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Waiting for the flood

Staff photo by Brian Tate

Maybe with forty days and forty nights of rain senior management major Ronnie Berg might be able to sail out of the parking lot at Bizzell and Jersey streets. The sailboat is being stored there by another student.

Crowded cells major issue in suit

United Press International
AUSTIN — The state and plaintiffs in a massive suit challenging operations of Texas prisons are near agreement concerning improved medical care for inmates, but the state will never agree to a demand for separate cells for each of the 30,000 inmates, Attorney General Mark White said Tuesday.

White said he expects the agreement concerning medical

care to be filed by Friday with U.S. District Judge William Wayne Justice in Tyler. The attorney general said each side in the suit is expected to suggest solutions to other prison problems, such as overcrowding, the guard-inmate ratio and number of inmates allowed per cell.

"Our proposal is to submit an agreed plan where we can. Where we can't, we will submit our plan and they will submit their plan, and the judge can choose one or the other or something in between," White said.

The federal judge instructed Texas to come up with a plan for providing separate cells for each of the 30,000 prison inmates, some

of whom are now housed three to a cell.

White said an emergency \$35 million construction program to provide sleeping quarters by Nov. 1 for 2,880 inmates will enable the prisons to keep two inmates per cell and give beds to about 2,600 inmates now required to sleep on floors.

Asked if the state would ever agree to the one-man, one-cell concept, White replied, "No sir, never."

"Overcrowding is the central feature of this whole lawsuit," he said. "Three people are in cells originally designed for one and then adapted for two, and as a result we've got three people in cells

of 60 to 65 square feet. We're trying to get these people off the floor, that's the main thing we're trying to accomplish right now."

White said the state will appeal the portion of Justice's order prohibiting keeping two inmates in a cell, saying such housing arrangements are neither unconstitutional nor correctionally unacceptable.

The attorney general said he will oppose any efforts to place a freeze on prison population, or to release inmates before they are ready to return to society.

"I don't think the people of this state want to let prisoners out just because they are crowded," he said.

Bus suit parties to meet

United Press International
DALLAS — Several black plaintiffs in the Dallas school desegregation lawsuit will meet Thursday with school board members to determine if there are any areas of agreement before the case returns to federal court in March. No attorneys will be present at the private meeting.

Board President Kathlyn Gilliam said Monday representatives of the Black Coalition to Maximize Education, the East Dallas intervenors and the North Dallas intervenors have agreed to attend.

No word had been received from the original plaintiffs in the case nor from the NAACP, Gilliam said.

However, the NAACP did not greet the idea favorably last week. "I don't know what would be accomplished in that meeting,"

said NAACP attorney Ernest Haywood. "In a nutshell, the NAACP doesn't decide legal matters without attorneys. If any NAACP official did attend, you can rest assured the NAACP would not make any decision in that meeting."

U.S. District Judge William M. Taylor Jr. is scheduled to begin the rehearing of the desegregation case as ordered by the 5th U.S. Circuit Court of Appeals in New Orleans nearly three years ago.

'Racehorse' plans Daniel defense

United Press International
LIBERTY — The Liberty County sheriff Tuesday rejected the battered wife defense lawyer Richard "Racehorse" Haynes plans for Vickie Daniel, the death of her husband, former Texas House Speaker Daniel Daniel Jr.

"Does that give her the right to kill anyone?" asked Sheriff C. "Buck" Eckols, who said he never received any domestic violence complaints involving the Daniel during the four years they were married.

Haynes, who successfully defended Fort Worth millionaire Cullen Davis against murder charges, said Monday Mrs. Daniel will have a strong defense as a woman abused by her husband.

"When the full facts are developed, you'll see that there are those elements involving a battered wife," Haynes said.

Haynes, named co-counsel with Mrs. Daniel's original attorney Andrew Lannie Jr. of Baytown, said he planned first to demand that Liberty County officials release his client's personal property to her.

Haynes said he would not tolerate any more "unprofessional treatment of Mrs. Daniel by officials in Liberty County."

Haynes said items irrelevant to any criminal inquiry such as her driver's license, purse, cosmetics, financial records and her children's birth certificates were taken Feb. 4 by Eckols.

Haynes said his client was forced to forfeit her property without a hearing or due process.

"She has been subjected to some very curious circumstances and some very harsh circumstances since the indictment that catapulted her to page one," Haynes said.

Haynes was hired Friday by Mrs. Daniel's family. He will join a defense team including Lannie and Harlan Friend of Liberty.

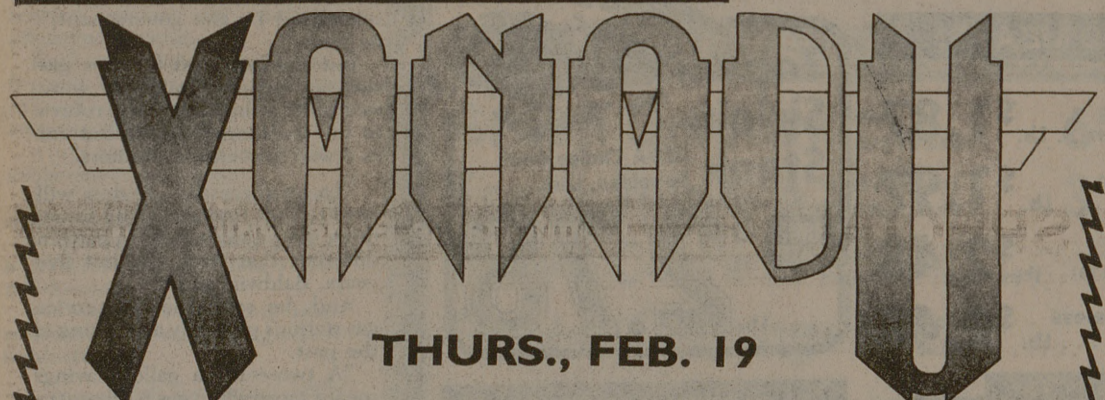
Defense lawyers say they are unsure whether they will ask for a change of venue to move the trial to another city.

Lannie said earlier he wanted to move the trial from Liberty, to assure his client a fair jury. Haynes said he was unsure if moving it would be in Mrs. Daniel's best interest.

Haynes also will represent Mrs. Daniel in a civil suit brought by her late husband's sister, Just Daniel Murph of Richardson. Murph, named executrix of Daniel's will, is seeking custody of her brother's two sons, ages 3 and 1.

Friend set up a defense fund for Liberty for Mrs. Daniel last week and said he has been "surprised" by the community support.

However, in a prepared statement Monday, Murph said Friend has been soliciting money "under false pretenses." She said Friend collected money saying it was to be used to buy clothes for the children and Mrs. Daniel.



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