

Barron, Woody Differ On Code

'Code Forced On Texas,' District Judge Claims

District Judge John M. Barron of Bryan terms the new criminal code of Texas as impractical and overprotective for the criminal. "The new criminal code is not a product of the Texas Legislature," he noted. "It was forced on Texas by a constitutional decision of the U. S. Supreme Court."

Barron was the lead-off speaker Wednesday for the Police-Community Relations Institute at Texas A&M.

"I believe the code is so technical in the fields of search, seizure, arrest and interrogation that very few police officers, judges and prosecutors are capable of effectively enforcing it," the judge continued.

"Delay and technicality are the order of the day now," Barron continued. "We need to take a new look at criminal law in gen-

eral... we need to get down and search for truth."

Barron predicted state courts will have little jurisdiction left in 10 to 15 years.

"Everything of any importance will be in federal courts," he said. "And this is not good."

"Enforcement officers should do what the law says," Barron went on. "But they need to go as far as they can under law. You can't handle criminals under the same rules as an athletic contest. The police must have some latitude because of inherent nature of criminals. You have to fight fire with fire."

Barron urged police officers to respect the law and learn the hard rules.

"There will be terrible reversals in the future if you don't file warrants properly," he explained. "All officers should be trained in

laws of search and seizure. All other evidence is apt to fail if these prerequisites are not carried out properly."

"I'm proud of our police," Barron emphasized. "Remember this, 60 per cent of the people are behind you, 20 per cent don't care, and 20 per cent are against you."

Preston Dial, first assistant to District Attorney James Barlow of San Antonio, echoed many of Barron's comments and cited discrepancies between prosecution and defense in court.

"The defense has an advantage over the prosecution," Dial pointed out. "A defense attorney can obtain documents from the state's files to aid in his client's defense, but the prosecution does not have reciprocal rights."

Dial also proposed an amendment to the law in sanity hearings.

"If a defendant is to interject insanity as an issue, he should be sent to a state hospital for observation," Dial suggested. "And if he is found to be sane at the time of the offense, that ruling should stand. If he should be found to be insane at the time of the hearing, he should be placed in a maximum security mental institution until he can be tried."

'Live With Laws,' Attorney Says

A noted defense attorney disagreed Wednesday with Bryan District Judge John M. Barron on the new Texas Criminal Code.

"It has been suggested that the laws will be changed," declared Clyde Woody of Houston while speaking at the Police-Community Relations Institute at Texas A&M. "But it's not true that they will be changed. You as lawmen must learn to live with them."

"Invariably, constitutional questions arise because of the failure of states to accept their responsibilities," he continued. "I disagree with Judge Barron. I do not think that federal courts will usurp state courts."

Woody, who successfully defended Candy Mossler and Carolyn Lema, discussed arrests, confessions and waivers.

"It is not difficult to effect a legal arrest," he said. "Neither is it difficult to effect a good affidavit. The thing to do is upgrade law enforcement. It's not an impossible situation. Additional responsibilities will lead your governments to give you money to hire better men."

Woody reminded officers that suspects of criminal acts have the right to remain silent, that they should be told anything they say may be used in evidence against them, and that they may have counsel present throughout interrogation.

The attorney pointed out that such suspects must be taken forthwith before a magistrate.

Forewith apparently means directly from the place of arrest to a magistrate's office.

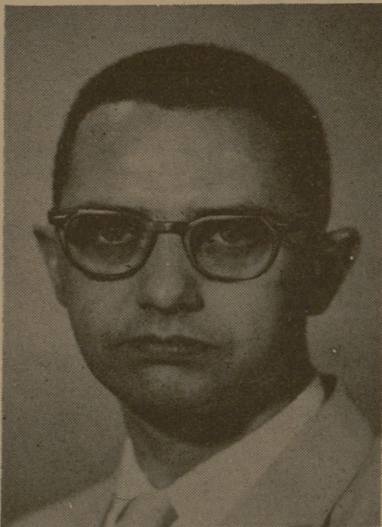
Code Furor Dates Back To 1776

The criminal code furor of individual rights vs. common security is "a centuries old problem in American political thought," a law educator said at the ninth Police-Community Relations Institute at Texas A&M.

The disagreement began 190 years ago when the United States system of divided sovereignty government was written by framers of the constitution, declared University of Houston Law School Dean John Neibel.

"It is assinine to assume that Constitution writers detailed answers 190 years ago for problems faced by 50 states from the Atlantic to mid-Pacific, 50 governors and 200 million people having rockets, space and atomic weaponry and Interstate Highways," he said in defending Supreme Court Bill of Rights decisions.

"It is the Court's function to make laws and legislate, interpreting the vague, general document called the Constitution," Neibel added. "When they draw down specifics to apply to our problems, the Supreme Court judges make law that becomes a part of the Constitution."



DR. GRANT BOGUE

Bogue Joins Ag College

Dr. Grant Bogue, formerly of the University of Arkansas, has joined the Texas A&M Department of Agricultural Economics and Sociology as an assistant professor.

Dr. R. E. Patterson, A&M dean of agriculture, said the new staff member's special teaching and research fields will be industrial and urban sociology with emphasis on implications to the rural area.

Bogue received his BA degree in sociology from Michigan State University in 1950 and the MA degree in 1954. His doctorate in sociology came from Wayne State University in 1963.

He has served as sociology instructor at Allegheny College, with the Detroit Commission on Children and Youth, and as assistant professor of sociology at the University of Arkansas.

The educator is a member of the American Sociological Society, the Southwest Social Science Association, and the Southern Sociological Association. He has published several articles in the professional journals of these and other societies.

DPS Estimates 41 Persons Will Die In Traffic Mishaps

AUSTIN—Col. Homer Garrison Jr., director of the Texas Department of Public Safety reported that 41 persons will die in traffic accidents during the three-day Labor Day weekend.

"The current traffic trend indicates that Texas is headed for its third straight record high in terms of fatal accidents," Garrison said. "At the present time we are approximately 15 per cent ahead of the same time in 1965... and we are still faced with the four months of the year which generally produce the most deaths."

"More people are killed in Texas each year in traffic than are killed in all the United States by murder and homicide," Garrison continued, "and the deaths are just as senseless, as needless and as tragic, but not nearly as well publicized."

"Psychologists say that one reason the general public fails to take positive action in matters of traffic safety is due to a lack of personal identification with the problem. It might behoove each driver in our state to stop and consider that he has less than a 50-50 chance to go through his driving career without being involved in a traffic mishap, or without incurring injury to himself or one of his family. The 41 persons expected to die in traffic during the Labor Day holiday have no idea that they will be involved in an accident, either."

In an attempt to offset dangers caused by the increased traffic on highways during the holiday period, the Department of Public Safety will conduct "Operation Motorcade." About 150 uniformed officers from other DPS services will be on the road to supplement the Highway

Patrol enforcement action. Able to call public attention to highway dangers, each traffic death will be tabulated and the total will be announced three times daily from DPS headquarters in Austin.

Several other state agencies and organizations interested in traffic safety are cooperating with the DPS in calling attention to safe driving practices during the Labor Day weekend.

The Texas Highway Department is advising the public of proper freeway driving habits and the need for caution in areas around construction areas.

The Texas Safety Association is carrying on a program stressing the need for courtesy and caution on the highway and coordinating the efforts of the Texas Jaycees in sponsoring rest stops with free coffee for fatigued drivers.

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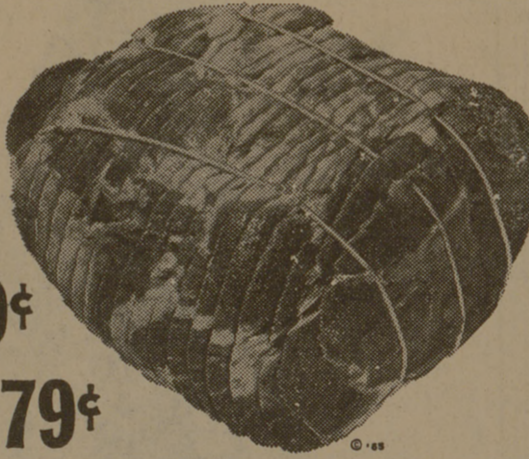
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