

# Court uses stillborn to convict mother

HOUSTON (AP) — The mother of a stillborn baby whose liver was filled with enough cocaine to kill some adults was sentenced Monday to 12 years in prison in a precedent-setting cocaine possession case.

Traci Jackson, 20, also pleaded guilty to a theft charge and to a charge of violating her probation in committing an earlier theft. State District Judge Woody Densen sentenced Jackson to two 10-year sentences for those two charges.

The three sentences will be served concurrently.

Jackson was convicted by a jury Friday after a four-day trial.

Testimony showed she spent July 9, 1989, in a Houston crack cocaine house where she handled a dish of cocaine before going into a bathroom, apparently to deliver her baby.

Another woman testified she later found the 3½-pound, stillborn fetus wrapped in a plastic bag in a remote bedroom. A DNA expert testifying for the prosecution identified the fetus as belonging to Jackson.

Autopsy results indicated the child, born two months premature, had enough cocaine in its liver to kill some adults.

Jackson's attorney, Alex Bunin, said he will appeal the conviction on the grounds of unconstitutional sex discrimination.

"I don't think it should stand, but that's for the appellate court to decide," said Bunin, who took the case on a voluntary basis on behalf of the American Civil Liberties Union.

Assistant district attorney Casey O'Brien disagreed.

"It (the conviction) doesn't at all discriminate against men," O'Brien said. "The offense is one that anyone can commit. The only aspect of this case that is different from a standard case is the evidence necessary to prove the offense is particular to women."

Although Jackson could have been sentenced up to 20 years, O'Brien recommended the lighter term to Densen.

"I think that the maximum may have been perceived as harsh," said O'Brien, who added that he did not expect her to be imprisoned for more than a year.

"We did not have any evidence to indicate that she did intentionally malicious acts to kill that baby, yet she broke the law," he said. "Her sentence was more commensurate with what somebody else with more conventional evidence would have received."

Attorneys said the case marked the first time a woman has been tried for possession of cocaine based on evidence which showed the presence of the drug in the woman's child.



**A view from the top**

Tony Perez and Paul Janish, two meteorology students, study Monday morning in the Eller Oceanography and Meteorology Building observatory.

The entire Texas A&M campus can be seen from the observatory, which is above the 12th floor of the O&M Building.

# Ousted SWT president takes \$1.1 million settlement

AUSTIN (AP) — Robert L. Hardesty, a one-time aide to President Lyndon Johnson and close friend of former Gov. Mark White, is to receive a \$1.1 million settlement over his firing as Southwest Texas State University President, state officials said Monday.

Hardesty, named SWT president in 1981, in April won a lawsuit against Texas State Univer-

sity System regents after contending that his 1988 ouster from the San Marcos school was politically motivated.

Gray McBride, a spokesman for Attorney General Dan Morales, said all parties in the case had agreed to the settlement.

In addition to the money, the agreement calls for Hardesty to receive the title of university president emeritus, although

McBride said Hardesty cannot represent the school under that title without the regents' permission.

With the settlement, all legal action is dismissed and all parties are released from further liability, McBride said.

Hardesty, a Democrat, was fired on a 5-4 vote of the university system regents. Three of

those votes were cast by appointees of then-Gov. Bill Clements, a Republican. The other two regents were up for reappointment.

Hardesty's lawyers contended that Clements wanted Hardesty removed and claimed the two Democratic appointees joined in voting to fire Hardesty to help their reappointment cause.

The firing sparked protests on campus and questions from state legislators.

The regents actually voted twice to fire Hardesty, on May 19 and again on June 13, 1988. The first firing was overturned by a judge who ruled that the regents had violated the state Open Meetings Act by not placing the action on their agenda.

White was among those testifying at the trial before state District Judge Joe Dibrell of Austin this spring.

The former governor said he was certain that Hardesty was dismissed because of political considerations.

"That's the only conclusion that could be drawn," White said.

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