

State and Local

Special elections need Justice Department OK

Associated Press

WASHINGTON — The Supreme Court has ruled Texas' governor may not schedule special elections to fill congressional vacancies in the state without the Justice Department's prior approval.

A ruling that a federal voting rights act requires such prior approval was upheld by the court with no recorded dissent.

Rep. Sam B. Hall Jr., D-Texas, regained his seat representing the state's first congressional district last May 24.

An emergency election was called for June 29 to fill the vacancy, allowing candidates only five days, until May 29, to file applications to run.

When no candidate received a majority on June 29, White then called a run-off election for Aug. 3. Jim Chapman, a Democrat, outpolled Republican Edd Hargett to win the election and has taken his seat in the House.

Justice Department attorneys challenged the procedure on grounds that White was required under federal voting rights law to get federal approval before making any election changes.

Had White not declared filling the vacancy an emergency, Texas law would have required that the filing period for candidates be June 10 to July 10, 1985, with the election to be held Aug. 10.

White was required to submit the

emergency election dates to the Justice Department for its approval, a special three-judge federal court in Texas ruled last Aug. 1.

"The wide manipulation of the dates of candidate qualification and of voting ... provide a potential for (racial) discrimination" forbidden by the voting rights law, the three-judge court said.

"Any variation from the election dates stated in the statute ... must be precleared" by the Justice Department.

Texas officials appealed to the Supreme Court on grounds that if future congressional vacancies arise the governor would be limited in scheduling emergency elections.

Doctor defends diet set up for woman at Autumn Hills

Associated Press

SAN ANTONIO — A doctor Tuesday defended in court his decision to put an elderly woman on a 600-calorie liquid diet, disputing claims by other doctors that the diet had starved her to death.

Dr. John Konikowski, who treated 77-year-old Elnora Breed in 1978, said Breed had congestive heart failure.

Such a condition, he said, means the body cannot tolerate large amounts of fluids.

Konikowski ordered the 600-calorie diet, fed to Breed through a nasogastric tube, while she was a patient at a Galveston hospital.

He said he intended for her to continue on that diet when she left the hospital and entered an Autumn Hills nursing home in Texas City.

Autumn Hills Convalescent Centers Inc. and four of its current and former employees are charged with murder in her Nov. 20, 1978, death. The state claims Breed died of starvation and overwhelming infec-

"She (Elnora Breed) stopped eating and moving. There was a gradual loss of weight."

— Dr. John Konikowski, who treated Breed in 1978.

tion, both brought on by poor nursing care.

The defense claims she died of a recurrence of colon cancer.

Nursing experts called by the prosecution testified earlier that nurses at Autumn Hills should have realized the 600-calorie diet was starvation level and they should have questioned Konikowski on the order.

Defense lawyer Tom Sartwell asked Konikowski, "If a nurse had called you and question the order, would you have changed it?" "No, I would not have,"

Konikowski replied. "I had determined this was the diet she needed. We were limited by the amount of fluid we could give her."

The doctor said the 600-calorie diet was all Breed could tolerate "without aggravating other conditions — specifically congestive heart failure."

Konikowski said Breed died of colon cancer that had spread to the surrounding lymph glands.

Earlier testimony indicated Breed underwent colon cancer surgery three times, in 1961, 1967 and 1976.

Konikowski said he noticed a change in Breed's condition in August or September 1978.

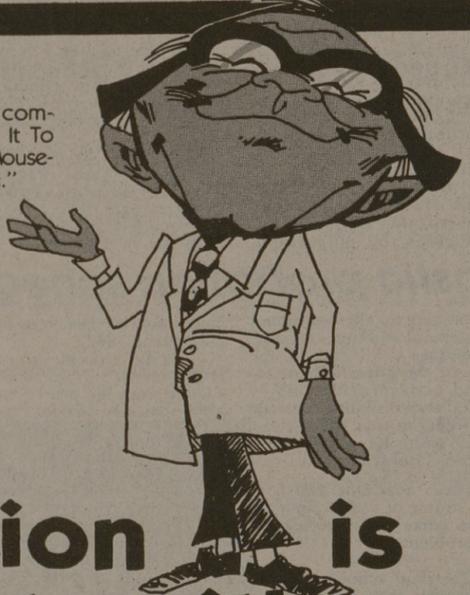
"She stopped eating and moving around. There was a gradual loss of weight," he said.

The doctor said he ordered Breed into the hospital, saying she was suffering from colon cancer.

He said the cancer diagnosis explained the drop in her vital signs, dehydration and other symptoms.

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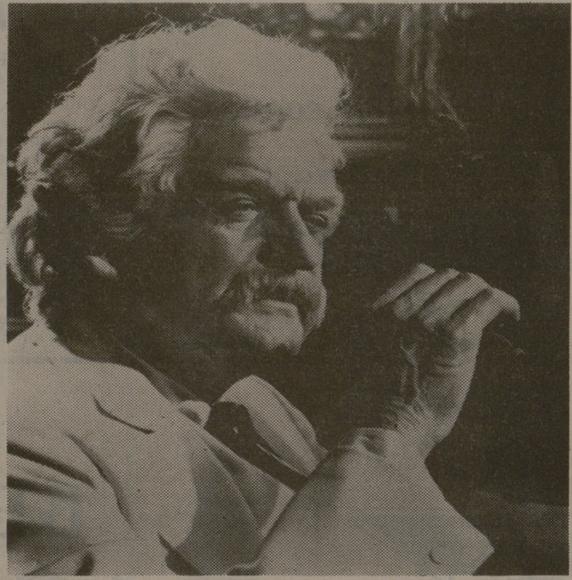
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