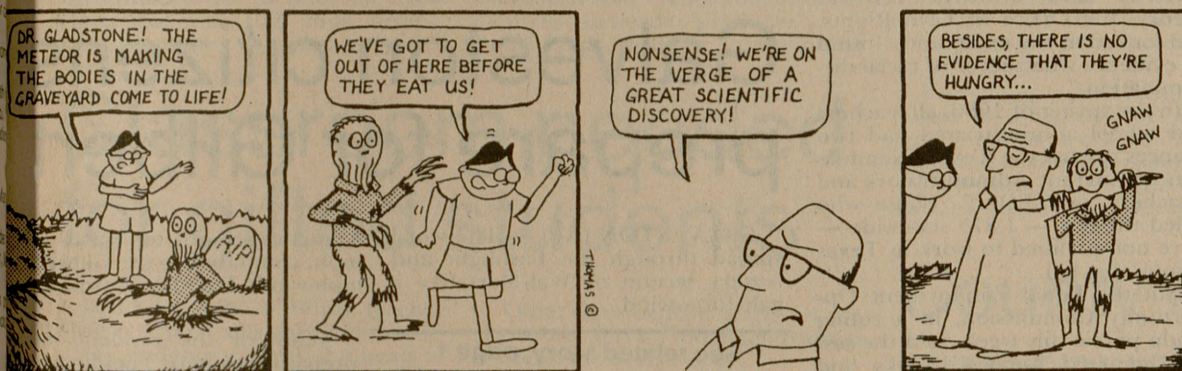


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Senate: mental health care cheats patients, taxpayers

AUSTIN (AP) — Something has gone very wrong in the Texas system of caring for the mentally retarded, the head of a special Senate committee said Tuesday, calling the system near failure.

"In short, it almost looks like someone set out to design a system that short-changes both the mentally retarded and the taxpayers," Sen. Carlos Truan, D-Corpus Christi, said at a meeting of the Senate Health Services subcommittee.

The state for decades has battled with inadequate funding, outdated treatment, court orders, controversy and hostility over the best way to care for the retarded, Truan said.

"Not one of those issues has gone away," he said. "They have multiplied. From where I stand, I see a system that is on the verge of failure."

The subcommittee, which is studying the financing of community facilities for mentally retarded people, heard from Department of Mental Health and Mental Retardation officials about state funds given to help start up private community homes and about contracts between former state employee and the state.

The department, through the Prospective Payment Program, has provided \$1.46 million in start-up costs to community facilities since 1985, auditor William Montalvo said. Montalvo, internal audit director for the MHMR department, said just \$96,845 has been repaid.

The program was designed to comply with a federal lawsuit settlement that included moving retarded people from state institutions to community homes. State funds are provided through the program to mental retardation authorities, which contract for community services.

Start-up costs are one-time funding needs associated with beginning a program, such as facilities and equipment.

Truan questioned whether it is constitutional for the state to provide such start-up funding to private businesses, and he questioned contracts between the agency and former employees. He cited the example of Donald Taft, former director of outreach services for the Corpus Christi State School.

The day after Taft resigned his state job in 1985, he signed contracts with the school to provide services,

Truan said. In 1986, Taft's company also signed a contract with Fort Worth State School, Montalvo said.

In the contracts, Taft was advanced a total of \$347,827 in start-up funds without a payback provision, Montalvo said.

Jane Rowley, a spokesperson for Taft, said he had no immediate comment. She said Taft was out of his Corpus Christi office working on preparations for the possibility that Hurricane Gilbert would affect Texas.

MHMR officials said nothing illegal was found in the contract.

Department Commissioner Dennis Jones also outlined planned administrative changes that could include prohibiting contracts between mental health or mental retardation authorities and former employees for a period of time.

September storms have lethal history

Associated Press

No hurricane with a "G" name has ever visited Texas but September storms have a history of being deadly.

Coastal residents are keeping a wary eye on Hurricane Gilbert as it blasts westward through the Caribbean toward the Gulf of Mexico, forcing cancellations of plane flights and stranding tourists.

"We're pulling out all our generators, reviewing our plans and urging everyone else to do the same," Galveston City Manager Doug Matthews said Monday.

Packing winds of up to 130 mph, the hurricane tore off rooftops, disrupted communications and poured up to 10 inches of rain on Jamaica, where reports said at least 30 people died. The storm Tuesday was lashing the Cayman Islands.

"We have to go back to 1980 and Hurricane Allen to see any hurricane that's as large as this one," director Bob Sheets of the National Hurricane Center in Miami, said.

Allen, called "the storm of the century," developed winds of 185 mph before storming the South

Texas coast on Aug. 9, 1980. Two people were killed in Corpus Christi.

The only two Gulf hurricanes this year were September storms. Debby drenched Mexico, killing at least 39 people and leaving thousands homeless. Florence later flooded parts of Louisiana as it sloshed ashore.

The worst natural disaster in U.S. history took place in September of 1900 when a hurricane pushed a wall of water across Galveston Island. It killed 6,000 to 8,000 residents and caused \$30 million to \$40 million damage.

One-quarter century earlier, most of the town of Indianola, in the coastal bend between Galveston and Corpus Christi, was swept away by a hurricane that claimed 176 lives.

In more recent times, Hurricane Carla pounded the Port O'Connor area in September of 1961, leaving 34 people dead and causing damage estimated at \$300 million. Wind gusts were estimated at 175 mph. Indianola is just 5 miles north of Port O'Connor.

In 1967, Hurricane Beulah claimed the lives of 13 South Texas residents when it hit the Brownsville area in September.

Here is a list of major September hurricanes that have affected the Texas Gulf Coast:

- Sept. 3-12, 1971; Hurricane Fern; Middle Coast; 2 dead, \$30.2 million damage.
- Sept. 18-23, 1967; Hurricane Beulah; Brownsville; extreme intensity; 13 dead, \$150 million damage.
- Sept. 16-20, 1963; Hurricane Cindy; Port Arthur; no deaths; \$11.6 million damage; 24 inches of rain in Jefferson, Orange and Newton counties.
- Sept. 11-13, 1961; Hurricane Carla; Port O'Connor; extreme intensity; 34 dead, \$300 million damage; wind gusts estimated at 175 mph, storm tide 18.5 feet at Port Lavaca.
- Sept. 23, 1941; Texas City; 4 dead, \$6.5 million damage.
- Sept. 4-5, 1933; Brownsville; 40 dead, \$16.9 million damage.
- Sept. 14, 1919; south of Corpus Christi; extreme intensity; 284 dead, \$20.3 million damage; winds 110 mph, storm tide 16 feet. Aug. 13-14, 1932; Velasco (Freeport); 40 dead; \$7.5 million damage.

Texas unemployment drops to 6.6 percent

DALLAS (AP) — Texas employment improved in part during the last year because jobless workers left the state, while continued high unemployment in the Rio Grande Valley was influenced by Mexico's economic woes, analysts said Tuesday.

While the jobless rate nationwide declined 0.6 percentage point over the year, it dropped much more dramatically in Texas and several other states, the U.S. Bureau of Labor Statistics said.

Along with the Lone Star State, Mississippi, Wyoming and Idaho had unemployment rates decline by more than 2 full percentage points in the 12 months ending in July, the federal government said.

"There has been movement in the direction of recovery. But some people, rather than wait around, just left the state," said John Kruse, labor

market analyst for the Texas Employment Commission in Austin.

The state's unemployment rate in July was 6.6 percent, compared with 8 percent the previous month and 8.7 percent in July 1987, the federal government said.

"To some extent, we were just so far down that we did not have anywhere to go but up," said Kruse, "although I suppose we could have had an out-and-out depression. We were close to the bottom, I guess, in terms of where we could go, unless there was a major depression."

An economic slump continued in the McAllen-Edinburg-Mission area of South Texas, with 14.8 percent unemployment, the federal labor bureau said. That was preceded only by Flint, Mich., with 14.9 percent.

The lowest unemployment was at Burlington, Vt., at 1.8 percent.

Convicted killer's plea for reprieve denied by State Court of Appeals

HUNTSVILLE, Texas (AP) — The Texas Court of Criminal Appeals on Tuesday refused to halt the execution later this week of a death row inmate convicted of killing a Galveston convenience store clerk in 1980.

Attorneys for Warren Eugene Bridge, who faces legal injection before dawn Thursday, took their case to a federal court to seek a reprieve.

Bridge, 28, was convicted of the Feb. 10, 1980, robbery-shooting of Walter Rose, 62.

Attorney Anthony Griffin contends in his appeal that errors in Bridge's capital murder trial were not allowed to be considered mitigating circumstances during the punishment phase of Bridge's trial.

In his appeal, Griffin is citing arguments used in another appeal filed on behalf of Texas death row inmate Jimmy Penry, whose case the U.S. Supreme Court has agreed to hear.

"Penry basically questions the Texas statute and the state not allowing mitigating circumstances," Griffin said Tuesday. "We're saying the statute on its face has problems."

The Texas Court of Criminal Appeals, however, said an issue in the Bridge case should have been raised earlier by the convict's 1980 trial.

"He shouldn't be allowed to raise it at this late date," the appeals court said.

Griffin said his appeal would be filed before U.S. Dis-

trict Judge Hugh Gibson in Galveston.

The Bridge case is making its second trip through the federal courts, according to Griffin.

Earlier this week, State District Judge Roy Engelke of Galveston refused to grant Bridge a reprieve.

Rose was shot four times with a .38-caliber pistol as Bridge and his co-defendant, Robert Joseph Costa, robbed the convenience store of \$24. Rose died of his wounds on Feb. 24, 1980, four days following the arrest of Bridge and Costa.

Costa was convicted of aggravated robbery and sentenced to 13 years in prison. He was released under mandatory supervision in October 1986 after serving five years and eight months in prison.

Bridge has said he is sorry that Rose died, but complained in a recent interview that his life on death row is worse.

"He didn't know he was going to die when he went to work that day," Bridge said. "I sit here on death row for 7½ years and think about dying, and I believe Mr. Rose got a better deal."

If Bridge is executed, he would be the 28th Texas inmate to die since the U.S. Supreme Court ruled in 1976 that capital punishment was constitutional.

Although the Texas total is the highest in the nation among states with capital punishment, he would be only the second in the state this year.

Lawmakers re-examine child abuse

by Kevin Thomas

ABILENE (AP) — A Texas lawmaker who said he was only partly joking when he suggested branding convicted child abusers claimed that Texas was not correctly handling punishment for child abusers and molesters.

"If there was any way to stick a branding iron in the middle of their head that said 'child abuser,' I'd go for that," Rep. Doyle Willis said at a meeting of a delegation from the House Select Committee on Child Abuse and Pornography.

Willis of Fort Worth said Monday that punishment for molesters should be somewhere between what the penalty is now and "doing what the Arabs do and cut off their hands."

"In order to get to these people who abuse children we've got to change our method of punishment," Willis said. "It's just not getting it across."

A delegation met at Abilene to hear concerns of local citizens and service agencies and take their suggestions for legislation to help combat child abuse and molestation.

Willis said he has just celebrated his 80th birthday. Some of the 12 speakers made recommendations that committee members indicated may someday find their way into the law.

Pamela Sites, a representative of People Against Child Abuse of Abilene Inc., asked the committee to consider a change in the law to disallow unadjudicated probation for convicted child abusers.

A probation term, when not adjudicated, allows an offender's criminal record to be wiped clean if the term of probation is successfully completed.

A person convicted of child abuse or molestation should be required to retain the criminal record.

"I can assure you, the child they abuse will carry the scars," said Sites.

But Steve Chaney, a senior staff attorney with the Tarrant County Criminal District Attorney's office and a member of the committee, said disallowing unadjudicated probation would limit the discretion of prosecutors.

A judge, if an offender on regular probation violates the terms of that probation, may impose a prison sentence of only up to 10 years, Chaney said. When unadjudicated probation is violated, however, the entire range of punishment is available, including life in prison, he said.

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