



THE EAGLE LAKE HEADLIGHT

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(409) 234-5521
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Produced By:
Carol Cardenas • Leslie Risk
Jeannine Fearing
Shirley Luedecke • Betty Drymalla

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To The Editor & You

Reader puzzled by Kirkendall's statements

In a recent edition of the paper, District Attorney W.C. "Bud" Kirkendall made several statements regarding the case against County Clerk Darlene Hayek which I find to be very puzzling.

I would concur that the public deserves to know the truth; however, after reading Mr. Kirkendall's comments, it appears to me that there are now more questions than answers.

First, if the District Attorney did not believe that Ms. Hayek was (as she claimed) an innocent person and believed that he could prove her to be guilty of violating the intent and letter of the law, why did the District Attorney's office not prosecute this matter to the fullest instead of offering such an accommodating plea agreement?

Additionally, what did the investigation and subsequent prosecution of this matter cost the people of Colorado County?

Second, how is the plea of nolo contendere (no contest) in a Class B Misdemeanor different than when one chooses the plea of "no contest" in a traffic violation?

Does not the traffic citation clearly indicate that a plea of "no contest" is not to be considered an admission of guilt? Is Ms. Hayek's plea of "no contest" any different than that of a traffic citation?

Thirdly, if the claims in question were filed at the same time period and the checks were received at almost the same time each year by more than one elected official in the courthouse and these claims were indeed routinely reviewed, surely the County Auditor could have easily cross-referenced these payments and discovered the discrepancy in Ms. Hayek's claims before a period of three years had

passed. If while reviewing the records the auditor had seen that Ms. Hayek had not reimbursed the County for a claim, would it not have been appropriate for her to check with the County Clerk to see if there was an error or oversight in bookkeeping by someone?

With the myriad of duties fulfilled by the County Clerk, it does not seem unreasonable for her to be given the benefit of the doubt that perhaps it could have been a clerical error in the Auditor's office as well. Since the matter was left unattended for three years, the public will never have a satisfactory answer to this question.

Lastly, Mr. Kirkendall's statement that "it is legally and morally reprehensible for an "innocent" person to admit guilt to a crime" is an extremely offensive statement to the many decent, upright individuals who (upon the advice of counsel) have been compelled to compromise their moral values and accept a plea arrangement rather than to defend their

innocence in order to insure their liberty.

Many who have had experience with the judicial system know that a trial by jury can be perilous and is, at best, a most uncertain experience. A jury always bears the influence of the life experiences of those individuals impaneled on the jury which can make an objective judgment very difficult to come by.

Although I do find there to be many unanswered questions lingering in this matter, I believe that it is time to put this matter to rest.

The County Clerk had a vast variety of duties to perform and an enormous amount of responsibility to the citizens of this county.

It is time that she be allowed to do the job that we elected her to do without having to deal with any further distraction from this unfortunate incident.

Respectfully submitted,
Pam Moore
Columbus

State's mandatory insurance 'not working'

Insurance Commissioner Elton Bomer said last week Texas' compulsory insurance law is not working because about one-fourth of all drivers are uninsured.

Speaking to a Senate committee, Bomer suggested that the state could pass a law that would require insurance companies to communicate with the Department of Public Safety "and let them know when an insurance policy is written and when it is canceled."

Then, he said, computers be used to make sure drivers have valid policies.

Many drivers buy fake insurance cards to get their automobile license tags and inspections, while others buy policies and cancel them as soon as they get their license tags or driver's licenses, Bomer said.

While Bomer was voicing his concerns about uninsured motorists before the Senate Nominations Committee, the House Insurance Committee heard testimony on bills that would:

- Automatically jail drivers who are caught without insurance for six days and subject them to stiffer court penalties;



By Lyndell Williams
and Ed Sterling
Texas Press Association

- Increase the fine for uninsured motorists; and
- Limit the right of uninsured motorists to sue.

Another bill favored by much of the insurance industry would eliminate the requirement that all drivers carry insurance. The industry has voiced support for a no-fault insurance system where drivers involved in accidents are compensated by their own companies.

Bomer, who favors a no-fault system, said the compulsory insurance law has been troubled because it is not liked by insurance companies and drivers who opt to go without insurance.

Judicial Elections Criticized
Texas Supreme Court Chief Justice Tom Phillips criticized the way judges are elected in Texas, because,

he said, it erodes confidence in the justice system.

Phillips, a Republican, also said he is concerned that so few minorities are elected to the bench.

Last week, in his State of the Judiciary Address to the Senate and House members representing three judicial committees, Phillips said, "Sadly, the results of these races are determined far more by party strength than by the individual merit of the candidates."

Phillips urged the lawmakers to draft legislation that would allow the governor to appoint judges, and then let voters decide whether a judge should retain office.

Furthermore, Phillips said, the perception outside of Texas is that justice is for sale, because of money that gushes into election campaigns. Citing campaign reports, Phillips said \$50 million was spent on Texas appellate court races from 1988 to 1994.

Sen. Rodney Ellis, D-Houston, said he would push for judicial election reform.

"Black and brown people in Texas go into a courtroom looking for justice and the only black thing they see is the color of the robe and the only brown thing they see is the wood paneling," Ellis was quoted by *The Dallas Morning News*.

Loan Program Introduced

A home improvement loan program for low-income families was introduced last week by the Texas Department of Housing and community Affairs.

The program combines private and public money to provide \$13.3 million for loans to low-income families who live in cities under 50,000 population. Half of the money is earmarked for colonias - the subdivisions near the border with Mexico that don't have water and sewer services.

The 20-year loans, at 6.00% interest, are capped at \$25,000.

Bivins' Tenure Bill Passes

The Texas Senate passed a bill filed by Education Committee Chairman Teel Bivins, R-Amarillo, that would require state colleges and universities to evaluate tenured faculty and administrators a least every six years.

Tenure is a status that is awarded those who show excellence in teaching and research. A tenured professor cannot be fired without due cause.

(See Highlights, Page 4)

UPDATE FROM THE CAPITOL

From the Office of State Representative Robby Cook

Economic disaster loans available

Businesses depending on farmers and ranchers in Bastrop and Fayette counties are eligible to apply for low interest Economic Injury Disaster Loans from the U.S. Small Business Administration (SBA).

The loans are designed to help businesses meet normal operating expenses that cannot be met due to the effects of a disaster such as the recent

drought.

Farmers and ranchers are not eligible for the SBA loan but may be eligible for assistance through other Federal agencies.

Nurseries that are victims of drought disasters can apply.

Drought conditions from Oct. 1, 1995, through May 29, 1996, (and continuing) caused many farmers and

ranchers to experience reduced incomes which may have had an adverse economic effect on businesses depending upon these producers.

Bastrop and Fayette County businesses have until June 23, 1997, to

apply to the SBA.

SBA can be contacted at Disaster Assistance-Area 3, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155; or by phone at 1-800-366-6303.

Young farmer program expanded

Representative Robby Cook announced that the first piece of legislation which he is co-sponsoring, House Bill 993, passed out of the Committee on Agriculture and Livestock on Feb. 18.

"I am very excited about this piece of legislation and the benefits it can have for agriculture in our district," Representative Cook stated. "House Bill 993 expands the Young Farmer Loan Guarantee Program in two important ways: it increases the amount that a bank can loan, and it expands the base of what the loan can be used for."

The Young Farmer Program was established in 1993 as a direct loan endowment program for people 18 to 39 years of age, with four years of practical agricultural experience, who desire to establish their first farming and ranching operation.

It is funded by a \$5 fee on farm license tags. In 1995, the program was

revised as a loan guarantee program. Currently, there is about \$5 million available for loans through the Young Farmer Program.

HB 993 is authored by the Chairman of the Committee on Agriculture and Livestock Rep. Pete Patterson (D-Brookston), who is a farmer and rancher. It is co-sponsored by Rep. Robby Cook (D-Eagle Lake) who is a farmer and rancher, and Rep. Bob Turner (D-Voss), also a farmer and rancher.

The bill increases the maximum amount of the Young Farmer Loan Guarantee from \$50,000 to \$100,000. Additionally, it deletes the requirement that an applicant's plan be a five-year plan and expands the allowed uses for the loan proceeds.

"This program is important in ensuring that new participants in production agriculture, whose business will in turn support local community businesses, will have an opportunity to succeed on their own," Cook stated. "Agriculture is an important part of our economy and anything we can do to aid in economic development is important."

"Additionally," Cook continued, "I believe that this legislation is an important step in aiding rural communities and providing ways for young people wanting to stay in those communities to make a living."

"We cannot afford to lose our communities where the quality of life is so good; and we cannot afford to let production agriculture in the next century be controlled by a few conglomerates.

"I believe this program is a good investment in our future and if you are wanting to get started, I encourage you to apply."

For an application, contact: Texas Department of Agriculture, Texas Agriculture Finance Authority, P.O. Box 12847, Austin, TX 78711; or phone 512-475-1614 or 512-475-1619; fax 512-475-1762.

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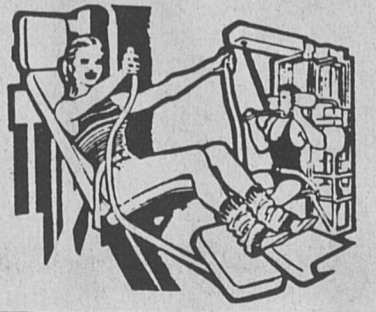
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