

State / National

Inmates may receive separate cells, earlier paroles

Inmate lawyers file reform proposal for Texas prisons

HOUSTON — Lawyers for inmates demanding Texas prison reforms filed their proposal for remedying unconstitutional conditions Tuesday, demanding that the Texas Department of Corrections give each inmate a separate cell by 1983.

Also included in plaintiff's recommendations to U.S. District Court are proposals to reduce overcrowding by more parole opportunities, expanded work release and furlough programs.

The plaintiffs also demanded immediate improvements in the guard-prisoner ratio, tougher prisoner safeguards against physical force and more breaks in solitary confinement. Plaintiffs recommended Toledo, Ohio, lawyer Vincent M.

Master to become a court-appointed special master to administer the reforms eventually ordered by Justice.

Overcrowded TDC — which houses 30,000 inmates — currently has three in some cells designed for one, a fact Justice criticized in December when he found the prison system unconstitutional and ordered sweeping changes.

The state filed its plan for meeting Justice's demand for reforms last Friday, agreeing with some of the plaintiffs' proposals, including promising to end triple-celling. But the state adamantly opposes a cell for each inmate.

The plaintiffs said the TDC can accomplish the single-cell arrangement by increments.

"By June 1, 1981, defendant shall not confine any prisoner with more than one other prisoner to a cell having less than 60 square feet," the plaintiffs' recommendation said. "By June 1, 1983, no prisoner shall be assigned with another prisoner to a cell containing 60 square feet or less."

Implementation of the plaintiffs' plan would give the court strict control over inmate population by review of a quarterly report TDC would give the special master who would answer to Justice.

Further, under the proposed plaintiffs' plan, all prison construction would have to be approved by the special master. Presently, the TDC has a ratio of one guard to 11 inmates.

The state has offered to reduce that to 10-1, but the plaintiffs want it lowered to 6-1 to coincide with the national average.

The plaintiffs want the TDC to abandon its trustee, or "building tender," system completely.

"No prisoner shall be placed in a position to give orders to another prisoner, count other prisoners, escort other prisoners, possess keys or weapons, influence cell assignments or exercise any authority over other prisoners," the plan said.

Nathan, 43, a lawyer, was described by the plaintiffs to be the most experienced prison reform master in the country. He is a partner with the firm of Hayward, Cooper, Straub, Walinski & Cramer law firm.

Haig tape list subpoena not pursued

WASHINGTON — The Senate Foreign Relations Committee today dropped its subpoena for a list of tapes of Alexander Haig's Watergate-era conversations — officially ending the secretary of state's lengthy confirmation procedure.

The initial vote to do so was 8-5, with most of the panel's minority Democrats opposed. A final tabulation, to be taken later in the day, was not expected to change the outcome.

In other action, the committee approved 14-0 the nominations of six top State Department officials — including undersecretaries-designate Walter Stoessel and James Buckley, the former Republican senator from New York.

The Haig Watergate-era tapes — made in the late spring of 1973 while he was President Nixon's last chief of staff — produced the major controversial issue during Haig's five-day confirmation hearings in early January.

While it publicly disagreed with legal objections raised by Nixon and supported by the U.S. Archives, the panel decided not to pursue the matter further. It concluded to do so was not in the national interest.

Wham-O is sued over child's death

DAYTONA BEACH, Fla. — Robert McCabe crouched in the yard, holding his son in his arms, using a butter knife to pry the "Water Wiggle" toy from the child's throat that was swiftly drowning him.

Jonathan, 4, died in his father's arms — his lungs, chest and head full of water.

"I tried to get it out. I couldn't get out," McCabe told a circuit court jury Monday, the first day of testimony in the \$5 million lawsuit he and his wife filed against Wham-O Manufacturing Co., makers of Water Wiggle and other toys. Testimony continues today.

The McCabe's attorneys, Melvin Belli and John Spencer Robinson, argued the toy was defective and never should have been placed on the market.

"The package itself shows little children playing gleefully and happily with (the toy)," said Belli, a noted products liability lawyer. "When the cap comes off the wiggle is lethal."

McCabe told the jury he discovered Jonathan had swallowed the toy when his son Joey, 7, ran into the house screaming that "Chrissy" had this thing in his mouth.

McCabe said he couldn't remember if he shut off the water or told Joey to do it, but when the Water Wiggle wouldn't come loose he ran inside and got a butter knife to pry it out.

Jonathan's death was the second blamed on the Water Wiggle, a toy that bounces around when hooked up to a faucet. In 1975, Marcus Maloney, 3, of Baton Rouge, La., died in a similar accident.

His family settled with Wham-O, but Robinson said the McCabe family wouldn't settle for \$50 million.

"They want to expose this company," Robinson said. Wham-O's lawyer, Craig Cameron, said the toy complied with federal safety standards and carried adequate warnings as to its use.

A Wham-O spokesman said about 85,000 of the toys were returned when a recall notice was issued following the McCabe boy's death. About 3 million of the backyard water toys have been sold since 1961.

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