

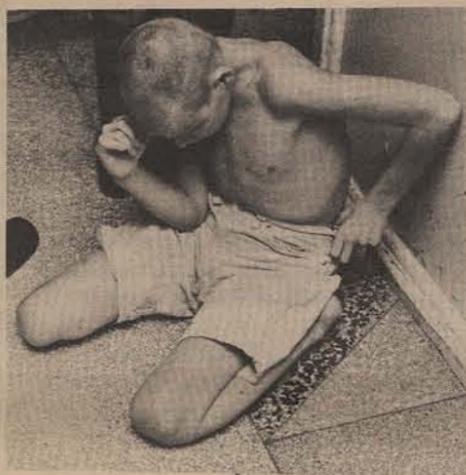
poverty law Report

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

Volume 2 Number 6

A Publication of the Southern Poverty Law Center

DECEMBER 1974



Medical experimentation on indigent children confined in state institutions reduces them to guinea pigs for the rest of society.

In Michigan State Institutions

Disturbed Youths Subjected To Medical Experimentation

Emotionally disturbed children in Michigan mental institutions have been used as guinea pigs in medical experiments conducted by Dow Chemical, Parke, Davis and other major drug companies. Nearly all of the children are from indigent families and were committed without formal hearings.

With Southern Poverty Law Center assistance, Michigan Legal Services attorneys are representing two institutionalized children in a lawsuit to ban all such experiments.

One plaintiff, nine-year-old "Child X," was subjected to

regular doses of zinc in an experiment to effect accelerated growth. A small dose of zinc taken daily will induce nausea and vomiting; long-range effects of this treatment are not known. When the child's mother objected to the experiment, she was told that even the child's normal treatment might be withheld if she continued to protest.

In other experiments, the Dow Chemical Company tested a rubella vaccine on children in Michigan's Coldwater State Home and Training School, and afterwards donated \$150 to the Home's patient benefit fund. Parke, Davis tested an

experimental mumps vaccine — which was never marketed — on children in the same institution.

An anti-epilepsy drug was given to epileptic and normal children; amphetamines were used in the treatment of hyperactive children; in one study children were required to listen to electronic sounds while their toes were stimulated with electrodes that produced a mild heat sensation.

Consent Not Sought

In most of these experiments informed consent of the children or their parents was neither sought nor given. The lawsuit seeks to enjoin the defendant Michigan Department of Health from permitting any further experimentation, on grounds that the free consent of involuntarily confined children would be impossible to obtain.

Also at issue is the Michigan commitment procedure which allows confinement of children without a hearing. Consent of a child's parent or guardian is currently all that is required; the suit seeks to win for minors the same right to a pre-commitment hearing that adults now have.

Discrimination Against Indigents

The use of state mental hospital patients in medical experiments constitutes a fundamental discrimination against the poor. Shut out from access to mental health resources available to the more affluent, indigent children and others are forced to suffer the demoralizing and dehumanizing experience of becoming controlled subjects who seemingly exist solely for the benefit of the rest of society's medical advancement.

Prison Inmates Seek Reform of Conditions

Inmates at Alabama's G.K. Fountain Correctional Institution suffer excessively cruel punishment because conditions at the state prison are conducive to an unusually high incidence of violence, according to a Southern Poverty Law Center suit seeking meaningful reform of the penal system.

At least two hundred occurrences of violence perpetrated by one inmate upon another have been reported in the past two years, involving either stabbings or sexual assaults. The suit cites overcrowded conditions, inadequate facilities, too few guards, failure to prevent prisoners from obtaining weapons, and other failures of the system as contributing to unacceptable safeguards against unrest and violence.

America's prison populations constitute the detritus of society, drawn mostly from the poorest segments and locked away in institutions that lack adequate programs of rehabilitation.

Jerry Lee Pugh, named plaintiff in the class action lawsuit filed in U.S. District Court, was beaten so severely by fellow prisoners in 1973 that he was believed dead and stuffed under a cot in the unguarded dormitory where he had been locked up for the night.

The Center's investigation of prison conditions, including a deposition of the prison physician serving the Fountain Institution, reveals that attacks and serious injuries are daily occurrences. Stab wounds, severe beatings, and injuries resulting from sexual assaults are quite commonplace.

The lawsuit is presently in the discovery stage; motions requiring release of medical records and answers

to interrogatories are pending. If the Center's suit succeeds in winning needed reform, it can become a model for similar suits nationwide.

Court Upholds Law Favoring Bankers Over Borrowers; Center Appeals

Center lawyers went to U.S. Court of Appeals for the Fifth Circuit earlier this month to seek reversal of a federal judge's ruling that a Florida mortgage banker could not be held responsible for shoddy workmanship on thirty modest homes threatened with foreclosure.

An unscrupulous contractor had persuaded the owners to put up their homes as collateral against improvements ranging from indoor facilities to room additions. In each case the price was quoted as low monthly payments; but the actual cost was excessive.

(Continued on page 4)



Annie Will Weathington shows mortgage payment coupons requiring payment of \$5,500 for framing out of small bedroom, bath and porch . . . never completed. Holder-in-due-course law says she must pay off note or lose her home.

Failure of Food Programs Leaves 18.5 Million Hungry

Last year, while U.S. Secretary of Agriculture Earl Butz was supposed to be administering an "outreach" effort to expand the federal food stamp program and bring adequate nutrition to more poor people, the number of Americans receiving benefits fell by more than 200,000. In that same year \$280 million allocated by Congress for food stamp assistance went unspent.

It is estimated that 32.5 million Americans need food stamp assistance; yet, because of inadequate understanding of their eligibility, and the failure of state outreach efforts to locate and advise those eligible, fewer than 14 million are presently participating.

The Food Stamp Act was passed by Congress a decade ago to offer poor families help in obtaining at least a minimum level of nourishment; since then the Program has grown steadily. In 1971 Congress directed the Secretary of Agriculture to require each state to establish an outreach program designed to insure full participation by poor people. Additional moneys were allocated to cover 62.5% of the cost of these outreach efforts (reduced to 50% in July, 1974). But last year barely \$80,000 was claimed as expenses for the entire country's outreach effort.

More than three years after Congress' outreach mandate, many states had still failed to submit even general outlines for outreach programs and virtually all such programs remained inadequate. New York, with an estimated 675,000 eligible persons not receiving assistance, spent only \$1,774 on efforts to enroll them. In Oregon, the outreach plan provided for only 5% of the state food stamp director's time.

Three Significant Lawsuits

The Southern Poverty Law Center is cooperating with legal services attorneys in three separate lawsuits seeking dramatic improvement in locally administered food stamp programs and enforcement by the Department of Agriculture of Congress' mandate. In Minnesota, where barely a third of eligible indigents have received food stamps, Luther Granquist of the Legal Aid Society of Minneapolis has won a ruling in U.S. District Court prohibiting the return to the general treasury fund of the \$280 million allocated but not spent nationwide last year.

In his ruling, District Court Judge Miles Lord stated that failure to spend the money amounted to impoundment of Congressionally allocated funds — and ordered Secretary Butz to review all state outreach programs, and submit a plan to show how the money would be spent to accomplish Congress' stated goal of providing adequate nutrition for poor people.

The ruling has been appealed. Meanwhile, the Legal Aid Society of Minneapolis and the Southern Poverty Law Center are coordinating efforts to see that attorneys across the country are advised of its implications.

In Tennessee, Ashley Wiltshire of Legal Services of Nashville is suing the Public Welfare Director who has downgraded the food stamp outreach program in his state. Fewer than 30% of Tennessee's eligible are participating in food stamp assistance; Tennessee has sought no reimbursement whatever for outreach expenses. (See *Poverty Law Report*, October 1974.)

And in Nebraska, where only 20.5% of eligible persons are receiving assistance, attorney Donald Sanders of

Panhandle Legal Services has brought a similar action on behalf of the Nebraska Indian Commission, the Mexican-American Commission and indigent individuals.



Head of Mali judiciary system confers with Center officials.

Center Hosts Mali's Advocate-General

Alassande Beye, Advocate-General for the Court of Appeals of Mali, visited the Southern Poverty Law Center in October during a United States tour arranged by the Governmental Affairs Institute. Beye's office is the highest non-political position in the judiciary system of his sub-Saharan African nation.

During his two-day stay in Montgomery, Beye — accompanied by escort-interpreter Thomas Vosteen — met with judges of Alabama and U.S. courts, and with representatives of the state Attorney General's office. Expressing a conviction that the manner in which Americans solve their own race relations problems indicates how America will get along with third-world nations like Mali, the black Advocate-General chose Montgomery because he had heard about the Southern Poverty Law Center's achievements in combatting racial discrimination in employment, municipal services, education and other areas.

The Center's representatives conferred at length with Beye, and described how public interest organizations like the Center act as "private attorneys general" in America, bringing lawsuits to define and protect the rights of poor people and others whose place in society may be jeopardized by unfair laws, traditions, practices and attitudes.

Beye expressed encouragement over the fact that the Center's activities are wholly financed by the public — thousands of friends whose contributions demonstrate their concern for equal justice. This, he said, reflects the real conscience of the American people.

Racism In The New South



by JULIAN BOND

A few weeks ago there was a shoot-out in downtown Montgomery, Alabama, between a small band of black men and an army of law enforcement officers. That day's events and the city's response to them caused us to reflect again on "the new South" — and the new racism.

The incident began when five black men, who had slashed one person and shot another, took refuge in an office building. An estimated 150-200 law enforcement officers converged on the scene. Inside, in addition to the suspects, were two black employees.

Seemingly mindless of the danger to the innocent hostages, the police opened fire; hundreds of rounds of ammunition later, one hostage had a bullet wound in the head (later established to have been caused by a police weapon).

Contrast that with the actions of the Montgomery police only three days later. After chasing and apprehending a white robbery suspect in a car, who had with him a white hostage, officers told reporters that they had not fired at the fleeing suspect because of a department policy not to endanger the lives of innocent hostages.

Not a single white voice among local officials or the media spoke out against the actions of the police in the first incident. To the contrary, they solidly praised the police for their "restraint." Nor did any official apologize, publicly or privately, to the black woman who received the headwound.

As a sociological phenomenon, racism exists in two forms — institutional and attitudinal. The hope of organizations like the Southern Poverty Law Center is that the elimination of institutional racism will work toward the erosion of attitudinal racism. While some victories have been won, the struggle continues — and the opponent has become more subtle and elusive on both fronts. The Montgomery incident is a clear example of the new, more sophisticated expressions of attitudinal racism.

Several Center lawsuits reveal the new techniques keeping institutional racism alive. After dual school systems were outlawed, public facilities were made available to private segregated schools. When segregated parks were condemned, the city entered into a secret agreement with the YMCA to assure the continuation of segregated public recreational facilities.

Because capital punishment laws that allow discretion have been declared unconstitutional, Alabama's Attorney General has resurrected a 110-year-old statute to indict a black man and try for the death penalty. (See *State v. Harris*, page 4.)

Center efforts have banned use of public facilities by segregated private schools, and integrated the YMCA and its city-wide programs. Down with institutional racism . . . and hope that as time passes attitudes will change.

poverty law Report

Volume 2 Number 6

December 1974

The Poverty Law Report is published bi-monthly by the Southern Poverty Law Center, 119 South McDonough Street, Montgomery, Alabama 36101.

Julian Bond
President

President's Council

Lucius Amerson	Fannie Lou Hamer
Anthony G. Amsterdam	John Lewis
Hodding Carter III	Charles Morgan
Morris S. Dees	

Joseph J. Levin, Jr.
General Counsel

Poor Non-Whites Subjected To Involuntary Sterilizations

After a year of intensive investigation funded by the Southern Poverty Law Center, evidence that hundreds of Chicano women have been surgically sterilized against their will or without their knowledge at Los Angeles County-USC Medical Center has led to massive lawsuits there.

The Center believes that thousands of women nationwide — most of them low-income minority members — have been deceived, coerced and duped into suffering permanent surgical sterilizations and hysterectomies. In Los Angeles the victims are predominantly Mexican-Americans; elsewhere, indigent blacks and Puerto Ricans have been the subject of operations in inadequately regulated programs.

Federal H.E.W. regulations designed to safeguard the legal rights of poor people receiving family planning services have been in effect since last April. The Health, Education and Welfare Department was ordered by a federal judge to institute the regulations after the Southern Poverty Law Center won a lawsuit representing Mary and Minnie Relf — two black Montgomery, Alabama sisters, ages twelve and fourteen, who had been sterilized without their consent by a federally funded family planning agency.

Although H.E.W. wrote guidelines and distributed them to the agencies it funds, the federal Department has appealed the ruling. The Center has also appealed, contending that the regulations as written are inadequate to protect the women who visit federally funded hospitals and family planning offices. The Los Angeles revelations support the Center's contention.

Key testimony in the much-publicized Relf case came from Dr. Bernard Rosenfeld, a physician-researcher who coauthored a lengthy study on sterilization abuses which indicts public officials, doctors and administrators. Dr. Rosenfeld also headed the investigation of abuses at Los Angeles-USC Medical Center.

Even the inadequate H.E.W. regulations which have been in effect since April 18 might have prevented many of the abuses that have occurred since then, were it not for the fact that H.E.W. has done little or nothing to enforce them. The guidelines apply to federally funded family planning clinics, and to all hospitals receiving federal funds for sterilization operations. An H.E.W. official, who asked that his name not be used, said he did not know what steps, if any, had been taken since April to see whether the federal guidelines were being enforced around the country, adding:

"There's probably been little actual follow-up at this point. There usually isn't unless pressure is applied to the Department from somewhere — you know, legal or political shoe-pinching.

"All I can tell you is that they (state administrators) were sent copies of the April 18 guidelines along with a cover directive explaining their issuance."

How Abuses Occur

At Los Angeles-USC Medical Center — and, quite probably, at many other massive, loosely regulated public teaching facilities — women in the midst of pre-natal labor have been routinely approached by doctors and interns who urge them to consent to sterilization procedures without attempting to explain alternative methods of family planning. Tubal ligations have been performed without consent during other procedures.

(One young mother discovered she had been sterilized two years after the operation, when she consulted a doctor about the IUD she had been wearing.)

During his investigation, Dr. Rosenfeld spoke to many doctors who admitted that the "push" for doing the maximum number of sterilization operations — including major hysterectomies — at large teaching hospitals is not uncommon.

Dr. Rosenfeld cites as motives for these abuses the personal beliefs of doctors regarding overpopulation, "ideal" family size, and the cost of supporting large families on welfare (in fact the average size welfare family has fewer than three children).

The Center's investigation of sterilization abuses continues with efforts to institute constitutionally adequate regulations to safeguard the rights and bodies of poor people — incorporating, among other features, services of independent counselors to guarantee that truly informed consent has been obtained prior to surgery.

Suit Challenges Racially Divided Public Housing

The Jackson, Michigan, Legal Aid Society, with Southern Poverty Law Center assistance, has initiated a class action lawsuit to stop the City from perpetuating racially segregated residential patterns with its low-income public housing program.

Jackson, with a population of 45,000, is characterized by starkly segregated neighborhoods. In 1972 the Jackson Housing Commission received approval of funding by the Federal Department of Housing and Urban Development for construction of one hundred homes for low-income persons on sites scattered throughout the city. Scattered site public housing satisfies HUD's requirement that public programs refrain from discriminating against minority citizens; nearly all those on the waiting list for low-income housing in Jackson are non-white.

After funding was approved the Jackson Housing Commission retained a developer to secure land for the one hundred homes and prepare surveys and architectural plans. But early this year the newly elected Jackson City Commission expressed opposition to the concept of scattered site public housing and ordered the Housing Commission to stop all work. Thus no programs to expand public housing in the city currently exist.

Four existing public projects currently provide housing for Jackson's low-income citizens: Chalet Terrace, mostly occupied by blacks and standing in a ghetto neighborhood; Reed Manor, mostly white-occupied and built in a white area; Interfaith, predominantly black in a black section; and Franklin Place, black-occupied in a black ghetto.

Public housing programs which banish low-income blacks to selected

Constitutionality Issue Unresolved —

Indigent Alcoholics Freed From Punitive Imprisonment

Montgomery's City Commission last month rewrote the city's public drunkenness ordinances in response to a Southern Poverty Law Center suit attacking the ordinances as unconstitutional when applied to chronic alcoholics.

The issue of the constitutionality of laws that punish alcoholics for a condition they cannot control went unresolved when changes in the Montgomery ordinances ensured that persons afflicted with alcoholism — and thus incapable of resisting frequent use of alcohol and unable to avoid being in public while intoxicated — will no longer be arrested and imprisoned without any efforts to provide rehabilitation.

However the Center has been asked by other groups to assist in similar lawsuits attacking other cities' laws on constitutional grounds. Central to such attacks is the Eighth Amendment's ban of "cruel and unusual punishment."

COURT UPHOLDS

(From page 1)

sive even without the high interest charges which were applied.

The contractor sold the mortgages, then left town before completing the work. And the mortgage banker was held blameless through "holder in due course" laws that deny borrowers due process.

Similar laws exist in virtually every state. The most frequent victims of the laws, which provide a shield from responsibility for moneylenders, are poor and unsophisticated homeowners.

A Center victory in this suit would put an end to cruel schemes that rob poor people of their homes by requiring moneylenders to investigate the contractors whose work they finance. An early ruling is expected.

The U.S. Supreme Court had upheld the constitutionality of public drunkenness laws as applied to alcoholics in 1968, but acknowledged that the case before them did not adequately present the argument that chronic alcoholism is a disease as uncontrollable by the sufferer as epilepsy or tuberculosis. Since that time the scientific community has made enormous strides in characterizing the illness and developing effective methods of treatment.

Southern Poverty Law Center President Julian Bond has characterized enforcement of public drunk laws against alcoholics as "a gross example of discrimination against the poor," in that they punish only those who, because of their poverty, have no place else to be but on the streets.

Chronic Alcoholics Not Treated As Criminals

In 1971 the National Conference on Uniform State Laws adopted a Uniform Alcoholism and Intoxication Treatment Act which removed public intoxication of alcoholics from the criminal justice system and provided for treatment in detoxification centers so that alcoholics may lead normal lives as productive members of society. Twenty-two states have already adopted laws to conform with the National Conference's recommendations, but others still apply criminal standards to chronic alcoholics. Half the arrests made in America are for public drunkenness — the vast majority involving frequent repeaters who are incarcerated instead of being offered effective treatment for their illness.



Indigent alcoholics in hundreds of cities are still arrested for public drunkenness under laws which punish them for their affliction. Often they are brought before judges in groups, without defense attorneys, and sentenced to jail in flagrant miscarriages of justice.

THE DOCKET

Current Status of Some Southern Poverty Law Center Cases

North Carolina v. Walston, Brown, and Hines

Last week a Southern Poverty Law Center attorney appeared before the North Carolina Supreme Court to present oral argument at the hearing on a motion for reversal of the conviction and sentencing to death of three black men accused of raping a white woman in Tarboro in late 1973. Cited were several serious errors which occurred during their trial proceedings.

At the jury selection before the trial, a prosecutor advised one prospective juror, who had expressed reluctance to sentence anyone to die, that he shouldn't worry about it since no one is actually executed anymore. Another juror, whom the judge refused to dismiss for cause after the defense attorney had exhausted his arbitrary strikes, had recently sat across the table from the defense attorney in a bitter divorce battle. Still another seated juror was a close personal friend of the alleged victim's father.

During the trial, the prosecutor repeatedly showed the jurors clothes allegedly worn by the woman during the incident which had resulted in the rape charge. Defense attorneys had not been permitted to examine the clothing before trial.

Also cited was a claim that capital punishment as applied in North Carolina is cruel and unusual punishment, in violation of the Constitution.

The high court's ruling is expected within six to eight weeks.

Penn v. Schlesinger

The Center has filed a petition for a writ of certiorari in U.S. Supreme Court seeking reinstatement of this massive lawsuit charging seventeen federal agencies with racially discriminatory employment policies.

The suit began nearly three years ago when the Center learned that the federal government had a shameful record of failure to hire blacks in "white-collar" jobs or advance them to better positions. The U.S. Justice Department has resisted prosecution by raising the argument that administrative remedies were not exhausted.

The Center had already won favorable decisions, in U.S. District Court for the Middle District of Alabama and in U.S. Court of Appeals for the Fifth Circuit (three judges). But the Justice Department asked for reconsideration by the entire fifteen-judge Appeals Court — which dismissed the suit last July.

The Center argued that exhaustion of administrative remedies is not required in this case, but that exhaustion was nevertheless achieved by virtue of the fact that the suit's plaintiffs, two civilian employees of the Defense Department, were refused permission by their superiors to file written complaints.

The federal agencies' refusal to hire and advance blacks severely limits their upward mobility in the job market. If the Center wins reinstatement of the case, evidence of the agencies' racial discrimination

will then be presented to the District Court for a ruling on the merits.

Brantley v. Union Bank Baker v. Keeble

The U.S. Supreme Court has declined to consider appeals from adverse Appeals Court decisions in this case dealing with the Constitutionality of self-help repossession laws.

BRANTLEY and BAKER were consolidated on appeal by the Court of Appeals for the Fifth Circuit. It dealt with Alabama statutes authorizing the repossession of chattel goods by moneylenders (automobiles in both instances) without a court hearing. The Center's lawyers contended that this denies borrowers due process.

(The High Court at the same time refused to consider a similar case in California which the Center was watching closely.)

The disproportionate effect of self-help repossession laws on poor people, coupled with growing concern over consumer rights generally, have spawned attacks on the laws' validity across the nation. But the Supreme Court's refusal to accept the appeals in the present cases means that a favorable ruling on the issue must wait until another day.

State v. Harris

Center attorneys have won a change of venue in the trial of Johnny Harris, a 35-year-old convict accused of murdering a guard during a 1974 riot at Alabama's Atmore Prison.

Harris, charged along with four other convicts, is the only one facing the death penalty. A 110-year-old Alabama statute prescribes a mandatory death sentence for the murder conviction of anyone serving a life sentence; Harris is serving life for a robbery conviction.

Center lawyers believe that Harris is not guilty, but was indicted because of the capital punishment issue. Many Alabama politicians, including the Attorney General — who was editorially acclaimed in the local press for "discovering" the statute under which Harris is charged — have called for reinstatement of capital punishment.

Desirous of dramatizing the reinstatement campaign, the Center feels, prosecutors homed in on Harris because he was a lifer and thus eligible for a death sentence if convicted under the seldom-used statute.

Center lawyers sought to remove the trial to another part of the state to escape the effects of highly charged press coverage of the prison riot. Trial has been set in February, 1975, in Bay Minette.

The Center has also filed a motion to quash the indictment against Harris because the grand jury which indicted him was unconstitutionally selected. Both blacks and women are grossly underrepresented on the roll from which the grand jury was drawn.

Hearing on the motion to quash is set for later this month.

Shelter for Indigent Black Children —

Progress Made in Suit Over State Orphanages

Brantwood Children's Home, one of six private, state-licensed orphanages named as defendants in the Center's suit seeking shelter for orphaned and neglected black children, has signed a consent decree pledging integration of its facilities. The suit, filed in 1972 in U.S. District Court, charges the Alabama Department of Pensions and Security and the segregated shelters it licenses with a conspiracy to deprive black children of foster care made available to whites in the state.

More than twelve hundred homeless black youngsters have been ignored by the state agency responsible for their care.

The Brantwood order provides for black representation on the home's board of directors, screening committee and supervisory staff. Brantwood has also agreed that at least the next

two youngsters accepted as new residents will be black children. A black house mother has already been hired by the home.

The Center's brief on the merits of the case, citing evidence that only two of Alabama's state-licensed shelters accepted black children (both already badly overcrowded), was filed seven months ago. The state maintains no shelter facilities of its own; thus virtually no room is available for black children requiring state assistance.

One plaintiff in the Center's suit, fifteen-year-old Emmett Player, spent five years in a reform school because the state had refused to refer him to the segregated orphanages and failed to locate relatives subsequently contacted by Center representatives.

Reply briefs have been filed by the state and the defendant orphanages. Brantwood's consent to comply with nondiscriminatory practices is seen by Center lawyers as an encouraging sign that the case may soon be favorably resolved.

The Court has retained jurisdiction over Brantwood's compliance with the decree and ordered periodic reports to facilitate monitoring by the Center and the U.S. Justice Department, which had joined the suit as *amicus curiae*.



Pamela Horowitz

S.P.L.C. Legal Staff Grows

Pamela Horowitz has recently joined the Southern Poverty Law Center as a full-time staff attorney. Ms. Horowitz, a native of Minneapolis, graduated from Macalester College in St. Paul, Minnesota, with a degree in economics and then worked 2½ years in personnel administration.

An increasing involvement in civil rights activities led her to law school at Boston University, where she received her degree in 1973. While there she did volunteer work for the Massachusetts Commission Against Discrimination and the Boston Legal Assistance Project. Before receiving her law degree, she also interned for one summer in Washington, D.C., at the National Legislative Office of the American Civil Liberties Union — which is directed by Charles Morgan, a member of the Center's President's Advisory Council.

Ms. Horowitz came to Alabama in June, 1973, to become Director of Operation New Prichard. Prichard is the only major city in Alabama to have elected a black mayor since Reconstruction. Working with the mayor, Ms. Horowitz was responsible for promoting economic development and the delivery of social services for the city's residents.

Texas Welfare Suit Affected By Death Of Olivia Gill

Olivia Gill, 69, represented by El Paso attorney Bruce Hallmark with Southern Poverty Law Center assistance in her lawsuit to restore state medical benefits she lost when a modest Social Security increase raised her income above the Texas welfare eligibility ceiling, died last month owing nearly \$2,000 to the nursing home where she lived.

Many Texans were cut off from state welfare after last April's 7% increase in Social Security payments. Mrs. Gill's \$15.90 monthly increase cost her more than \$250 a month in medical allowances and nursing home charges.

Because the nursing home had threatened to evict Mrs. Gill unless her daughter, Glenda, assumed responsibility for the bills, lawyers are now exploring the ramifications of a suit seeking to relieve the daughter of indebtedness. A victory in such a suit could help other elderly, low-fixed-income Texas residents whose benefits were lost through failure of state welfare officials to alleviate inflationary pressures by adjusting eligibility requirements.