

State

Texas' 10-year-old case lingers on

Ruling supports prison reform order

HUNTSVILLE — A ruling by the Justice Department supporting reform of Texas' overcrowded penal system came as no surprise to officials of the Texas Department of Corrections.

"It's not proper to make a definitive comment (on the action) until we can have attorneys review the document," TDC spokesman Rick Hartley said Tuesday. "But I don't think the position of the Justice Department comes as a surprise. Their position was clear during the trial and the appellate process."

In legal papers filed with the 5th Circuit Court of Appeals in New Orleans, the Justice Depart-

ment supported U.S. District Judge William Wayne Justice's mandate, except for a portion that stipulates the size and location of additional prison facilities and a portion that would force the Texas prison system to increase its work-furlough and community corrections programs.

"Judicial restrictions on the state's ability to increase prison facilities, of whatever size and at whichever sites it deems appropriate, transgresses the permissible bounds of the court's remedial authority and must therefore be reversed," the department said.

The Justice Department asked the appeals court, which soon will

hear arguments in the 10-year-old case, to overturn those portions it objects to.

"The remedial steps in the areas of overcrowding (except as noted), security of inmates, medical needs, disciplinary proceedings, exercise, access to the courts and fire safety were warranted," the government said.

The state is appealing the ruling before the 5th Circuit Court of Appeals in New Orleans and negotiations are continuing to settle some issues. Oral arguments in the appeal are scheduled for December.

The Justice Department joined in 1974 as a plaintiff in the lawsuit

filed by TDC inmates alleging violation of constitutional rights.

Assistant Attorney General William Bradford Reynolds, in charge of the Justice Department's Civil Rights Division, said the government is discussing with Texas ways of settling a number of issues in the case.

In a related matter, an investigator appointed by Judge Justice for the special master reported that wardens at three TDC units (Ellis, Retrieve and Ramsey 1) said they had no plans to allow prisoners in solitary confinement and administrative segregation time for exercise, as the judge had ordered.

The order said confined and segregated prisoners should get a recreation opportunity within three days of the confinement and then at least once a day for at least one hour, unless the recreation created a serious threat to prison security.

The investigator's report, which was filed with the court Tuesday, cited examples in the three units where prisoners had been held as long as 2 1/2 years without opportunity for exercise.

The report quoted one prisoner who tried to climb a wall after a year in a segregated environment as saying that activity was his only release.

NASA official objects to move of mission control to Canaveral

HOUSTON — Johnson Space Center Director Christopher Kraft, commenting on a report that the space agency is considering moving its mission control operations to Florida, says he favors keeping the center in Houston.

The report in Aviation Week & Space Technology magazine says

that Hans Mark, deputy administrator of the National Aeronautics and Space Administration, initiated discussion of moving JSC functions to Kennedy Space Center in Florida.

Mark told the magazine that the discussion was "food for thought." A paper prepared in his office suggested that space shuttle operations may be best managed

from Cape Canaveral.

Kraft said: "The best argument now for transferring it is that it is here now. All of the hardware is here, all of the people are here, all of the know-how is here. To move it some place would be expensive. The makeup of people who do the launch preparations phase and the people in flight operations is different and, in my opinion, leads to the right separation of responsibilities. People just think differently."

"I don't say it couldn't be done. It could, but given the facts as they now exist, I think the most economical and efficient thing for the United States government is to have those activities done here in Houston."

Kraft said it was "not unexpected" that new administrator James Beggs would "question how we are going to proceed in the future."

The magazine article said the document prepared in Mark's office discussed the possibility of transferring mission control operations from Texas to Florida as early as 1984.



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