



Plowing through

staff photo by David Fisher

A member of the Texas A&M rugby club plows through a batch of defenders during their game with the Fort Worth rugby club Saturday. The mud was a residue of last week's rain

Health Department to be investigated

United Press International
AUSTIN — The special prosecutor assigned to handle murder charges against a Texas City nursing home also will investigate the failure of the State Department of Health to follow up reports of abuse and neglect at that home, Attorney General Jim Mattox said Friday.

Former Galveston County assistant district attorney David Marks was named by Mattox to investigate and prosecute the 2-year-old case against Autumn Hills Convalescent Center Inc. "I think that the records indicate that there were at least as many as perhaps 50 different individuals that died (at Autumn Hills) under some questionable circumstances," Mattox said at a news conference.

The corporation and eight employees were indicted in 1981 on charges of murder by neglect in the deaths of eight patients. The indictments were dropped because of legal flaws, and the corporation later pleaded no

contest to a charge of involuntary manslaughter.

The plea bargain was rescinded last month at the request of new Galveston County District Attorney Mike Guarino.

Marks, who was fired from his job as assistant district attorney for opposing the plea bargain, said he expected new indictments to be returned within two months.

Both Mattox and Marks said investigators for the state Department of Health had warned high-ranking department officials of continuing problems at Autumn Hills, but the warnings were "disvalued." They said the Health Department's actions or inactions in the case also will be investigated.

"It's pretty obvious that the field staff had given ample warning of the need for action, and those warnings had not been heeded by those higher up," Mattox said.

"I think the responsibility for not shutting those institutions

down or not bringing about proper care must lie in the hands of either the Health Department or in the hands of the Medicaid Fraud Unit of the attorney general's department," he said.

Mattox said as many as eight people on his staff would work on the case along with Marks, who will be based in Galveston. He said his office was called into the matter because of the expense of the investigation, which already has cost \$250,000 and probably will top \$500,000 before it is concluded.

The attorney general said the case would serve as an example to other nursing homes that "the people of Texas are not going to tolerate the kind of mismanagement and lack of proper care that is exhibited in this case."

"I'm going with the intention of convicting that corporation for murder and perhaps some of the officers and employees of that corporation for murder," Mattox said.

Positive testimony allowed

Textbook hearings opened

United Press International
AUSTIN — The State Board of Education opened the textbook adoption process to all on Monday. The move was hailed by opponents of the old system, one of six states limited public input to textbook critics.

Textbook selection will now be "made the same again in Texas," said Michael Hudson, Texas Coordinator for the American Way, said Friday. "Quite frankly, we are surprised and d 1983 mainly appreciative that the majority of the board went this far," he said.

The state board, meeting as a committee of the whole, said it adopted several recommendations made by an ad hoc committee on the Texas textbook selection process and scheduled a final vote on the proposals played at a public hearing Saturday.

Under the recommendations, people will have the right to present negative comments and positive testimony on proposed books during yearly textbook hearings.

"Texas citizens will now have the opportunity to participate in the process," Hudson said.

People for the American Way, an opposing the existing process, which limits testimony to negative appraisals of a book, said last year, claiming the system gives undue influence to book publishers, such as Mel and Norma Phillips, who have spent millions of dollars to influence the process.

The Gablers, strict fundamentalists, have virtually monopolized the hearings for the past several years, gaining national attention and influence. Texas is the only state with the largest textbook buyer in the country — spending \$60 million a year.

"To me, it's not over," Mrs. Gabler said. "Every year they make changes. I've never had any problem with them. I've just been changing it up. My big problem is to let just

anyone come down here and say what they want, whether it's true or not," she said.

Mrs. Gabler has claimed the proposed changes would turn schoolbook hearings into a debate over personalities and philosophical beliefs. She accused

opponents of the old process of only wanting to negate the influence she and her husband wielded.

The board also adopted a recommendation calling for an expansion of the textbook committee from 15 to 27 members and

defeated a proposal to do away with the board's yearly public hearing on books recommended for adoption.

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