



Whew!

Keith Wall, a sophomore business major from Houston, takes a breather while practicing golf Tuesday. Like Wall, many students are taking advantage of the cooler weather by pursuing their outdoor hobbies.

Photo by FRANK HADA

Gramm is backing Dallas lawyer

Lack of experience hindering judge

Associated Press
HOUSTON — An American Bar Association committee says a state district judge recommended for a seat on the federal bench doesn't have enough experience as a lawyer. But U.S. Sen. Phil Gramm, R-Texas, says he may ask the Reagan administration to ignore the objection because "of all the problems, that's the one we're all certain to out-grow."
In March, Gramm recommended the president nominate Judge Sidney A. Fitzwater, 32, of Dallas, to fill a federal court vacancy in the northern district of Texas.
Fitzwater also has been cham-

pioned by the 10 Texas Republicans in the U.S. House of Representatives.
If nominated by Reagan and confirmed by the Senate, Fitzwater would be the nation's youngest federal judge.
But the ABA's federal judiciary committee, whose opinions have been highly regarded by previous administrations, has informally objected to Fitzwater because he hasn't been a lawyer long enough to earn a life tenure post.
ABA guidelines state that "ordinarily" a federal judicial nominee should have at least 12 years' experience as an attorney. Fitzwater has

eight years' experience.
If the ABA committee eventually rules that Fitzwater is not qualified because of the rule, Gramm said he may ask the president to disregard the rule and accept the recommendation.
Gramm said the ABA's rule has been waived for women and minorities and should be set aside for Fitzwater because of his "exceptional talent."
"I'm strong for him, and I've made that know to the administration," Gramm told the Houston Chronicle's Washington bureau on Wednesday. "He's exactly the kind

of person I want on the federal bench."
Fitzwater refused to discuss the matter while Gramm's recommendation is pending.
Senate Judiciary Committee spokesman Mark Goodwin said the ABA panel's view is respected but is only one aspect in the process.
Robert Evans, the ABA's director of government relations, declined to discuss the matter as did Gene W. Lafitte of New Orleans, a member of the ABA's federal judiciary committee.

Prosecutor's gut feeling frees innocent man

Associated Press
HOUSTON — A Harris County prosecutor's hunch that a man accused of robbing a bank was innocent, even though four eyewitnesses identified him, proved correct and the man was freed.
"I have never worked so hard to prove somebody did not commit a crime," prosecutor Charley Davidson said of Thomas P. Goldschmidt.
Wednesday, after five months of investigation and on Davidson's recommendation, state District Judge Doug Shaver dismissed the aggravated robbery charge against Goldschmidt. Fort Worth officials also dismissed similar charges.
"I'm very relieved it's all over," said Goldschmidt, 32, of Webster. "It's been very frustrating."

"It was just a case of mistaken identity. I'm certainly sorry and regret he had to spend any amount of time in jail."
— Prosecutor Charley Davidson about wrongly-accused Thomas P. Goldschmidt.

Goldschmidt was arrested April 24 for the April 18 robbery of Allied Jetero Bank. A detective saw a surveillance camera photograph and recognized the suspect as Goldschmidt, whom the detective knew.
Witnesses, shown what police call a "photo spread," picked out Goldschmidt. Then there was a line-up and four bank employees positively

identified Goldschmidt.
Goldschmidt spent 45 days in Harris County Jail before Davidson, believing Goldschmidt might be innocent, got his bond lowered from \$200,000 to \$10,000.
"It was unusual that the prosecuting attorney and the investigating officer were investigating my inno-

cence as opposed to my guilt," Goldschmidt said.
Goldschmidt, however, said he could understand how the witnesses identified him. He had been fingered as Dallas' dapper bank robber.
Since Sept. 18, 1978, a well-dressed man is believed to have robbed 14 Texas banks of more than \$500,000, mostly in the Dallas area. The bandit also struck Fort Worth and eyewitnesses there also pointed fingers at Goldschmidt.
But an Arlington bank was robbed when Goldschmidt was in the Harris County Jail.
Investigators found no evidence in Goldschmidt's banking and business records to indicate he had robbed the banks. But Davidson said Goldschmidt and the real robber look enough alike to be twins.

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