

# Texas A&M The Battalion

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## Judicial selection bills seek end to elections

By Olivier Uytendaele  
Senior Staff Writer

In the latest of many efforts to eliminate direct election of judges in Texas, five legislators introduced bills Thursday calling for an appointive system of selecting district and appellate judges.

Texas judges currently declare party affiliation and run in competitive, popular elections. Under the proposed system, judicial candidates

would be nominated by committees, and the final selection would be made by the governor. The public would have the chance to remove the judge in periodic "retention elections."

Since 1974, at least 16 proposals have been introduced in the Legislature to revamp the judicial selection system.

The current effort is led by Texas Supreme Court Chief Justice John Hill and supported by an impressive roster of legislative and judicial leaders.

Sen. Kent Caperton, D-Bryan, one of the bill's chief supporters, says that Lt. Gov. Bill Hobby and House Speaker Gib Lewis both support the legislation.

A spokesman for Gov. Bill Clements announced Thursday, however, that the governor currently opposes the so-called "merit selection" of judges.

During his campaign last year, Clements indicated that he might support a change in the way judges are selected but now apparently has backed off to his current position favoring direct elections.

To understand the current controversy over judicial selection is to understand something of the state's history and the changes that have rocked the state over the last decade.

Texas' current system of partisan elections is in some ways a museum piece of pre-Civil War days — a relic of Jacksonian Democracy once favored by 24 of the 34 states in 1860.

But dissatisfaction with machine politics in the late 19th century persuaded most states to abandon direct elections in favor of appointive-commission systems, similar to the plan introduced in the Legislature on Thursday.

Today, Texas is only one of 13 states that still employs the partisan election system for selecting judges. In spite of the official system, however, a majority of Texas judges are appointed directly by the governor.

An article by Anthony Champagne in the May issue of the Southwestern Law Journal notes that 62 percent of all district and appellate court judges on the Texas bench in 1984 were appointed to their posts.

And because of the traditional one-party dominance in Texas, once appointed judges took office they tended to stay there.

Champagne's article notes that few judges ever were challenged in the primary following appointment. And once the judge had the Democratic nomination, there was practically no chance of an election defeat.

With the advent of a second party in Texas, however, this cozy stability in the Texas judiciary went the way of segregated bathrooms. Champagne's article notes that in 1984 — a banner year for Republicans nationwide — only four of the 20 incumbent Democrats that ran in contested races were re-elected.

Also because of Ronald Reagan's long coattails in 1984, of the 10 contested races in which there was no incumbent, only one Democrat took the bench that year, Champagne notes.

In regard to judges, Dallas County is virtually all-Republican today. In Houston, and to a lesser extent San Antonio and other urban areas, the two parties are in heated competition for control of the courts, Champagne says.

The issue is so divisive that the State Bar Association of Texas has not taken an official stand for or against the bill.

"The bar is clearly divided almost down the middle on these proposals," says Larry Fitzgerald, director of communications for the state bar. "The rural areas are for keeping partisan elections — the urban areas support the proposed system."

Rural areas so far have avoided the turmoil that has rocked the big city judiciaries. Champagne's article notes that turnover in judges has been confined to only 11 urban counties while rural areas — the vast majority of Texas counties — have seen no incumbent judges defeated this decade.

The explosion of lawsuits in recent years has amplified the dissatisfaction many attorneys have with the present system, Fitzgerald says. Defense attorneys think judges have been too generous in awarding

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## Texas facing big changes with reforms

By Olivier Uytendaele  
Senior Staff Writer

Supporters of the judicial reform package call it "merit selection." Opponents call it "the patronage system." By any name, legislation introduced Thursday could radically change the way Texas chooses its judges.

Texas currently employs a partisan election system for selecting its judges.

If the pending legislation becomes law, Texas would vote on a constitutional amendment in November that would establish an appointive system of selecting judges.

The constitutional amendment would establish 29 nominating commissions:

- One statewide commission to nominate Texas Supreme Court and Court of Criminal Appeals justices.
- 13 Court of Appeals commissions.
- 15 Trial Court commissions.

Under the proposed system, when a judgeship becomes vacant, the appropriate commission would nominate three candidates.

The governor then would pick one from the list. The appointment would face Senate confirmation.

The newly appointed judge would

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## Tape: Kidnappers to kill Beirut hostages

BEIRUT, Lebanon (AP) — An American hostage said in a videotape dropped off by his kidnappers Sunday that he and three other men, including two Americans, will be killed if Israel fails to release 400 Arab prisoners within 24 hours.

A six-minute videotape showing Boston native Alann Steen, 47, was delivered to a Western news agency in the name of Islamic Jihad for the Liberation of Palestine, which kidnapped Steen and three others from the campus of Beirut University College on Jan. 24.

The group's other hostages are Robert Polhill, 53, of New York City; Jesse Turner, 39, of Boise, Idaho; and Mithleshwar Singh, 60, a native of India and resident alien in the United States.

Israel indicated Sunday that it was willing to discuss the swap of an Israeli airman missing in Lebanon for the release of the 400 Arab prisoners, a proposal advanced Saturday by Nabih Berri, head of the main

Shiite Amal militia and Lebanon's justice minister.

However, Israeli officials said in Jerusalem they would not respond to an ultimatum and would not conduct such talks in public.

Under Berri's proposal, all foreign hostages also would be released

**"If our lives are important to America, it must order Israel to release the 400 Palestinians as soon as possible — that is, Monday (today) as a maximum."**

— Videotaped statement of hostage

in Lebanon by the various extremist groups holding them.

Berri, meanwhile, backed away Sunday from an earlier weekend statement that Anglican Church hostage-negotiator Terry Waite would be freed by today, now saying the release would take more time. Waite has been missing since Jan. 20.

A weary-looking Steen, reading from a statement in a monotone, said on Sunday's videotape: "If our lives are important to America, it must order Israel to release the 400 Palestinians as soon as possible — that is, Monday (today) as a maximum."

"We also tell America that if it commits any stupidity, we will be prone to be killed. Besides, Americans in the whole world will be the victims of our administration's stupidity."

"They (the captors) do not fear death because they perceive it as the

start of their life. In other words, America can't scare them through its military actions."

Steen wore eyeglasses and a small beard grown in captivity. A text of the statement in his handwriting was delivered with the tape.

Earlier Sunday, another group holding foreign hostages claimed that Waite had carried a transmitter to pinpoint suspected terrorist hideouts for an American military attack on Lebanon.

Since Waite disappeared nearly three weeks ago, during a mission to seek freedom for foreign hostages, there have been rumors that he was being held against his will. But the Church of England has said it could not confirm that.

The Beirut newspaper *L'Orient Le Jour* claimed Waite had been released and would surface Sunday in the Syrian-occupied Bekaa Valley in eastern Lebanon. Police said they could not confirm the report.

## Legislator seeks protection for all motorcyclists

# Mandatory helmet law may return to Texas

By Daniel A. La Bry  
Staff Writer

Motorcycle riders, young and old, may again be required to wear helmets while operating on Texas roads.

The Texas State Affairs Committee will begin conducting hearings on a mandatory motorcycle helmet law within the next two weeks, said Chris Elliott, legislative assistant to Sen. Ted Lyon.

If any member of the committee thinks a mandatory helmet law is needed after considering evidence presented in the hearings, a bill can be introduced in the House.

Current Texas law states that any rider under 18 years of age — whether driver or passenger — must wear an approved helmet. Since August 29, 1977, Texas motorcyclists 18 years and older haven't been required to wear

protective headgear. The new legislation, sponsored by Lyon, would require all cyclists to wear protective head gear.

Texas had a mandatory helmet law from 1966 to 1977. Then, in 1977, Congress repealed the authority of the Department of Transportation to withhold highway funds from states without the law.

Elliott said the magnitude and characteristics of motorcycle carnage is the driving force behind the legislation.

"In the year immediately following the repeal of the motorcycle helmet law, deaths and incapacitating injuries as a result of motorcycle accidents increased," Elliott said. "Deaths by 64 percent and incapacitating injuries by 16 percent."

Eddie Carmon, a trooper with the Safety Education Service of the Texas Department of Public Safety, said these figures contin-

ued to increase until they peaked at 106 percent from August 1981-82. The increase in deaths and injuries has remained at a high level over the years since the repeal, he said.

A joint study conducted by the Texas DPS and the Texas De-

**"What they are wanting to do is stop people from getting killed — plain and simple."**

— Jim Perry, Texas Motorcycle Roadriders Association.

partment of Health reported that in Texas in 1985 motorcycles were involved in less than 3 percent of all motor vehicle crashes, but motorcycle riders rep-

resented 11 percent of all the vehicle crash fatalities. The report also cited data from several states showing that head injury rates of motorcyclists without helmets is between two and three times greater than the head injury rates of helmeted riders.

Mike Ward, president of the local Cavaliers Motorcycle Club — an affiliate of the Texas Motorcycle Roadriders Association — said he wears a helmet 99 percent of the time he's riding but is opposed to a mandatory helmet law.

"It's not that I disagree with wearing a helmet," he said. "I disagree with the legislative part of it. I don't believe I should be told to wear a helmet. It should be my choice."

Most of the Cavaliers said they were opposed to changing the present law and that motorcyclists should be allowed to make their own decisions about safety.

## A&M researchers keep eye on NASA to maintain safety

By Debbie Monroe  
Reporter

Since the shuttle Challenger explosion on Jan. 28, 1986, NASA has been in turmoil. James Fletcher, the new director, has been under pressure — from within and without — to steer the agency through the maze of problems threatening its effectiveness.

Watching Fletcher from the outside are researchers working under NASA grants. Dr. Norman Griswold, Texas A&M associate professor of electrical engineering, is one of them.

"When a major event (like the Challenger accident) happens,"

Griswold said, "you're going to get your ducks in a row. There's too much pressure not to."

With the reorganization of the space program, priorities have changed. Project safety has become paramount, and NASA is seeking ways to minimize the dangers its crews are exposed to.

Griswold believes research like his own will help.

"I believe it will cause them to look at using computer vision and robotics, as opposed to men, in space," he said.

The researcher and his associates have developed a stereoscopic vision system which uses two television cameras and computer software to simulate the human eye's ability to judge distance and depth of field. Such a system will be essential to the operation of a space station and to the safety of astronauts.

"Suppose you have a robot free-flier out in space working on a satellite," he said. "People in the space station will want to see what it sees, to check and see if the flier's working right."

"Man is safer in a shuttle or space station if he can see what's going on."

He added that the public doesn't realize how risky it is for a human to work in space.

"When a person gets in a space suit and goes toddling outside of the shuttle environment, everybody cheers," he said. "It's sort of like he made the basket. It's a great thing."

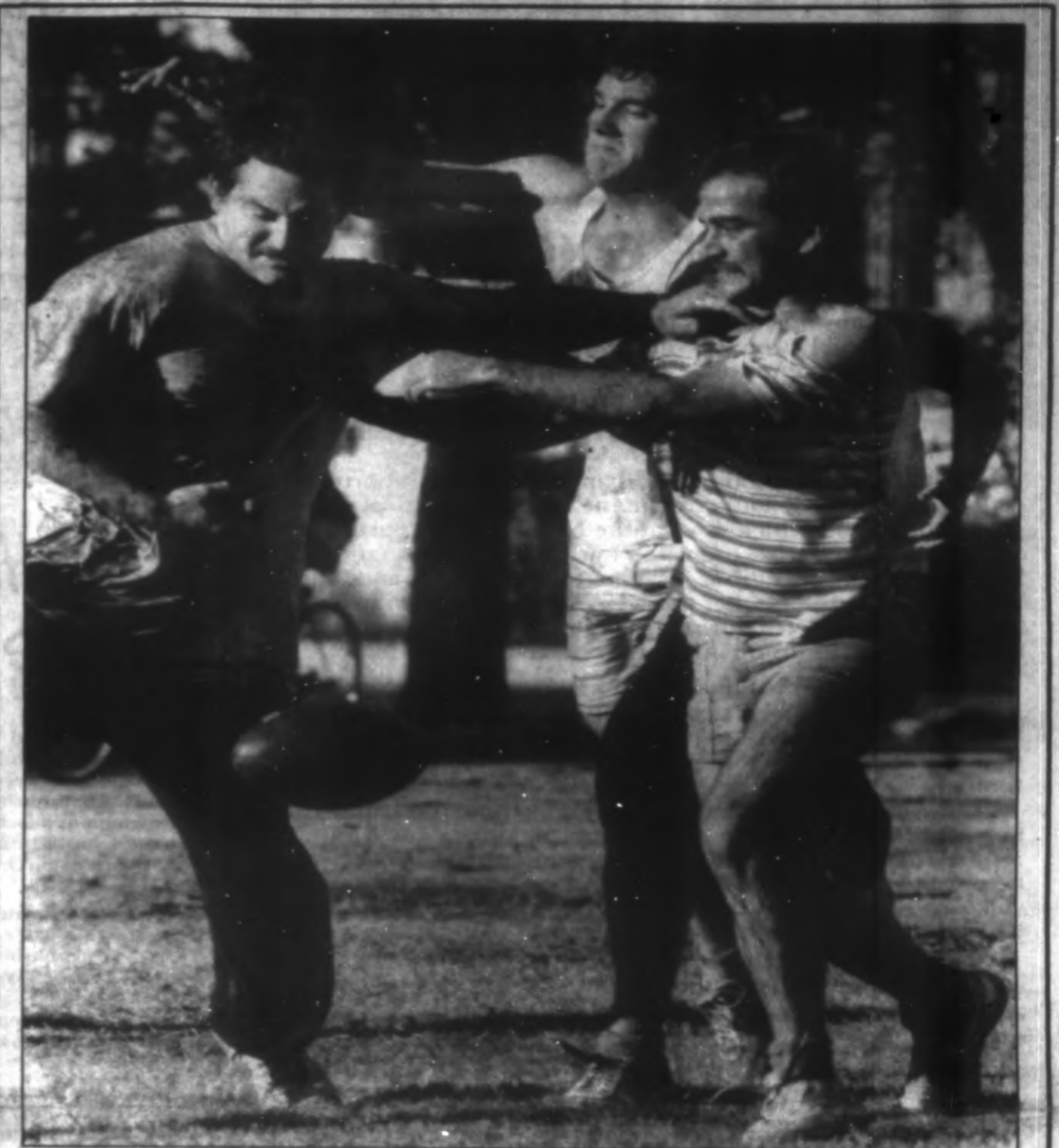
"But if a basketball player doesn't make the basket, the ball bounces on the floor, and he gets another shot. If something happens to an astronaut's oxygen system or to his tether, he's gone."

Besides replacing lost credibility, NASA also will have to replace the space shuttle Challenger.

Associate Provost for Research Dr. Duwayne Anderson said the cost of another spacecraft will affect the

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## Here's Mud In Your Eye

A&M junior David Pounds, left, fumbles the ball while stiff-arming junior Tom Hipsher during a

"mud football" game Sunday. Sophomore Carter Sharpe tries catching Pounds from behind.

Photo by Doug La Rue