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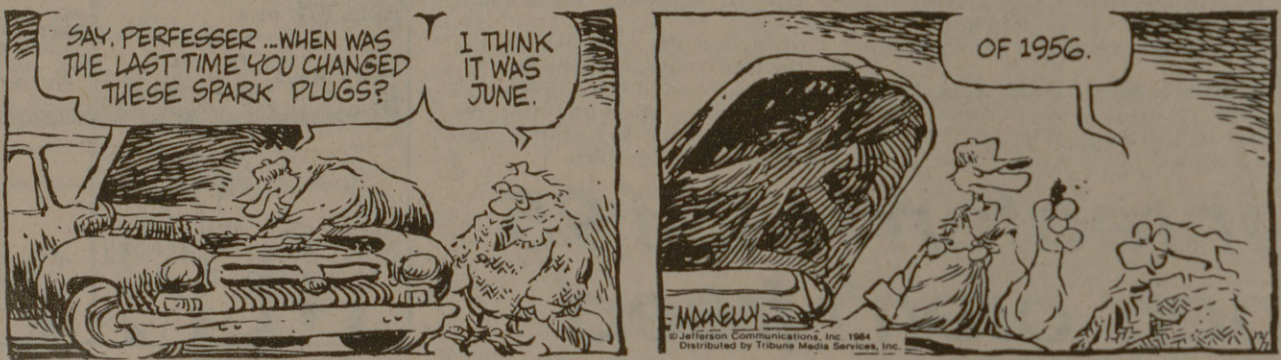


by Jeff MacNelly

Bill seeks donations of organs

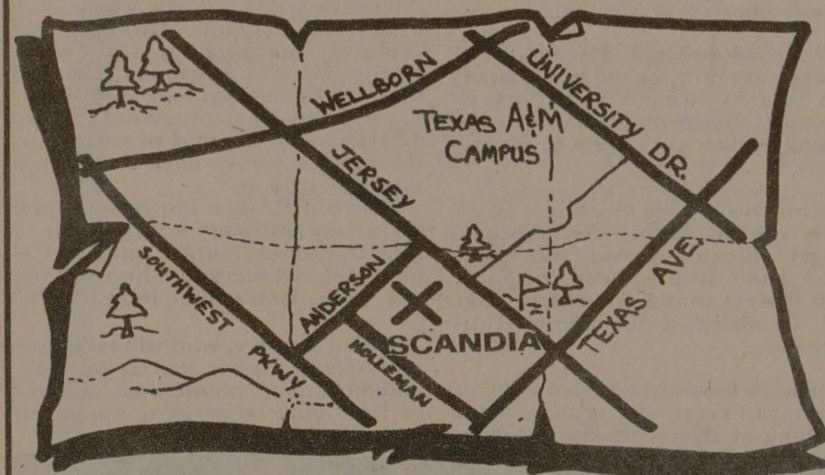
United Press International
AUSTIN — Legislation was filed Wednesday that would allow Texas justice of the peace or notary public to examine the donor's organs if the dead person's family does not object.
A second bill prefiled by Sen. Farabee, a democrat from West Falls, would make it illegal to sell human organs for profit.
Farabee said his interest in organ transplants increased after a boy near his hometown died and doctors could not locate a liver for him.
"This case, along with emotional pleas for help, has heightened my awareness of the need for organ donations," he said. "If the number of donors can be increased slightly ... it will result in a significantly greater increase in the number of organs available for transplant."
Farabee's bills will be considered during the legislative session that begins Jan. 8.

SHOE



by Jeff MacNelly

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Court refuses plea by Mattox

United Press International
AUSTIN — A state appeals court ruled 2-1 Wednesday that Texas Attorney General Jim Mattox's challenge of his indictment for commercial bribery was premature.
The 3rd Court of Appeals said it had no authority to consider such a pre-trial appeal and issues raised by the attorney general should be considered by an appellate court after his trial.

Neither Mattox nor his lawyer, Roy Minton, were available for comment on the opinion. But Mattox said he would take his appeal to a higher appellate court, if necessary, to avoid going to trial on the indictment on Feb. 11.

Minton argued during a Nov. 13 hearing before the three-judge panel that the 1983 indictment should be dismissed because it does not allege a specific offense. But the appeals court said it was only empowered on pre-trial appeals to determine the state's legal authority to prosecute, not whether the indictment is valid.

"We may as well just hook up with the Court of Criminal Appeals because we're going to run out of time," Minton said.

Mattox is accused of threatening to ruin the public bond business of a Houston law firm, Fulbright & Jaworski, unless the firm abandoned efforts to question his sister in a civil lawsuit.

In affirming a Travis County District Court ruling, the 3rd Court of Appeals said that issues raised by the attorney general are matters that should be addressed in post-trial proceedings. The panel's majority also rejected Mattox's claim that the

commercial bribery statute under which he was indicted is unconstitutionally vague.

Mattox has argued the state is prosecuting him for nothing more than engaging in heated negotiations with another lawyer.

But the appeals court said, "For one lawyer to offer another lawyer an economic benefit in consideration for the latter's breach of a fiduciary duty owed to a client is not a legitimate negotiating tactic; it is bribery."

The court said this specific type of conduct has been alleged against Mattox, but that it will be up to a jury to decide whether he is guilty.

In a dissenting opinion, Judge Jim Brady said if there are defects in an indictment it should be addressed at any stage in criminal proceedings.

To consider alleged defects after a trial, he said, "seems to be totally inadequate to prevent the irreparable damage that a full blown trial will inflict upon an accused, especially a public official, when it is clearly possible that the conviction will be reversed on appeal."

Brady also said he believed prosecutors charged Mattox under the wrong statute because the law was written to address kickbacks to politicians. He said the law "was never intended by the Legislature to embrace a fact situation as herein alleged against the attorney general."

According to the indictment, Mattox told a partner in the Houston law firm that he would not delay a multimillion-dollar package of public bonds being handled by Fulbright & Jaworski if attempts to question his sister were abandoned.

Chernenko calls for serious talks

United Press International
MOSCOW — President Konstantin Chernenko said Wednesday the Soviet Union is ready for "radical solutions" on all disarmament issues at forthcoming arms talks with Washington but its main goal is to halt President Reagan's "Star Wars" program.
"Resolving the question of space weapons is now of primary importance," Chernenko said in a message to an international conference of physicians campaigning against nuclear war.

"Militarization of outer space, if not securely blocked, would cancel everything that has so far been achieved in the field of arms limitation, spur the arms race in other areas and dramatically increase the danger of nuclear war," Chernenko said.

Chernenko said, "The Soviet Union is prepared to go for the most radical solutions which would allow to advance along the ways leading to the cessation of the arms race, the prohibition and, eventually, complete elimination of nuclear weapons."

Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko are scheduled to meet in Geneva on Jan. 24. Statements from each side have indicated a Soviet preoccupation with space weapons and a U.S. concern with limiting nuclear-armed missiles.

The United States has a lead of several years in the high-technology industries that are basic to developing the space weapons program.

"The Soviet Union looks to the forthcoming Soviet-U.S. negotiations with a view to achieving mutually acceptable understandings of the entire set of questions related to nuclear and space weapons," Chernenko said.

Soviet concern has grown as tests continue on an American satellite missile, with Washington ignoring requests for a moratorium on development.

Chernenko told the International Physicians for the Prevention of Nuclear War that "the leaders of certain states" are pursuing dangerous "nuclear illusions."

"Chasing the specter of military superiority, these leaders are loading with weapons the land and the oceans and are now planning to do the same thing in outer space," Chernenko said.

Gromyko and Shultz will decide the future pattern of the arms talks, but both sides agree that the negotiations will cover both space weapons and nuclear missiles.

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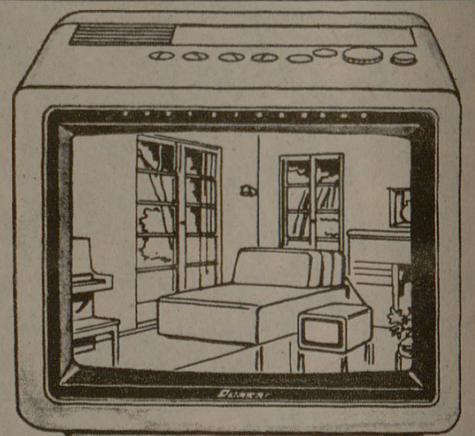
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