

The Battalion STATE & LOCAL

Organization defends death row inmate, says prisoner received unjust conviction

GROVETON (AP) — Testimony of a Texas inmate's former best friend and co-defendant, who later recanted, was crucial in putting the prisoner on death row, according to attorneys.

But James Lee Beathard, 31, has consistently proclaimed his innocence in the 1984 slayings of three Trinity County family members.

Authorities who arrested and tried Beathard maintained they were sure of his guilt. But now, others insist Beathard was wrongly convicted.

Wright returns to aid campaign for Hightower

GARFIELD (AP) — Climbing onto a tree stump, former U.S. House Speaker Jim Wright returned to politics to aid Texas Agriculture Commissioner Jim Hightower's re-election bid.

Wright of Fort Worth joined other Texas politicians Saturday evening in a fund-raising picnic at a ranch outside Austin. It was billed as Hightower's "Back to the Ranch" party.

"I feel at home here," Wright said. "It's great to be back on the stump. This is what grassroots politics is all about."

Wright, who left office in June under the cloud of an ethics investigation, said he could not guarantee his campaign appearances in support of fellow Democrats would increase as next year's primary election nears.

"I'm not planning any particular step up or step down" in activity, he said. "I'm just going where I feel there's an empathy and where I feel there is a sense of being able to do something good."

The former speaker has made few campaign appearances since his resignation this summer.

The Texas Resource Center, an organization connected with the University of Texas School of Law in Austin, has taken up Beathard's defense.

"We're horrified by this case," Eden Harrington, an attorney with the center, told the Dallas Morning News. "This is about as good a scenario for justice not being done as you can think of."

Prosecutors admit having no physical evidence linking Beathard to the shootings, which occurred Oct. 9, 1984, in a house trailer in the

pine forest northwest of Groveton.

However, the state did have the testimony of the other man charged in the crime, Gene Wilford Hathorn Jr. The victims were Hathorn's father, stepmother and stepbrother.

The bodies of Gene Hathorn Sr., 45, and his wife, Linda Sue Hathorn, 34, were discovered on the living room carpet of their trailer home. The body of their younger son, Marcus, 14, was on the floor of a bathroom just feet away.

Each victim had been shot several times. Three weapons were used.

Saying the killings stemmed from a longstanding hatred of his father, Hathorn confessed and claimed Beathard helped him.

But, one year after he was found guilty of capital murder and sentenced to die, Hathorn recanted his earlier testimony, saying he alone killed the three.

In December 1986, a state district judge who said he didn't believe the recantation rejected Beathard's request for a new trial. His attorneys say they'll pursue the case because of questions about Beathard's guilt.

Trinity County Sheriff Kenneth Moore, who led the investigation, said the two men committed the murders together.

"I'll tell you right now, Beathard is a killer," Moore said. "I've thought about it night after night, day after day, and there's just no other way it could've happened."

Beathard says it may be hard now to find the truth in the case.

"I just got caught up in something I shouldn't have been in," Beathard told the newspaper in an interview.

Ex-nuclear plant worker asks for dismissal of suit

STEPHENVILLE (AP) — A federal judge on Monday is scheduled to reconvene the Nuclear Regulatory Commission's case against a worker fired from his job at Comanche Peak nuclear power plant.

But Joseph Macktal, the former worker, has asked Judge David Belew in Fort Worth to dismiss the suit that seeks to compel him to testify about safety allegations at the plant, the Stephenville Empire-Tribune reported Sunday in a copyright story.

Macktal filed a brief Friday in U.S. District Court that alleges collusion on the part of the NRC and Texas Utilities Electric Co., the utility that is building the plant, in trying to hide safety violations.

The agency filed suit in an attempt to enforce a subpoena against Macktal for what the former electrical foreman knows about safety problems at the plant.

Located about 45 miles southwest of Dallas, Comanche Peak was conceived in 1972 and estimated to be finished in 1980, at a cost of \$779 million.

It is scheduled to be licensed for operation next month, and Texas Utilities now places the plant's construction cost at \$9.1 billion.

Macktal claims he can document several violations of procedure and installation of electrical equipment at

Comanche Peak that could endanger the public whenever the plant comes on line.

But he refused to elaborate on safety allegations to the NRC in the wake of a \$10 million settlement that dissolved the judiciary licensing board which oversaw citizen and employee concerns about the plant.

In a January 1987 agreement with the plant's builder, Brown & Root, Macktal alleged that he received \$15,000 of a \$35,000 settlement to "put a lid on" his allegations and drop a case pending before the Labor Department regarding his employment termination.

However, Macktal contended in a new Labor Department complaint that he agreed to the settlement under duress.

In a May Senate subcommittee hearing, sources said documents showed that the agreement barred Macktal from testifying to the NRC regarding his concerns about conditions at the plant.

An attorney who represented Macktal, Billie Garde, told the Empire-Tribune on Saturday Macktal agreed to and accepted the \$15,000 with the understanding that the remaining money would go toward attorneys' fees and costs related to his labor suit.

Deadly infection claims lives of two inmates, jail sends 9 others to hospital

HOUSTON (AP) — Two more Harris County Jail inmates were hospitalized Sunday — one in critical condition with the same bacterial infection that claimed the lives of two other prisoners, officials said.

Both inmates were taken to Ben Taub Hospital on Sunday, and three others were admitted the night before, hospital spokesman Nora Shire said.

Four of the inmates are listed in fair condition with flu-like symptoms and have not been diagnosed with the infection, Shire said.

Also, four other inmates hospitalized late last week remained at Ben Taub. One prisoner had the same deadly bacterial infection, but his condition had improved from critical to fair, Shire said. The others had mild infections and were in fair condition.

None of the inmates hospitalized at Ben Taub were identified.

Inmates Rene Fuentes, 21, and Ricky LaBreck, 30, died Thurs-

day. Each man had his spleen removed in past operations, and that is believed to be a contributing factor in each man's death. Removing the spleen can impair the immune system.

Preliminary autopsy results indicated that LaBreck and Fuentes had contracted pneumococcus or pneumococcal sepsis, a bacterial infection that affects the lungs.

Harris County authorities said they have uncovered no common source of the infection.

LaBreck and Fuentes were housed in separate cellblocks on the ninth floor, officials said. About 594 inmates are housed on the same floor.

"To my knowledge, they (the nine ill prisoners) came from different areas of the jail," Shire said.

She said doctors were still running tests in an effort to determine if any of the other hospitalized inmates had the same infection.

Construction of international bridge may aid growth of border community

LOS INDIOS (AP) — Plans for an international bridge in this community north of the Mexican border may bring some growth to the unincorporated community, which was stung by the recent closing of its elementary school.

The school served an important role as the center of Los Indios and many houses were constructed near it. But the school's front gate, locked to prevent vandalism, now also prevents children from using the area's only playground.

Margarita Moody, owner and operator of a convenience store at the edge of town, said the school had been a source of public pride.

"A lot of people are very mad about it," Moody said. "I don't think there was anyone here who wanted it closed. We feel instead of growing, we are going down."

But Harlingen attorney Randy Whittington, who has worked on the bridge project for 16 years, said local and county officials expect much growth when the bridge is built.

"The impetus for the bridge project has been to build

an industrial park on this side and develop a maquiladora operation on the other side," Whittington, an attorney for the San Benito Bridge Co., said.

"Any time you have industrial development, you will have an increase in population," he said.

Work on the bridge, which has been in the planning stage for 30 years, should begin by the year's end and finish in 12 to 18 months, Whittington said.

But some residents are skeptical. "Mostly, what I hear from people is that it has been going on for 30 years and it will be another 30 years before we get a bridge built," Janie Saldivar, who runs the one-room post office, said. "When we get a bridge is anyone's guess."

"Our people are for it," Moody said. "It will attract more businesses and more people. I don't know why, but a lot of people are very excited about it; you'd be surprised."

"I think just the mention of Los Indios and having something that's ours is what does it to them," she said.

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