

# State / National

## Court rejects family code suit

**United Press International**  
WASHINGTON — The Supreme Court Monday rejected a challenge to the Texas Family Code, which gives parental rights only to married fathers. The challenge claimed the act discriminates against unwed fathers of illegitimate children.

The justices let stand a ruling a man's daughter, born out of wedlock, could be adopted. However, Justice William Brennan, Byron White and Thurgood Marshall said they would have heard the case.

While she was 14 and attending high school, Cynthia Tuttle gave birth to a baby girl in March 1977 at a home for unwed mothers run by Catholic Charities of Galveston-Houston.

Tuttle, who was not married, decided to give the baby, Tarra Elizabeth, up for adoption. Catholic Charities filed suit in Harris County under the state's family code to terminate the parent-child relationship in order to place the child for adoption.

The father, James Oldag, who was 18 and a high school senior at the time the baby was conceived, filed a cross-suit to legitimize the child and obtain custody.

After trial, the court ruled in favor of placing the child up for adoption. Oldag appealed on grounds the state's family law deprived him of the same rights afforded the mother of an illegitimate child.

A state civil appeals court rejected his arguments and the Texas Supreme Court affirmed,

noting the state law says a parent-child relationship exists between a "parent" and a child. A father qualifies as a "parent" only when his paternity has been established, the court said.

Once this is established, he has "equal rights with the mother who is identified as the child's parent at birth."

The state's top court noted Texas' objective in requiring the biological father to establish his status as a parent was to avoid treating "a sperm donor, a rapist, a 'hit and run' lover, an adulterer and the like in the same legal status as a father who had accepted the legal and moral commitment to his family."

Oldag was given notice of the proceedings necessary to place the child for adoption, but a jury found it was not in the child's best interest that Oldag have parental rights, the Texas high court said.

Oldag "never lived with, raised or established any kind of relationship with the child, having seen her only the one time shortly after her birth," the court noted.

Thus a father who has not "established a substantial family relationship" with his child cannot except the same treatment under the law as a mother, the court said.

Oldag appealed the decision to the Supreme Court, arguing the law discriminated on the basis of sex because it treated unwed fathers differently than mothers and married fathers.

Catholic Charities filed legal papers opposing high court review, arguing that Oldag had been

given notice of all court hearings in the case but did not file a proper statement of paternity.

Both sides gave contrasting views of Oldag's fitness to be a father. His papers said he was a Boy Scout, a "hard worker and saves his money and lives at home,

sharing in the responsibility of caring for his niece and nephew."

Catholic Charities said Oldag was arrested on a rape charge, had been picked up in a marijuana bust and arrested for assault with a knife.

## Solar energy project begins in Crosbyton

**United Press International**  
CROSBYTON — Steam created by the sun's rays Monday began turning a turbine at the Crosbyton Solar Power Project, creating the first commercial electricity produced by a solar steam generator.

The \$6 million project of Texas Tech University and the U.S. Department of Energy was to have been put into service at a ceremony Friday, but a cloud cover and sandstorm shut out the sun, canceling the demonstration part of the ceremony.

The system began producing electricity at 11:30 a.m. Monday as sun from a clear sky fell on the huge solar collector.

The generator, which now produces enough electricity for about 15 homes in Crosbyton, is a prototype for what Texas Tech engineers and DOE officials hope will be a large solar steam system for the town. Congress is considering funding for the expanded project.

## Scientist found guilty of violating clone rules

**United Press International**  
SAN DIEGO — Internationally recognized scientist Ian Kennedy has been convicted of violating national cloning guidelines and conducting unauthorized experiments by an investigative unit of the National Institute of Health.

Kennedy, a 38-year-old virologist at the University of California, San Diego, cloned the genetic material of a rare virus not permitted to be cloned under federal safety guidelines, the unit found.

When word of the cloning incident leaked, Kennedy's research in the university's recombinant DNA laboratory generated a worldwide controversy and triggered fears among some scientists of a public backlash against all "genetic engineering" projects.

On Sunday, the National Institute of Health's Executive Recombinant DNA Committee released its final report on the incident and ordered sanctions that may end Kennedy's research career.

The investigators found Kennedy guilty of cloning fragments of genetic material from semliki forest virus instead of sindbis virus, which he had received approval to work with.

Kennedy has steadfastly denied he deliberately cloned the prohibited virus.

The controversial cloning experiment dealt

with Kennedy's pursuit of the construction of an anti-viral gene, initially against the sindbis virus. Kennedy said he cloned the virus — which turned out to be a semliki — because he needed "a lot of the anti-viral genes to do the experiment."

The institute investigators also found that Kennedy committed a second infraction in using the viral genetic material generated by the cloning to infect mouse cells, another unauthorized recombinant DNA experiment.

Through a spokesman, Kennedy said he would have no comment on the report. He resigned from the UCSD faculty last year asserting that he was not granted a fair hearing during an internal campus investigation of the cloning.

The institute's final report concluded that "the seriousness of these infractions would be sufficient to warrant consideration of specific sanctions of remedial action if Dr. Kennedy still were receiving NIH support."

The committee recommended that if Kennedy applied for National Institute of Health research grants or support in the next two years, the reviewers should be supplied with a copy of the report on the cloning incident.

Fellow scientists concurred that being outside the field for two years could end Kennedy's research capabilities.

## Senate votes to give \$36 million for jails

**United Press International**  
AUSTIN — The Senate voted Monday to appropriate \$35 million for prison construction and to permit the prison system to use \$250,000 of that money for a work release program to begin immediately.

The House has already approved the \$35 million for new inmate housing but has not voted on the amendment, which Sen. Kent Caperton, D-Bryan, said he introduced at the request of the Department of Corrections.

As of Friday morning, Caperton said, 2,472 inmates of Texas prisons were sleeping on the floor.

"This will allow the TDC to immediately address the problem that has become so vivid in everyone's mind," Caperton said. "Something has to be done because it is right, regardless of what a federal judge does."

U. S. District Judge William Wayne Justice has ordered the Texas prisons to relieve overcrowding, understaffing and other problems in the system.

Sen. Ed Howard, D-Texarkana, the only vote against the appropriation, explained that he resents the interference of federal judges in Texas spending decisions.

"In this case, they are spending \$35 million of our money today," Howard said.

He also criticized Gov. William P. Clements for vetoing an appropriation in 1979 for prison construction.

"This Legislature last session met its obligation," Howard said.

Sen. Carlos Truan, D-Corpus Christi, asked Caperton if he expects the governor to veto the appropriation this year.

"It is my understanding that it will not be vetoed," Caperton said.

In fact, he has designated it an emergency.

"The taxpayers of this state are having to pay \$5 million more than the figures showed it would have cost two years ago," Truan said.

Truan also complained that the governor turns down too many parole recommendations.

The Board of Corrections has voted to spend the \$35 million for dormitory-style housing at three existing prison sites, Jester, Beto and Cuffield. Each site will house 960 prisoners.

The Department of Corrections has requested \$268.5 million for new cell space in the coming two years. The emergency appropriation would come out of that but would be available immediately.

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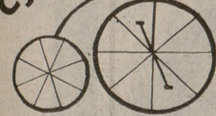
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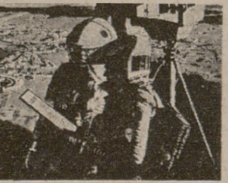
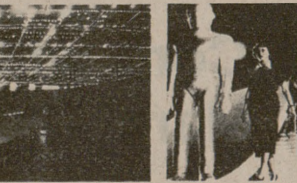
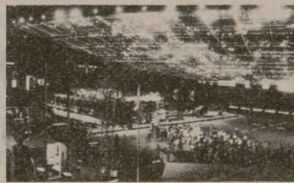


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