowan said the company did establish a need for the plant.

Sheppard said a Supreme Court decision on the IT permits required the company to weigh social, economic and cultural benefits along with the environmental impact that the proposed plant would have on the region.

"How does it impact the character of the local

community?" Sheppard said. "IT has not offered evidence or witnesses to allow that balance to be made."

"You've got to do more than just look at the regulations," said Steve Irving, who represents a coalition of environmentalists opposed to the IT plant.

"You've got to look at what the facility is going to do to the State of Louisiana," Irving said.

McCowan said the hearing was reconvened to establish more complete reasons for issuing the permits to IT, not just to collect more evidence in the case. He said the proposed plant will meet or exceed state regulations.

A witness earlier testified that an historic 18th-century Indian village was located on property where the California-based hazardous waste management firm wants to build a waste treatment plant.

Brian Guevin, an archaeologist who has worked for the

state and the U.S. Army Corps of Engineers, said property obtained by the IT Corp. for the hazardous waste plant was once the site of the Great Houma Indian Village.

The village was the center of the South Louisiana tribe for more than 30 years beginning in 1706. Guevin said.

Following Guevin's testimony, Kirby Verret, chairman of the 11,000-member United Houma Nation Inc., asked Cramer for a two-week extension of the hearing to present additional evidence about the site of the ancient Indian village.

"We request that we be granted the two weeks to present our information because Louisiana and all of its citizens would lose an irreplaceable part of Louisiana history," Verret said.

Cramer said he will keep the hearing record open for two weeks for Verret to present his evidence.

## Poker machines seized in raid at BR lounge

In a continuing crackdown on barroom gambling, authorities seized five illegal poker machines from a Tom Drive lounge Wednesday afternoon.

The machines were taken from the Rusty Nail, 7380 Tom Drive, which agents had visited several times in the past. Two agents played the illegal machines Wednesday shortly before they raided the bar at 4:30 p.m., investigators said.

"When we came through the door they were actually paying off one of their customers," city police intelligence Division Sgt. C.P. Wilson said.

Police accused Brenda Lazell Martin, 45, of 12727 Canberry, of being the woman who made the payment. She was booked on a count of gambling and was released from the Downtown Jail late Wednesday after posting a \$1,000 bond.

Two managers of the Rusty Nail, Donald C. Morris, 36, of 14532 Terrell Drive, and Anthony J. Ferrara, 29, of 11436 Stan Ave., were issued summonses for letting premises for illegal gambling, Wilson said.

The state Alcohol Beverage Control Board and the state police Gaming Commission also are participating in the continuing investigation of illegal barroom gambling.

ABC Agent Al Jones said he cited the owner of the bar, a corporation called Old Nail Inc., with illegal gambling, which could affect the bar's license to sell alcohol on the premises.

State police Lt. Bill Blossat said the raid was prompted in part by a report from a woman that her husband had lost a whole paycheck — up to \$1,000 — in the machines at the Rusty Nail in a single day last week.

The machines seized in the raid all have a knock-off button, which enables the bar to set the number of accumulated credits to zero and pay the customer for the credits instead of forcing him to play them off, Blossat said.



State Police Sgt. Kermit Smith examines the operating instructions from an illegal poker machine which was among five seized in a raid Wednesday afternoon. Agents investigating barroom gambling arrested one woman and issued summonses to two

others at the Rusty Nail Lounge at 7380 Tom Drive, investigators said. State police, city police and the Alcoholic Beverage Control Board participated in the investigation.

## Chief

However, the suit says no appeal has been filed, and Higginbotham ordered Rogillo to either send Erwin back to her patrol duties or explain why he won't in a Dec. 16 hearing.

Higginbotham signed an order that Rogillo "immediately honor the final decision" of the civil service board by returning Erwin to First District, raising her police car to her and expunging all references to the disciplinary action.

This morning, Rogillo said he will be in court on Dec. 16.

Rogillo said he decided to simply ignore the board's ruling, adding, "It's up to them to file an appeal. We have nothing to appeal. We'll be in court."

The department has taken the position that the civil service board has no authority to order Rogillo to return officers in certain places unless the board finds the transfer was a discriminatory disciplinary action.

Many police officers have in the past claimed that transfers are often used as a means of punishment, but Rogillo denies that.

## Ruffin

Prior to the Nov. 21 shooting, Ruffin, of 2643 7th Ave., was free on a post-bond release after pleading guilty to unauthorized use of a movable property of a stolen car on April 27 of this year.

On Nov. 21, Ruffin and Frederick Moore, 18, allegedly were riding with an undercover postal inspector posing as a cocaine buyer looking to buy nine ounces of the drug for \$8,500. When the drug deal went sour, Simmons burst through the motel room door to save the inspector and was shot in the head, officials said.

Ruffin, Moore and a third man, Antoinette Thomas, 28, of 7095 Notttingham, were arrested and are being held without bond on counts of first-degree murder and attempted armed robbery.

## Judges' group says elections will increase political influence

Representatives of the Louisiana District Judges Association said selecting judges from small, single-member districts might bring more blacks to the bench, but it also would increase the influence of politics on judicial decision-making.

If Louisiana must come up with a new way to choose its judges, a merit selection system or even a plurality election system would be preferable to single-member districts, several judges told a special task force Wednesday.

Merit selection of judges is not going to guarantee that more blacks are put on the bench, said a former member of an Alabama judicial selection commission.

John Barton, whose term on the Jefferson County Judicial Commission recently expired, said merit selection created a strong judiciary in Birmingham, but has not proven very effective at putting more blacks and more women on the bench.

Judges are elected in Alabama, but judicial commissions rather than special elections are used to fill vacancies in three urban districts, Barton told the Governor's Special Task Force on Judicial Selection.

In Birmingham, the judicial commission is a five-member panel — two selected by the local bar, two by the local legislative delegation and one judge — serving six-year staggered terms.

The commission nominates people to fill vacant judgeships, and the governor makes the appointment. Those who are appointed as judges must face the voters at election time. However, appointees seldom draw election opposition, Barton said, adding 17 of Birmingham's 21 judges originally were selected by the judicial commission.

Barton said the system promotes selection of highly qualified jurists, but it has done little to get blacks and women onto the bench because there's not a large enough pool of such attorneys from which to draw.

"What I say to the blacks and to the women is, keep coming. I think they (blacks) are more welcome at the judicial nominating commission than they are at the polls."

Louisiana is under pressure from federal court to change its method of choosing judges. U.S. District Judge John Parker has ruled the state's current method dilutes black voting strength and has given the state until Jan. 31 to come with a new plan.

Blacks have suggested one way to increase black representation on the bench would be to create small, single-member "subdistricts" within current judicial districts. Under such a system, many small, predominantly black

districts could be created and the likelihood of more black judges being elected would increase.

New Orleans Criminal Court Judge Frank Marullo Jr. said Louisiana judges don't think such a system would work very well.

"I think the single member district idea is absolutely ridiculous," Marullo said. "You're too close to the public, and I don't think a judge should be in that position. They will be looking at the way 51 percent of (the voters think) and that's not what judges are supposed to do."

Black members of the task force challenged Marullo's position. If judges are not bowing to public pressure in large districts, why would they be any more likely to bow to public pressure in smaller districts, they asked.

Hugh Brunson, a judge from the 15th Judicial District, said most district judges believe the current system is constitutional. However, Brunson said, if a new method must be drawn, the judges favor one that involves "merit selection" and "retention elections." That is, the judges favor a system in which judges would be nominated by specially constituted panels and appointed by the governor. However, judges would periodically have to go before the voters in elections to determine if they could continue to serve or if they should be replaced.

The judges' merit selection plan calls for a nine-member nominating commission for each judicial district, for appeals courts and the Supreme Court.

Each commission would consist of a senior judge, three attorneys and five non-attorneys. The commissioners would be selected by legislators from the appropriate judicial districts, and members of nominating commissions would serve six-year staggered terms.

The nominating commissions would come up with two or three nominees for judgeships, and the governor would select each judge, subject to Senate confirmation.

After his first two years on the bench, a judge would face the voters in a retention election. Thereafter, he would face a retention election at the end of each term.

As a third alternative, Brunson said, the judges association suggested a plurality election system in which judges would stand for election in the current districts but there would be no runoff. In elections with more than two candidates, the top vote-getter would be elected even if he did not receive a majority.

The governor's task force about six weeks reviewing various schemes for choosing judges. The panel is expected to come up with a plan that Gov. Buddy Roemer can put to a special legislative session in January in an effort to satisfy the federal court.

The task force is expected to begin voting on various alternatives today.

## Clemency for Rideau rejected by Roemer

By John LaPlante/Capitol News Bureau

Gov. Buddy Roemer has denied a pardon to convicted murderer Wilbert Rideau, rejecting the advice of two pardon boards that requested his release.

Roemer cited the "horrible nature" of the 1961 killing and the opposition of Calcasieu Parish residents as reasons for denying a pardon to Rideau, editor of the Angolite, the nationally known prison newspaper at Louisiana State Penitentiary.

The case record shows that Rideau robbed a Lake Charles bank, kidnaped the individual, drove them to a secluded area, lined them up and shot them," Roemer said in a statement.

"As one of the victims begged for mercy, Rideau stabbed her and cut her throat, killing her," the governor said. One bank teller died. Two others survived.

Before former Gov. Edwin Edwards left office earlier this year, his Pardon Board recommended that he free Rideau from prison.

Edwards announced he would turn down the request, but he never signed the paperwork, according to current Pardon Board chairman Yvonne Campbell.

She said the new board, appointed by

Roemer, reviewed Rideau's case — along with about 500 other pending cases — earlier this year.

"This board concurred with the recommendation" of the previous board "and we sent it over to the governor," Campbell said.

Roemer rejected the recommendation.

"Given the horrible nature of the crime, the fact that both surviving victims oppose clemency and the fact that Calcasieu law enforcement officials oppose clemency, I deny Rideau's plea for a reduced sentence," Roemer said in his statement.

Since his imprisonment, Rideau has gained fame as a prison journalist and critic of the prison system.

He has written three books, appeared on national TV talk shows, won numerous awards and been written about sympathetically in newspapers such as the New York Times.

Earlier this year, Rideau gave a speech in which he said his fame ironically has prevented his release for a crime committed when he was 19 years old.

"The way you get out of prison is you keep your mouth shut," he said. "You don't do nothing. You just be quiet. Let everybody forget about you."

"What happened is, I'm not staying quiet," he said. "I've created a situation where I'm kind of politicized."

## Delegates— Christmas Fund contributions

From Page 1-B  
Rose expressed surprise that the entire East Baton Rouge Parish delegation was replaced.

Cyril E. Vetter, president of Vetter Communications Co. and owner of WVA-TV 33 and radio stations WFGC in Baton Rouge and KFXZ near Lafayette, a production company and a syndicated television program on women athletes, replaces John Guidry.

The Farm Bureau appointees are — Lawrence J. "Buddy" Noel III of Donaldsonville, a sugar cane farmer and president of State Bank and Trust in Donaldsonville, who will represent the west side of the Mississippi River. Noel served as a port commissioner for about five months at the end of Gov. David Treen's administration. He replaces Clyde Arnold.

Harvey Brian of Zachary, a cattleman, who is the Farm Bureau's candidate nominee. He replaces Shelby Robert.

Remaining on the port commission from Ascension, West Baton Rouge and Iberville parishes are Alvin "Bully" Dragg, president; Leo Blaize, vice president; Calvin Ishmael; Lawrence "Football" Bodeaux; Oliver Jones; Ray Bonbrun, and Ernest Francis.

Roemer's appointments were effective Wednesday. The commission meets Monday.

"I really in my heart believe that this is the best," Commission President Dragg said of the appointments.

He said he had heard that the governor planned to make enough changes to amount to a majority of the commission.

Dragg, who was one of the commissioners who once met with Roemer over the governor's concerns about a proposed port land purchase, said Roemer wants to make sure the commission is focused on economic development.

Dragg attributed the changes from within the commission's East Baton Rouge representation to the turnover that took place among area legislators. The new delegates would want to appoint new people, Dragg said.

Dragg said he plans to appoint a mixture of new and existing commissioners to committee assignments after meeting the appointees. The new commission also must elect a secretary and treasurer.

"We need to get our share of imports and exports," said Miller, who stressed a need for more aggressive marketing of the port.

Miller felt his nomination and appointment was based on his experience in marketing and research. He said his work with petrochemical clients also has given him an understanding of export markets.

Miller also said the port's recently approved Foreign Trade Zone provides opportunities for value-added manufacturing, adding that the port should seek containerized cargo shipments.

Miller said he also is open to the idea of coordinating or consolidating Louisiana's major deepwater ports to simplify governance and management of the ports and coordination of marketing efforts.

The following is a list of contributions to the Christmas Fund:

|   |            |
|---|------------|
| In memory of Mr. and Mrs. Charles P. Mansap Sr.               | \$300.00   |
| Mr. and Mrs. S. N. Whitthorne                                 | 25.00      |
| Mr. and Mrs. Alton J. Temple                                  | 50.00      |
| In memory of Conrad S. Adkins from Mr. and Mrs. Vernon Adkins | 50.00      |
| In memory of Tony and Iona Saia                               | 25.00      |
| Gladys E. Salas   | 100.00     |
| Claire, Estelle and Neal Morris                               | 50.00      |
| Floyd P. Landry   | 50.00      |
| Ex Libris Book Club   | 25.00      |
| In memory of R. C. Wilson and Nancy Robinson                  | 100.00     |
| Mr. and Mrs. Mose Wander                                      | 25.00      |
| Anonymous S.H.  | 2,500.00   |
| William and Marie Bennett                                     | 150.00     |
| Betty R. Kieg   | 25.00      |
| R. G. and Jeanne Copes  | 50.00      |
| Anonymous HRC   | 10.00      |
| Dr. and Mrs. Louis James Sr.                                  | 75.00      |
| Becca, Topher, Abbie, L.D. Lora & Bezo                        | 150.00     |
| The Major   | 50.00      |
| In memory of Herman Kours                                     | 20.00      |
| In memory of Doris Woodney from Mr. and Mrs. Harry Michel     | 25.00      |
| Melva M. Field  | 25.00      |
| Margaret R. Wilson  | 25.00      |
| Frances & Ira Woodfin   | 25.00      |
| In memory of Mr. and Mrs. W. H. Clements                      | 100.00     |
| Jimmy, Lynsey, Jacob & Jamie                                  | 40.00      |
| Dr. and Mrs. O. M. Thompson, Jr.                              | 50.00      |
| Indith Ann Bernhardt  | 25.00      |
| In memory of James H. Hammett                                 | 100.00     |
| Paul and Kathleen Burns                                       | 35.00      |
| Mr. and Mrs. William B. Sabourant                             | 25.00      |
| Patrick Ann Olin  | 50.00      |
| In memory of Dr. J. Bryan McLevy                              | 25.00      |
| Shelly F. Carvers   | 25.00      |
| In memory of Ira Steigh                                       | 25.00      |
| Lee by Carter R. Lee  | 25.00      |
| Philly and Stephen  | 50.00      |
| Constance and W. David Butler                                 | 25.00      |
| Anonymous VB  | 25.00      |
| In memory of Mrs. Annette Kohler Edgus                        | 25.00      |
| In thanksgiving for the ministry of the Rev. James M. Coleman | 250.00     |
| Anonymous JT  | 200.00     |
| In memory of Pansy Eaton                                      | 25.00      |
| For the Eaton, Freys and Jones                                | 25.00      |
| Mr. and Mrs. Wallace F. Armstrong                             | 50.00      |
| Anonymous JJ  | 25.00      |
| Anonymous RC  | 50.00      |
| Total Received Today  | \$5,362.00 |
| Previously Received   | 3,810.00   |
| TOTAL RECEIVED  | 9,172.00   |