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**State**

**Court rejects appeal for prison site**

United Press International  
AUSTIN — The Third Court of Civil Appeals Wednesday rejected the appeal of a group of Grimes County landowners, and cleared the way for the state to proceed with the purchase of a 6,000-acre site for a new state prison.

The appellate court said in its opinion, however, the landowners raised serious questions of law regarding a rider in the 1979 General Appropriations Bill and the validity of a Nov. 10, 1980, meeting of the Board of Corrections at which a decision was made to purchase the land for the prison site. The landowners contended the rider creating an Approval Board comprised of the governor, land commissioner and chairman of the board of corrections to approve any prison site selected amounted to an unconstitutional delegation of legislative authority.

They also argued the Board of Corrections had failed to give

proper public notice of its Nov. 10, 1980, meeting, and that it had improperly failed to explain the reason for meeting in executive session.

For its Nov. 10 meeting, the Board of Corrections indicated on its agenda only that it would consider a "report of the site selection committee."

Failure to give sufficient notice of the time, place, and an agenda for meetings would invalidate any action taken by the board.

Board attorneys had contended that notoriety and newspaper publicity had given ample clarification of the board's intent to consider the purchase of the Grimes County prison site. But the court opinion said, "local notoriety or newspaper publicity of the proceedings expected in a future meeting of a public body cannot supply the notice required by the act, nor can it cure an insufficient notice."

**Special prison funds denied**

United Press International  
AUSTIN — The House refused Wednesday to go along with a Senate move to divert \$250,000 from an emergency \$35 million prison construction appropriation into a work furlough program for prison inmates.

Rep. Bill Hollowell, D-Grand Saline, argued the Senate change would make prison director W. J. Estelle a prison "czar" and open the door to chicanery in the prison system.

The \$35 million emergency appropriation is to fund construction of three new prison units to relieve overcrowding conditions.

The Senate approved an amendment to the bill allowing up to \$250,000 of the money to be spent on a work furlough program that also could help relieve the prison overcrowding as ordered by

U.S. District Judge William Wayne Justice. "I think Mr. Estelle is making a power play here that is far greater than the one made," Hollowell said.

"We have a good workable system with pardons and paroles," he said, "and they are the recommendations and the governor approve them, and we never have any chicanery."

"I know Estelle is an honorable man, but I don't want any one man to have that much power," Hollowell said.

The House overwhelmingly approved the vote Hollowell's motion to send the emergency appropriation bill to conference committee, where he said he hopes the funding for the furlough program can be removed.

**Court views videotaped McAllen police brutality**

United Press International  
BROWNSVILLE — McAllen police officers punched and beat suspects, slamming one man's head into a tabletop, videotapes have shown in federal court.

More than a dozen videotapes were played Tuesday on a television set at federal court in Brownsville, all part of evidence in a hearing to determine whether a permanent restraining order should be issued against the McAllen Police Department.

McAllen Police Capt. Jim Borman, the first witness in an American Civil Liberties Union action against the city, testified Tuesday that McAllen Mayor Othal Brand ordered the videotapes destroyed, despite a federal court order issued to preserve the films.

"(Former Police Chief Jack) Caldwell originally told me the mayor wanted them erased," Borman said. "He said there may be

some things on there and he was most adamant about them being erased."

Watching a television perched on top of a podium, Federal District Judge James De Anda, attorneys and courtroom spectators watched — sometimes uttering audible gasps — as the tapes showed a number of instances of violence.

Victims of police brutality have filed 11 lawsuits in federal court and 10 of those have been settled in favor of the citizens. More than \$400,000 has been awarded to victims.

The tapes were entered into evidence over the objections of McAllen City Attorney Ted Calisi, who argued the tapes, if played at all, should be played in privacy of judge's chambers.

But De Anda was quick to overturn Calisi's objections, saying the tapes were evidence in the case "and a public trial is just so fun-

damental in this country. I intend to try this case properly."

The tapes dated from 1979 and depicted a number of officers. In one tape, a man who was intoxicated moved toward the officer, the officer hit him. When officers held the man, a third officer punched him repeatedly in the stomach. The officers then held the man's head, and the man hit on a tabletop.

In another videotape, a man told a suspect, "You're in McAllen Police Department and we don't take any shit."

"You want to get smart we'll bounce you off the wall long," the officer said. Eleven of the tapes were shown to U.S. District Judge James De Anda, who is expected to hear several more days of testimony in deciding whether to issue an injunction.

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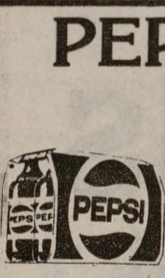
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