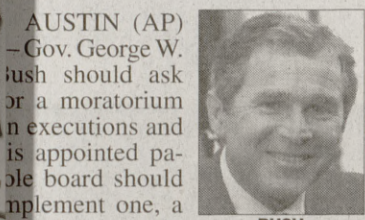


Bush urged to ban death penalty



BUSH

AUSTIN (AP) — Gov. George W. Bush should ask for a moratorium on executions and is appointed panel board should complement one, a civil rights group critical of capital punishment in Texas recommended Wednesday.

The ban on executions should remain until two commissions evaluate the convictions of those on death row and propose changes in the death penalty system, according to the Texas Civil Rights Project.

But representatives of the governor's office and the Texas Board of Pardons and Paroles denied they have the power to issue a moratorium. They said only the Texas Legislature could do so. They also disputed findings in the report.

"While Governor Bush respects the views of death penalty opponents, including this group, we believe that their conclusions are faulty," said Bush spokesman Mike Jones.

The non-profit organization reported on problems with the state's

use of capital punishment and offered its suggestions in its seventh annual "Report on the State of Human Rights in Texas."

"When we looked at it, it turned out to be an even worse situation than we expected," said James Harrington, director of the project. "There is blame at every level of our legal system."

Harrington cited six areas he said need improvement to ensure executions are carried out fairly: appointed lawyers for defendants; district attorney accountability; sentencing; the Texas Court of Criminal Appeals; DNA testing; and the Texas Board of Pardons and Paroles.

Standards must be set for attorneys who are appointed to death penalty cases to prevent appointment of incompetent lawyers, Harrington said. Compounding the problem, he said, is that court-appointed attorneys are paid less than one-fifth of what private-practice attorneys charge.

The Texas Civil Rights Project is recommending that the state establish a public defender program, like one the Texas Legislature passed but Bush vetoed.

Jones, Bush's spokesman, said the governor thought that bill was "well-

intentioned but seriously flawed" because it removed the power of appointing attorneys from judges and gave it to county commissioners.

Jones also criticized as vague the civil rights group's recommendation that two commissions be established to review the death penalty system.

"While Governor Bush respects the views of death penalty opponents, including this group, we believe that their conclusions are faulty."

— Mike Jones
Bush spokesman

Bush repeatedly has said he does not believe an innocent person has been executed in Texas.

Though Harrington said there

have been suspicions about particular cases, he did not cite a case in which it has been proven that an innocent person was put to death in Texas.

Gerard Garrett, chairman of the Texas Board of Pardons and Paroles, dismissed allegations that the parole board, which often votes by telephone, does not provide a "meaningful review" of death penalty cases.

The board reviews each case carefully, he said.

"We have a very specific responsibility and we try to do that to the best of our ability," he said.

The civil rights group also recommended that the state stop executing retarded inmates; that it provide a system for wrongly convicted defendants to recover damages from prosecutors; and that life in prison without parole be added as a punishment option in Texas.

The report criticized the Texas Court of Criminal Appeals — the state's highest criminal appellate court — for its 3 percent reversal rate in death penalty cases. It was about 33 percent before legislation that accelerates appeals was passed in 1995, backed by Bush.

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News in brief

Dallas' Kimball football coach dies at fifty-two

DALLAS (AP) — James Jones, who coached football at the college and high school level for more than 30 years, died of unknown causes Tuesday at Tom Landry Medical Center. He was 52.

His wife, Alvanetta Jones, told *The Dallas Morning News* that her husband was undergoing a stress test at Tom Landry Medical Center when he had to be rushed to Baylor University Medical Center. Doctors there were unable to revive him.

Jones coached football for 32 years and had been at Kimball High School since 1987. He was an assistant coach at Wilmer-Hutchins, Lancaster, Lincoln and Adamson between 1970-78.

He also was the head coach at now-defunct Bishop College for nine years until the predominantly black school discontinued football in 1986.

In addition to his wife, Jones is survived by his daughter, Javetta, 13, and two sons, Jason, 21, and James Jr., 26.

Funeral arrangements were not available.

Frustrated prosecutors wait for federal drug-case money

HARLINGEN (AP) — Almost three months after Congress set aside \$12 million for local district attorneys stuck with hand-me-down federal drug cases, frustrated prosecutors are still waiting for the money.

The money was supposed to ease the financial crisis facing some local courts along the U.S.-Mexico border with multimillion-dollar tabs for prosecuting the federal cases.

But disagreement flared over how counties could spend the emergency cash, and thus not a single district attorney from Brownsville to San Diego has received a penny.

Lawmakers blame the Justice Department. The Justice Department blames Congress.

Border prosecutors say they are through arguing. After Oct. 1, many say they will no longer accept federal cases.

"It doesn't make me feel any better; it's just that I can't afford to do it anymore and do my job, too," said Starr County District Attorney Heriberto Silva. "I can't be doing 250 drug cases that don't belong to me."

The bigger drug busts made at international bridges and roadblocks go to federal court. But the minor catches — less than 50 pounds of pot, or small quantities of cocaine — are generally passed off to local courts.

The petty arrests were once a sporadic hassle, but with the number of federal agents and drug crackdowns on the rise, border counties have ended up spending millions to prosecute federal drug cases.

In June, when Congress set aside the emergency money, it limited its use to "court costs, courtroom technology, the building of holding spaces, administrative expenses and indigent defense."

District attorneys say that does not make sense be-

cause the staggering cost of jail and prosecution — not included in the language — is what drove border counties to demand help from Washington.

"The money is out there, but we can't use it to pay for the places we're taking a hit," said Cameron County District Attorney Yolanda De Leon. The county loses \$100 million a year in courtroom and jail expenses from federal drug prosecutions, she said.

The border lawyers planned to meet this week at the Texas District and County Attorneys Association conference to discuss the problem.

"I can't be doing 250 drug cases that don't belong to me."

— Heriberto Silva
Starr County district attorney

"It makes no sense we'd continue to give this away to the federal government," De Leon said. "Not when we're encountering real difficulties paying for basic services."

Justice Department spokesmen said they can't pay for jail and prosecution because Congress did not include those expenses in the language of the bill.

"For whatever reason the bill that passed does not include" those expenses, said Bill Blagg, U.S. attorney for the Western District of Texas. "It's not possible for us to pay prosecution and incarceration because of the language."

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