

# Texas House Subcommittee Approves Ethics Bill For Legislators

AUSTIN (AP) — A House subcommittee approved an ethics bill for legislators and state officials Tuesday, despite objections from Texas Supreme Court associate justice that it probably was unconstitutional.

Rep. Jim Nugent, D-Kerrville, the ethics bill's sponsor, also complained of the subcommittee version and said he hoped the full House State Affairs Committee would override it.

The earliest the committee can

act is Monday.

Associate Justice Jack Pope said the subcommittee had disregarded his advice and kept judges under the bill. He called this "unequal treatment of the branches of government." The Texas Constitution, he explained, already puts judicial behavior under scrutiny by the Judicial Qualifications Commission.

Nugent said there was a possible violation of the constitutional right of privacy in requiring

disclosure of stocks, bonds, notes, real estate and business interests "held" by state officials. He urged that only property "acquired or sold should be covered by the disclosure provision."

"Between now and when the state affairs committee meets, . . . I am going to try to get with Judge Pope and go through this bill section by section and attempt to draft a bill that satisfies his concept of constitutionality and mine and see if the full commit-

tee might not be inclined to accept that substitute rather than the one handed out by this subcommittee," Nugent told newsmen.

Rep. Larry Bales, D-Austin, subcommittee chairman, said he disagreed with Nugent's view of the bill's constitutionality.

Rep. Jim Mattox, D-Dallas, who offered the revised bill approved by the subcommittee, said it was necessary to require disclosure of financial interests "held" by

an official.

"The public should be entitled to know what assets a man holds when he is in a public position so they would know why he voted in a particular way," Mattox said.

Included in the bill is a requirement that retainers, such as those received by some lawyer legislators, be reported.

A 12-member ethics commission would enforce the act, investigating complaints and reporting vio-

lations to the attorney general and district attorneys of counties where they occurred.

Rep. Jim Clark, D-Houston, recommended that the size of the commission be cut to nine, including a newsman, a law professor, a government professor and a lobbyist.

Bales indicated he might back Clark's proposal as an amendment.

The subcommittee voted to approve the substitute bill was 3-1,

with Reps. Dan Kubiak, D-Rockdale, and Hilary Doran, D-Del Rio, absent. Rep. Joseph Sage, R-San Antonio, cast the "no" vote.

Doran walked in a few minutes later and said he, too, would have voted against the substitute because of the constitutional question raised by Pope and Nugent.

He referred, smiling, to those who voted for the bill as "dumb dingbats."

The ethics bill is part of House Speaker Price Daniel Jr.'s "reform" program.

An ethics bill was passed in 1971, but the late Atty. Gen. Crawford Martin held it unconstitutional because, he said, a financial disclosure section violated the right of privacy.

## Marijuana Reform

(Continued from page 1)

Longoria said, "I think in the state of Texas we're doing injustice to young people who possess a small amount of marijuana."

In outlining his plan, Meier said studies show that up to 25 per cent of the marijuana offenders in Texas prisons are under 25, and most are in for the first time.

Several other persons — mothers, students, ministers and law officers — told the committee it was an injustice to put a 17-year-old in prison for "passing around a joint."

Raymond Frank, the newly-elected sheriff of Travis County, recommended that possession of under three ounces should carry "no jail sentence."

"I am interested in a realistic marijuana law," said Dist. Atty. Smith in testimony before the committee.

He sharply attacked Sen. Andujar's bill as having a "ridiculous" breakdown. He said for under two ounces a person would be a misdemeanor but for three he'd be a felon.

"We need to get away from that," he declared. Smith, who described Austin as the "marijuana capital of Texas," also assailed the bills for not distinguishing marijuana from other forms of cannabis.

He then endorsed the Meier proposal, saying it was "an attempt to treat marijuana in a complete fashion."

The Rev. Gayle White, a Richardson minister, asked the committee to avoid the breakdowns altogether. Alcohol, aspirin and tobacco are controlled by the government, he said.

"Why can't we legislate control of marijuana as we do other drugs?"

Most questions from committee members concerned probable acceptance of a marijuana bill by the legislature. Would it appear lawmakers were endorsing the use of drugs? Would district attorneys and judges like the bill? Would a jury grant convictions? Was there sufficient leeway in penalties for varying amounts of marijuana?

One question not asked was whether marijuana was harmful. All testimony concurred with Sen. Gammage: "If there are long-range damaging effects we don't know what they are."

Or Smith, who said, "It's not a question whether marijuana is harmful — I know it isn't."



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