

State and Local

Law to halt AIDS discrimination hard to enforce, attorneys say

AUSTIN (AP) — Austin is one of a few cities with an ordinance barring discrimination against AIDS patients, but local lawyers say it has become a difficult rule to enforce.

"The law is just so slow and these people are dying," attorney Tom Doyal said.

Amparo Hudgins knows firsthand how slow the law can be. Three months after filing a complaint with the city's Human Relations Commission saying she was fired because her son has AIDS, she still is trying to get her job back.

"They're still working on it," Hudgins said of the commission. "But I'm not going to give up. I know I have a case."

Doyal has handled several lawsuits on behalf of people with AIDS or related illnesses who have lost their jobs, their health insurance or both.

"The human tragedy is not the number of cases filed but the num-

ber of lives stressed," Doyal said. "Must they die in great privation before justice is done?"

As of Sept. 18, the latest date for which statistics were available, 139 individuals with AIDS had been re-

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ported in Travis County since 1983 and 57 percent of them had died.

Officials at the Human Relations Commission say it has received 17 complaints apparently related to AIDS since Austin's anti-discrimination ordinance was passed in December.

They said some of the complaints

involve acquired immune deficiency syndrome. Others concern discrimination against homosexuals, who have been the main sufferers of the disease, which cripples the immune system.

Kerr said last week that he could not say for sure how many of the AIDS cases have been resolved. His inability to offer a figure stemmed in part from the commission's lack of staff and money to handle hundreds of other complaints besides those dealing with AIDS, he said.

John Darrouzet, a lawyer for the University of Texas System and chairman of the commission, offered an indirect answer to the question.

"If the case is reconciled, members of the commission don't see it and, so far, we've seen very few cases," Darrouzet said.

Because people with AIDS seldom live two years after their diagnosis, attorneys say it is crucial that the discrimination complaints get immediate attention.

Federal judge grants delay of execution for death-row inmate

HUNTSVILLE (AP) — A federal judge granted an execution stay for a death-row inmate scheduled to die by injection before dawn Tuesday for the 1979 rape and stabbing death of an Arlington woman.

U.S. District Judge Carl O. Bue of Houston granted Jerry Hogue a stay for this week, but rescheduled his execution for Nov. 11.

Another death-row inmate, Donald Gene Franklin, 36, faces execution before dawn Friday.

Hogue, 37, was convicted of capital murder in the January 1979 death of Jayne Markham. Evidence showed Hogue tied Markham, 27, and three others, including her 8-year-old son, in her home and then set it on fire.

All but Markham, whose hands and feet were tied behind her

back with insulated wire, managed to escape.

An appeal filed on Franklin's behalf is pending before the U.S. Supreme Court. The U.S. 5th Circuit Court of Appeals rejected his appeal last week.

Franklin was convicted in the 1975 murder of nurse Mary Margaret "Peggy" Moran. She was abducted from a San Antonio hospital parking lot.

Moran was found alive five days after her abduction in a field less than a mile from the hospital. However, she died 14 hours after her discovery from complications of 10 stab wounds.

Franklin was tried and convicted of capital murder three times. Two convictions, however, were overturned.

Table for surgery money will be set up next week

On Monday, *The Battalion* printed a story about John Stone, Class of '84, who is asking Texas A&M students, employees and organizations to help him raise money for a \$250,000 liver transplant.

The story mentioned that there would be a table set up in the MSC this week where students can donate money to Stone's transplant fund. However, Scott Donahue, Stone's

friend and medical colleague, told *The Battalion* Monday that the table will not be set up until next week.

Until then, anyone wishing to make a donation to the transplant fund should contact Donahue, who is coordinating donations.

Donahue can be reached at 764-8632. Stone, now residing in Galveston, also is accepting donations for the transplant fund and can be reached at (409) 762-2139.

Activists seek lawyers for death-row inmates

DALLAS (AP) — A stepped-up schedule of executions coupled with fewer lawyers willing to take on appeals cases from Texas' death row has sent civil rights activists and capital punishment foes scrambling to big law firms for help.

When the two-person staff at the University of Texas Law School's Capital Punishment Clinic needs a lawyer for a death-row case, it is as apt to call the silk-stocking offices of Vinson and Elkins or Fulbright and Jaworski as a liberal-leaning solo practitioner.

Chances are about even that a lawyer will not be found to press appeals as an execution date nears, Jim Rebbholz of the Austin-based law clinic said.

As of Friday, 11 of the state's 259 death row prisoners were scheduled to be executed by Dec. 9. "We're recruiting lawyers for five," Rebbholz told the *Dallas Times Herald*.

An estimated 60 percent of the others are without representation, he said.

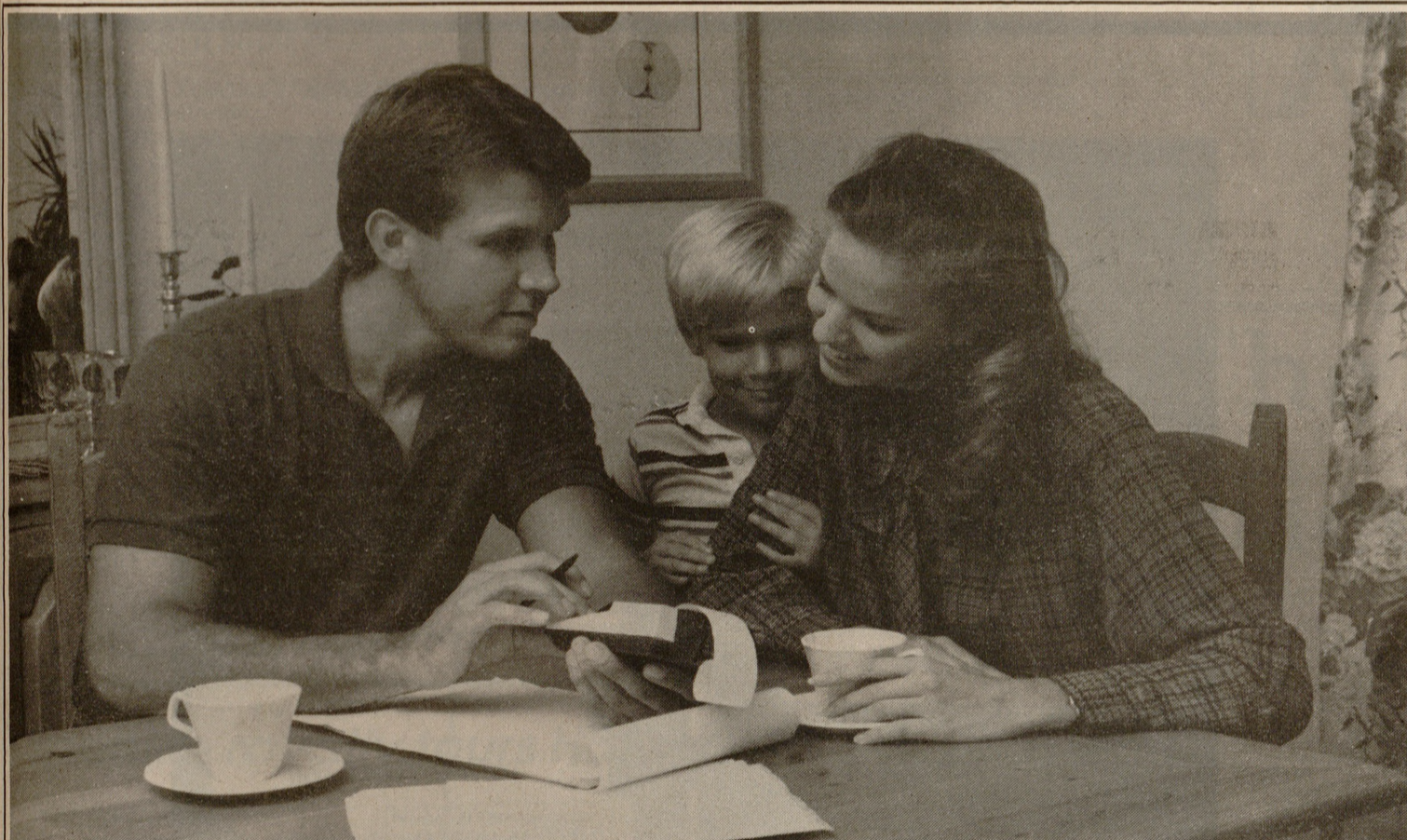
The U.S. Supreme Court has held that the Constitution guarantees a right to counsel; however, the government's obligation ends under Texas law once a verdict has been upheld by the Criminal Court of Appeals.

But most constitutional questions have been exhausted in death-row appeals and the alternative is a case-by-case approach few volunteer lawyers have time or money to handle.

"There's a lot of anxiety in death work," said Rebbholz, who believes large law firms are best equipped to respond to the cases because they are well-staffed, well-financed and well-connected.

But Alan Wright, a business litigator with Haynes and Boone in Dallas, suggests there are moral issues at work even with the big firms. He has a case assignment from Rebbholz and the support of his firm.

"I guess it's a reflection of my personal view that the question of whether a criminal defendant gets death or a lesser sentence shouldn't depend on how much money he has in his pocket," said Wright, whose firm has pledged support for his case assignment from Rebbholz.



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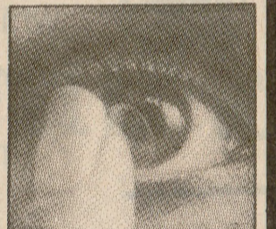
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