

# Inmates' files kept secret to prevent retaliation

By LEE JONES  
Associated Press

AUSTIN — Paul Cromwell popped his hand against a thick file of a prison inmate who had been denied parole and declared that its contents if revealed — could cause a murder.

One reason he was denied was the protests in his file. . . . This man was sent up for literally beating a man to death. . . . If we were to tell who they (the protesters) were, would not want to be one of those people," said Cromwell, a member of the Texas Board of Pardons and Paroles.

This potential danger to persons who give the board written evaluations of prisoners, parolees and ex-convicts is the chief rationale for the board making most of the board's files secret.

But there's another side, raised by a Dallas Times Herald article suggesting that Joe D. Hicks, now in Fort Worth under a federal conspiracy indictment, won a parole for past felony convictions in 1972 with the aid of Odessa District Attorney John Green. The Odessa American reported that Green had been Hicks' guest that year on a gambling trip to Las Vegas.

Green said in answer to questions that he might have written a letter to

the pardons and parole board recommending a pardon for Hicks, who later was pardoned by then-Gov. Preston Smith.

"I could have and I could not have" written such a letter, Green said.

Following the law, the pardons and parole board will not say whether there is such a letter in its files.

"I think it ought to be a matter of record who recommended his pardon. . . . I just think the people ought to know who recommended him for a pardon," said John Slaney, city editor of the Odessa American. Slaney noted that five years before the pardon was granted, the Texas Department of Corrections classified Hicks' chances of rehabilitation as "very poor."

Before recommending a pardon or parole to the governor, the board must seek the comments of the sentencing judge as well as the sheriff and district attorney of the county that sent a prisoner to Huntsville. And they are bound by law to give the board any information they might have about the person.

Hicks was never sent to prison from Odessa. He settled there and opened a bail bond business after his release from prison, Slaney said.

Green, therefore, was not required to make any comment one way or another on Hicks' request for a full pardon.

Under a 1967 law virtually everything in an inmate's or parolee's or ex-convict's file is confidential "and shall not be subject to public inspection."

Exceptions are what Cromwell calls "commitment information," such as name, county, sentence, offense, sentencing date and date of parole, if any. Also open to the public are the board's minutes, showing how each member voted on each case.

The reason the bulk of a file is confidential is not to protect the privacy of lawbreakers but the safety of those who evaluate them, Cromwell says.

These include parole officers both inside and outside the prison, district attorneys, sheriffs, judges, prison officials and private citizens who write letters concerning offenders.

"When we get positive letters there is no problem. But suppose a man asks for a pardon and the DA says he committed a heinous offense and the people don't want him back in the community. . . . Suppose the

man is not entirely rehabilitated. That district attorney's life and his family could be in danger," Cromwell said.

"In most instances, we are dealing with people who have violence in their background, who are capable of committing violent acts. . . . I want the district attorney and the sheriff to feel comfortable in calling in and saying, 'We don't want him back. We sent him up there to serve some time.' I think he needs

that ability to communicate with us privately."

Granted the need is to protect officials and citizens from revenge, but what about letters and reports favoring a parole or a pardon?

Aside from the arbitrariness of saying favorable documents are open but unfavorable ones are not, Cromwell said the result might be less candor.

Take the case where an elected official believes sincerely that an in-

mate should be paroled and says so. "Suppose this information got out. His political opponent next time could use it against him," Cromwell said.

Cromwell says he would like to see the board's minutes and all data in offenders' files made confidential as well but he doubts this idea would get through the legislature.

Disclosure of votes on pardons and paroles "could be potentially dangerous to a board member or a commissioner," he said.

"Commitment information" is

readily available in county court-houses, he said. Culling it from the confidential data in a file takes board employees away from more important jobs, Cromwell believes.

He remains angry at Citizens United for the Rehabilitation of Errants (CURE) for tying up a board executive for weeks pulling more than 4,000 records, sorting out the public material and interpreting coded minute sheets.

"That resulted in a two- or three-week delay in some people getting out of prison," he said.

## Texas parks get \$1.5 billion

SANTA FE, N.M. — National Park Service areas in Texas are scheduled to receive \$61.1 million under President Ford's proposed \$1.5 billion Bicentennial Land Heritage Act.

The act, made public by the President August 29 in a speech at Yellowstone National Park, will launch a 10-year program to expand and rehabilitate the nation's national parks, wildlife refuges, recreation areas, urban parks and historic and archeological sites, said Secretary of the Interior Thomas S. Kleppe.

Joseph C. Rumburg, Jr., Southwest Regional Director of the National Park Service, said that a breakdown of the funding for Texas shows that the largest amount — \$7.3 million — will go toward the purchase of 49,534 acres of Texas' Big Thicket National Preserve not covered by previous budgeting.

Authorized in October, 1974, the Big Thicket will consist of 12 units located in parts of Polk, Tyler,

Jasper, Hardin, Orange, Jefferson and Liberty Counties.

It was authorized to assure the preservation, conservation and protection of the natural, scenic and recreational values of 84,550 acres of the area, often termed the "biological crossroads" of America.

The second largest amount of money slated to go to the Texas national parks is \$13.9 million for Guadalupe Mountains National Park in West Texas.

Guadalupe Mountains is a relatively new park with limited public use facilities and staffing at present. In store is the construction of visitor facilities, a ranger station and a trail system.

Other Texas parks scheduled to receive funds include:

- Big Bend National Park, \$4.5 million for construction, maintenance and rehabilitation, including the addition of a visitor contact station and an amphitheater.

- Amistad Recreation Area, \$2.6 million for construction and development that will include a new boat dock and visitor courtesy dock.
- Fort Davis National Monument, \$285,000 for maintenance, which will include some restoration work on the historic buildings at the 19th century fort.
- Padre Island National Seashore, \$208,000 for construction and development.
- Lake Meredith Recreation Area, \$583,000 for construction and maintenance, including work on boat docks and fishing piers.

In addition, Rumburg said that some of the \$13 million that the program makes available for increased staffing will be allotted to Texas National Park Service areas.

Rumburg said that increased staffing is necessary to insure the protection of the natural and historical resources and meet the increasing public demand.

## Ford hurt by jobless rate?

By JOHN CUNIFF  
Associated Press

NEW YORK — Damage to the Ford campaign by the three-month rise in the official unemployment rate might have been muted if the President had accepted the recommendation of at least one government official.

The recommendation was that he appoint a committee to study the employment figures, which are increasingly criticized as inaccurate and badly in need of revamping.

Had he done so, the President would have been in a position to cast suspicion on the significance of the adjusted jobless statistics, which rose all summer and which could rise again in September.

To make such a suggestion now, just two months before the elections, and at a time when both the House and Senate are considering bills that could lead to such a committee, quite likely would be considered political expedience.

Various commentators say the jobless rate will play a pivotal role in the November elections, and could conceivably cost Ford the presidency.

Shiskin said he made his recommendation when he first took office

### Business Analysis

more than three years ago, and that he believed John Dunlop, labor secretary, passed it on to the White House for action. He said he then continued to press for the committee.

Among the criticisms made of the statistics is that the seasonal adjustment, based on a formula designed to offset temporary factors so that the underlying trend can be detected, is arbitrary and often inaccurate.

Last year, for example, the highest monthly jobless rate was thought throughout the year to be 9.2 per cent in May, but in January of this year was revised downward by three-tenths of 1 per cent to 8.9 per cent.

Critics note that a change in the jobless rate by precisely the same amount in July of this year, from 7.5 per cent to 7.8 per cent, is believed to have seriously damaged Ford's campaign. Yet that change too is subject to revision, after the elections.

Albert Sindlinger, president of Sindlinger & Co., Media, Pa., an outspoken critic of seasonal adjusting, maintains the public interest would be better served by supplying the raw figures and comparable figures for the prior several years.

Gordon, past-president of the American Economic Association, believes a review should be considered because, he said, hundreds of millions of dollars of federal revenues are distributed on the basis of faulty local employment statistics.

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The President could have appointed the committee from among prominent private and government economists and statisticians, just as did President John F. Kennedy when he named a review committee in 1961.

Julius Shiskin, commissioner of labor statistics, said he is among those who advocated such a move. Prof. Robert A. Gordon, who headed the 1961 committee that approved some of the procedures used today, said he also favored a review.

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