

THE PLAIN DEALER

OHIO'S LARGEST NEWSPAPER

CLEVELAND, TUESDAY, SEPTEMBER 2, 1980

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(USPS 603100) ☆ ☆

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Second class postage paid at Cleveland OH

City, CEI go to center court today

After 9 delays over 5 years, antitrust trial finally will start

By Thomas J. Quinn

The prolonged, dramatic struggle between Cleveland and Cleveland Electric Illuminating Co. moves to stage center today in the somber and imposing arena of a federal courtroom.

In a trial that may last several months, lawyers for the city will attempt to show that CEI coveted and for years plotted to take over

the Municipal Light Plant and, in so doing, repeatedly violated federal antitrust laws.

To try to persuade a jury that it is due \$330 million in damages, the city is expected to submit thousands of pages of documents and summon about 50 witnesses, including some from the highest reaches of CEI's corporate hierarchy.

The trial may seem tedious and

interminable. The presiding judge, Robert B. Krupansky, said as much earlier this year when — yet again — setting a date to begin proceedings. The trial has been delayed nine times since the suit was filed July 1, 1975.

Beyond the tedium and complexities, however, there will be uncommon legal drama: Public ownership will be pitted against private enterprise, an impoverished

municipal operation against an aggressive and wealthy private power.

CEI said in its answer to the antitrust suit, "The competitive situation existing in the electric business in Cleveland is virtually unique." It is similarly uncommon for a private electric company to be sued under antitrust statutes.

"This case has the potential to

be to the utilities what Three Mile Island was to the nuclear industry," said one of many political figures who will be closely following the trial.

Because so much will be at stake in Krupansky's courtroom on the second floor at the Old Federal Building, the trial is certain to be acrimonious.

Relations between the plaintiff

and defendant have seldom been cordial. They could only be called explosive during the middle and late '70s when proposals to sell Muny Light to CEI — which would have ended the antitrust suit — divided the city politically.

If legal briefs are a guide, the bitterness re-emerged as the start of the trial neared.

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Mondale visit here shows off Democrats' unity

By Joseph D. Rice

Vice President Walter F. Mondale yesterday launched the Carter campaign bid for Ohio's 25 electoral votes with a 3½-hour visit marked by a well-orchestrated show of party unity.

Mondale appeared at the 21st Congressional District Caucus picnic at Woodland Hills Park, and later at the Oktoberfest at the Convention Center. At the picnic,

President Carter, Ronald Reagan and John B. Anderson use the holiday to embark officially on the quest for the presidency. Page 10-A.

Mondale noted the 21st District gave the Carter-Mondale ticket 94% of the vote in 1976 in a state that Carter carried by only 11,116 votes out of 4.3 million cast.

"I'm back here today because I want to be re-elected," he told the crowd.

The unity theme was evident from the time Mondale's Air Force jet touched down at Cleveland Hopkins International Airport. County Democratic Chairman Timothy F. Hagan and Sen. Howard M. Metzbaum, D-O., driving forces for Sen. Edward M. Kennedy during the primaries, joined Mondale at an airport news conference.

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Vice President Walter F. Mondale wears a medal commemorating the Oktoberfest as he greets visitors outside the Convention Center.

The Plain Dealer/Kurt Mutchler

2 Painesville Township fires blamed on arsonists

By Ronald Rutti

Painesville Township in Lake County was the scene yesterday morning of two fires. When the smoke cleared, 300,000 gallons of heating oil had burned, and the starter's tower and track office at Painesville Speedway was leveled.

Officials said arsonists set both fires. Members of the Lake County Arson Bureau said indications were

that the fires were set by the same group of people. The sites are a quarter-mile apart.

The biggest blaze burned for 12 hours at Daniels Bros. Fuel Co., 307 Mantle Rd. Black smoke from the fire, started about 3:30 a.m., could be seen as far away as the Mentor exits on Ohio 2, about 10 miles away. Officials estimated damage at \$500,000.

Flames from burning oil inside the 45-foot-round holding tank at times shot into the air at least 500 feet despite a heavy sheet-metal slab across the top of the tank. Burning oil spilling from the tank was confined by a dike.

The tank contained 360,000 gallons of No. 2 fuel oil used mostly for home heating. At capacity it could handle 500,000 gallons.

"There is no doubt it was set," said Painesville Township Fire Chief Fred Gutthelben. He said at least two drain valves were taken off the tank.

"You'd have to physically remove them," Gutthelben said. "It would take a lot to start that oil on fire. You could have a barrel of it and flick matches in it all day, and it wouldn't catch."

Kenneth Harsh, assistant chief of the Ohio Environmental Protection Agency's emergency response unit, agreed. "No. 2 oil is tough to start on fire," he said. "Unless you tried to start it, it would go out. You need some type of paper and stuff it into a tank, like a wick, to set it off."

The Lake County sheriff's department said deputies arrested a Painesville man and boy about 6:30

a.m. yesterday for throwing stones at firemen battling the blaze.

Deputy sheriffs said persons living around the speedway, 650 Fairport Nursery Rd. (Ohio 535), reported seeing a blue vehicle driving away from the track. The first call on the track fire reached the fire department at 4:30 a.m.

Racing at the speedway ended

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Unhappy Cubans in Tent City think U.S. has let them down

By James Neff
Staff writer

MIAMI — Baby-faced Enrico, encased in a pair of tight cutoff jeans, sashayed out of Tent City and over to one of the cars cruising the block around the fenced-in compound.

Que pasa? he asked the man behind the wheel.

What's happening? For the 710 Cubans refugees who, like young Enrico, had no choice but to live in Tent City, the answer was simple:

Nada. Nothing. Nothing is happening, and that was just it.

No money, no jobs, no privacy, no fulfillment of their dreams that the United States would be the land of freedom and opportunity.

Officially, Tent City is called Campamento del Rio, or River Camp. The name belies the concrete surroundings. The Cubans do not go swimming, boating or fishing. For eight weeks, however, they have been camping out.

This so-called city is essentially a trailer, some makeshift showers

and portable latrines, and 30 large army-green tents pitched on a 300-foot by 400-foot slab of blacktop.

Arching some 200 feet above are eight lanes of Interstate 95. This massive roof, with its supporting concrete legs, forms a kind of giant open-air cathedral over the tent cluster.

During a recent midnight visit to the tiny compound, people hawked thimbles of sweet Cuban coffee and tiny packets of mari-

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PARADISE LOST



National reporter James Neff has journeyed to Florida four times this year for The Plain Dealer. "Paradise Lost" is the result of his latest assignment. This is the last of a series.

Church carnival ends in melee; 17 are arrested

By John P. Coyne

Seventeen persons were arrested last night when a church carnival turned into what police called a riot on the West Side, with more than 400 people joining in the free-swinging, beer-charged melee.

About 50 policemen from all parts of the city were called to the carnival at St. Rocco Catholic Church, 3205 Fulton Rd., shortly after the fights broke out at 9:45 p.m.

Angry party-goers threw bottles and punches at police when authorities tried to end the fighting. One policeman, Patrolman Richard Wendell, was rushed to the hospital

after a chunk of flying glass hit him in the face.

"We've had problems like this before (at carnivals), but never on this scale," said Police Sgt. James C. Erne, whose seven-member police team had been supervising festivities. "Everybody seemed to be going a little wild."

"Those arrested were the ones throwing things at police."

Police said the melee was fueled by the muggy weather, festive holiday mood and too much drinking — especially at a beer tent behind the church.

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