

## Carter pledges cooperation with Congress; leaders leery

Associated Press  
WASHINGTON — President-elect Jimmy Carter is contacting the Democratic leaders of Congress with overtures of partnership and cooperation, but none of them can say yet how easy that will be to achieve or what programs it will produce.

Carter telephoned leaders including prospective House Speaker Thomas P. O'Neill as his victory over President Ford became clear early yesterday and told some of them he wants to meet with them soon on working with Congress.

There is no question but what there will be a period of cooperation and partnership, retiring Senate Democratic Leader Mike Mansfield said last night. "How long it will last I don't know."

While Carter was beating Ford, Democrats were keeping their 62-38 control of the Senate and possibly increasing their 290-145 House control closer to the 295-140 Democrat-controlled House that helped push through President Lyndon B. Johnson's Great Society and war-on-poverty programs in the mid-1960s.

But Democratic leaders yesterday brushed aside the question of how expansive a program the Democratic President and Democratic Congress can enact, pointing out that they haven't even met on the subject yet.

An aide to O'Neill said Carter telephoned early yesterday and told the House Democratic leader, "Tip, I'm six votes from being elected President... and I'll be wanting to

meet with you on working with the Congress."

The aide said O'Neill has been telling people that Carter's victory will mean the days of veto battles are over and Congress' leaders can cooperate with a President "who will work with us because we know which programs will work and which won't."

But that pointed to what could become an obstacle to Democratic unity, the problem of working out who is going to listen to whom.

Democrats were reluctant to talk about that ticklish subject but some Republicans were happy to.

"My impression is that Jimmy Carter is going to run things," said Rep. Barber Conable of New York, chairman of the House Republican Policy Committee. "I think he's a very tough bird and I don't think the Democratic leaders will be able to stand up to him."

Conable said he also thinks Democrats are going to have to make hard decisions on federal spending, Social Security financing, welfare and other issues that might have voters voting more strongly Republican in the next election.

Tuesday's elections struck no serious blow to the Democrats' power structure in either the House or Senate but retirements had already set up races for the top leadership positions in both bodies.

O'Neill is unopposed so far to be House speaker and Senate Democratic Whip Robert C. Byrd appears likely to step up to the job of Senate Democratic leader.

## Court says personal liberty factor in mental patient cases

Associated Press  
AUSTIN — Personal liberty is too precious to commit a person to a mental hospital indefinitely without proving "beyond a reasonable doubt" that that is where he belongs, the 3rd Court of Civil Appeals ruled yesterday.

This "question of major importance in Texas" arose when Dan Turner appealed his indefinite commitment to the Austin State Hospital.

Turner, the appeals court said, had been diagnosed as suffering from paranoid schizophrenia and had been in and out of mental institutions many times.

After Turner had been observed for 60 days at the Austin hospital under a temporary order, the state alleged that he was mentally ill and needed to be committed to a mental hospital indefinitely "for his own welfare and protection of others."

In his charge to the jury, County Judge Mike Renfro said the state had to prove its contentions by "clear and convincing" evidence.

Turner's lawyer objected that the state had the burden of proving eachelement necessary for commitment "beyond a reasonable doubt."

Associate Justice Bob Shannon noted that some out-of-state cases had held that in an indefinite com-

mitment the state "has the burden to prove the necessary elements by 'clear, unequivocal, and convincing' evidence."

The appeals court reversed the judgment committing Turner and returned the case to the county court for a new trial.

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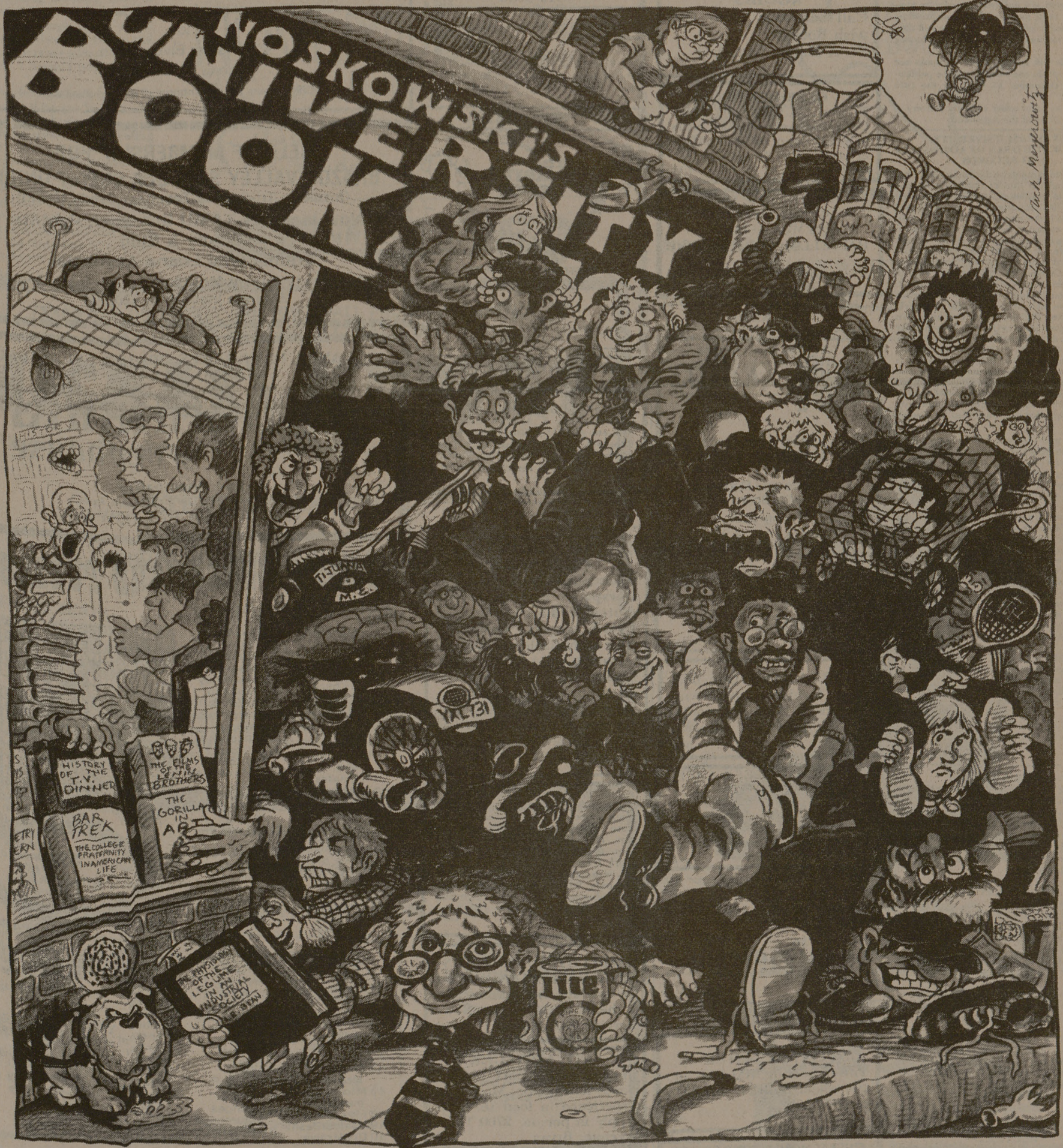
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