

## Accident report cited in HP suit

By Doug Nogani

Staff Writer of The News

A man who is suing the Town of Highland Park for arresting him on the non-existent charge of "drunk in car" had been drinking beer before a traffic accident that led to his arrest, according to testimony in federal court Wednesday.

In a sworn statement read to the jury by an attorney for the Town of Highland Park, Jeronimo Palacios said he had drunk "eight to ten beers" between noon and midnight of Nov. 25, 1976.

Palacios and 104 other plaintiffs are suing the Town of Highland Park and several town officials. The plaintiffs contend they were arrested on the non-existent charge of "drunk in car" in violation of their constitutional rights.

Highland Park officials have maintained that "drunk in car" is police slang for the charge of public intoxication. But L.R. Millican, a former Highland Park police officer and a defendant in the suit, testified that he thought drunk in car and public intoxication were separate charges.

According to testimony Wednesday, Palacios ran a blinking red light at the intersection of Oak Lawn and Wycliff avenues and

struck a car driven by a Grand Rapids, Mich., woman at 2 a.m. on Nov. 26, 1976.

Edie Scott of Houston, a passenger in the car struck by Palacios' car, said Palacios told her he had been drinking at the time of the accident. With the jury out of the courtroom, Miss Scott also said Palacios' eyes were bloodshot and that Palacios, who does not speak English, told her in Spanish that he was drunk.

U.S. Dist. Judge William Taylor ruled that Miss Scott's conversations with Palacios were not admissible after his attorney objected to the relevance of the testimony and to the lack of evidence showing that Palacios understood what was being said to him.

# Bosses ordered checks of blacks, ex-HP officer says

By Doug Nogami  
Staff Writer of The News

A former Highland Park police officer testified in federal court Tuesday that his supervisors instructed him to "check out" blacks who were driving in Highland Park neighborhoods after dark.

L.R. Millican, a Highland Park officer from July 1976 to September 1978, said he also would check on Mexican-Americans, men with unusually long hair and other people "who did not blend in."

But he said he never stopped anybody strictly on the basis of race.

Millican testified during the seventh day of the trial of a federal class-action suit in which Jeronimo Palacios and 104 other plaintiffs maintain they were arrested on the non-existent charge of "drunk in car" in violation of their constitutional rights.

Palacios was arrested Nov. 26, 1976, after he was involved in a traffic accident at the intersection of Oak Lawn Avenue and Wycliff Avenue. Millican said he thought Palacios was intoxicated at the time of his arrest.

See BOSSES on Page 26A.

## Bosses ordered checks of blacks, ex-HP officer says

Continued from Page 25A.

The plaintiffs further charge that Highland Park residents stopped for driving erratically were escorted home, while non-residents stopped under the same circumstances were charged with drunk in car.

Highland Park Public Safety Director H.W. Gardener denied in testimony last week that his department used the charge drunk in car only against non-residents.

Defense attorneys have argued that the charge drunk in car was merely "police slang" for the charge of public intoxication and that the drunk in car charge often was used when other municipalities would use a driving while intoxicated charge.

Millican said, however, while he was on the Highland Park police force he thought drunk in car was different from public intoxication.

One of his supervisors told him that drivers were charged with drunk in car rather than driving while intoxicated so that fines paid by the driver would go to the Town of Highland Park rather than to the county, Millican said.

The plaintiffs' attorney, Ben Krage asked Millican, who currently is a Baylor County Sheriff's deputy and a defendant in the federal suit, if his supervisors instructed him to stop blacks who were driving in Highland Park at night.

Millican responded, "I was instructed to check them out."

# Highland Park sued over arrest policy

By Joann Schulte  
Staff Writer of The News

Hispanic machinist Jeronimo Palacios can't speak English, but the meaning of his complaints about the Highland Park Department of Public Safety is clear to the 102 people who have joined his suit against officials of the township.

The federal class-action suit, set for trial Tuesday before U.S. Dist. Judge William Taylor, alleges that Highland Park police have discriminated against the 102 plaintiffs — all but one of whom are nonresidents of Highland Park — by arresting them on a charge of "drunk in car."

The suit maintains that "drunk in car" is a nonexistent crime or offense in the Town of Highland Park, Dallas County, and the state.

Palacios' attorneys, Carl Generes and Ben Krage, contend the acts "of arresting, imprisoning and fining individuals for an offense and a crime that does not exist . . . constitutes action wholly in absence of jurisdiction and beyond the scope of the official duties of the defendants" and is in violation of the 14th Amendment.

His attorneys are seeking \$1 million in punitive damages, \$10,000 in compensatory damages for each member of the class, and an order prohibiting Highland Park police from arresting people on "drunk in car" charges.

Highland Park officials have said the official charge usually filed in such cases has been "aggravated public intoxication," and maintain a person stopped in other

Dallas-area municipalities would be charged with driving while intoxicated.

Documents filed by Highland Park attorneys claim that "drunk in car" is a police blotter description of the offense.

Former Highland Park police officers, however, have said drunken residents frequently are taken home while nonresidents are taken to the police station and given a choice of spending the night in jail or posting bond of \$100 or more.

The class-action suit claims the defendants' policy is "to treat nonresidents differently than residents."

Palacios' attorneys claim that he and most other plaintiffs in the suit weren't drunk. They also question the so-called crime of "aggravated" public intoxication, since the statutes deal only with "public intoxication" and, as one attorney put it, "Either you're drunk or you're not."

Public intoxication, according to a spokesman for the district attorney's office, is a Class C misdemeanor that carries a maximum sentence of a \$200 fine. Such cases are tried in municipal courts and the fine — upon conviction — goes to the individual municipality. By contrast, the spokesman said, DWI is a Class A misdemeanor with more severe penalties and is tried at the county level. The fines, if any, are retained by the county.

Highland Park Safety Director H.W. Gardener declined comment on the suit. Highland Park's attorneys were not immediately available for comment.

# 'Checks' of blacks revealed

By Doug Nogami  
Staff Writer of The News

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See EX-OFFICER on Page 26A.



Dallas Morning News. Evans Caglage

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— Amy Brau

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Public intoxication is a Class C misdemeanor that is tried in municipal court with fine paid to the municipality. Driving while intoxicated is a Class A misdemeanor that carries severe penalties and is tried at the county level. The fines, if any, are retained by the county.

The plaintiffs' attorney, Ben Krage said Millican, who currently is a Baylor County State deputy and a defendant in the federal suit, supervisors instructed him to stop blacks who were driving in Highland Park at night.

Millican responded, "I was instructed to check them out."

Asked by Krage what criteria he used to stop people, Millican said people who "did not fit in with the neighborhood" would arouse his suspicions.

"Highland Park is an exclusive neighborhood," Millican said. "People who live there well off. It's not normal for them to run the street in dirty clothes (for example)."

Krage then asked if Millican stopped different types of people.

"I think I understand what you're asking whether it had to do with a person's color. Obviously one of that group (the Mexican-Americans) would stand out."

Millican said he considered men who were longer than shoulder length "out of the ordinary" and "suspicious."

"It's been my experience that persons you've described are often engaged in areas of crime," Millican said.

## federal study of bus system

School Supt. Nolan Estes has asked the federal government to do a cost-efficiency study of the Dallas school district's bus system.

Estes confirmed Tuesday that he asked for the study in a letter to James Ragsdale, staff director of the Southwest Federal Regional Council which is composed of top federal government officials from this 5-state region.

Ragsdale said the study likely would be done by the Urban Mass Transportation Administration.

Estes said he requested the study because the school district "has got to implement a better system of quality control" for the bus system.

He noted that five years ago the school system had no bus system and now spends \$3 to \$4 million a year transporting thousands of children daily with a fleet of 492 buses.

The preliminary proposal calls for one or more cost efficiency experts from Washington to come to Dallas for the study.

Estes said his request grew out of the school district's program last fall of asking all sectors of the community, including local federal officials, to aid in making the busing program successful.

Estes said the money to pay for the study will come "from other than local school district tax monies."

He said he did not know when the study would begin. "As soon as they are ready to begin, we are ready."

## Fictitious law alleged in suit

Jeronimo Palacios of Dallas alleged in a \$1 million federal suit Tuesday that Highland Park officials are arresting persons under a fictitious "drunk in car" ordinance.

The suit, filed in U.S. Dist. Judge William Taylor's court, alleged persons arrested under the "drunk in car" ordinance are required to plead guilty or face a driving while intoxicated charge.

Palacios said in the suit that he was arrested in Highland Park in November, 1976, for allegedly violating what the suit calls the "fictitious" ordinance.

He said later city officials told his lawyer he should plead guilty or face DWI charges.

large vessel connects the two arteries in the heart, allowing the blood ejected towards the lungs to flow back through the placenta.

"Ordinarily, with the first breath of life, a chain of important events occurs causing this vessel to close," he said. "But in a large number of babies, born prematurely, the vessel either doesn't close or it closes and reopens."

The physician said the mechanism causing the vessel to close has been "poorly understood." However, recent evidence has emerged, pointing to a group of naturally occurring fatty acids called prostaglandins as playing a role in keeping the vessel open.

THE RESEARCHERS FOUND that both aspirin and the drug, indomethacin, seem to inhibit the prostaglandins, allowing the vessel to close.

### Indicted on theft

## Wanted man fatally shot

James Barton Castor, wanted here since August for allegedly biking an East Texas woman out of \$6,000 by claiming to be a bill collector from Parkland Hospital, was murdered Saturday in Atlanta, Ga. Dallas authorities learned Tuesday.

Detective W. D. Swinney of the Atlanta police department said Castor, 38, was killed by two shotgun blasts as he left the Silver Ribbon, an Atlanta dancing and drinking establishment, at 12:05 a.m. Saturday.

There are no suspects in custody, Swinney said. "We're looking for anything."

Castor has been sought since he was indicted for felony theft in the case in September.

He was indicted for allegedly telling Marguerite Rogers of Palestine, Anderson County, that he and 20-year-old Nancy A. Howell were officials of Parkland seeking payment for a debt owed by a deceased relative of Mrs. Rogers.

Mrs. Rogers wrote the pair a check for \$6,000.

In October, Castor was arrested in Louisville, Ky., on unrelated theft charges, but was released before extradition proceedings could be completed.

Swinney said Atlanta police believe Castor had only been in their city a few weeks.

Ken Maltby, an investigator for the district attorney's office, said Miss Howell, who was also indicted in the Texas case, is in custody in Louisville and is expected to be brought back here soon.

Compton, 49, guilty of theft over \$10,000. Punishment testimony is scheduled for 9 a.m. Wednesday.

Compton, operator of National Trailer Sales, 241 W. Commerce, could receive up to 20 years in prison.

According to testimony presented by Assistant Dist. Atty. Dick Zadina and Ron Poole of the DA's specialized crime division, International Harvester purchased a truck from Compton in May at

the money, he never returned. Overpayment company officials said was undisputed that Compton endorsed the check.

Defense attorneys Mike Runt and R. Griffiths did not call any witnesses.

Griffiths argued to the jury that prosecution failed to prove Compton stole anything from International Harvester, since he was entitled to at least part of the check.

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Airline Passengers Association names American "1 choice for domestic air travel."

In a recent independent survey conducted by the Airline Passengers Association, frequent fliers were asked, "If you were traveling anywhere in the U.S. and had your choice of any U.S. airline, which airline would you choose—and why?" More people chose American than any other airline. And the overriding reason was "service."



## WAREHOUSE CLEARANCE

	MARKET VALUE	OUR REG. PRICE	CLEARANCE PRICE
<b>VESTED SUITS</b> 36-52 SHIRT, REG. LONG	\$140	\$79 <sup>50</sup>	\$64
<b>SPORTCOATS</b>	to \$59	\$39 <sup>95</sup>	\$19
<b>SLACKS</b> SIZES 28-42	\$22	\$15 <sup>50</sup>	\$9 <sup>95</sup>
<b>BIG MEN'S SLACKS</b> SIZES 44-60	\$35	\$19 <sup>95</sup>	\$14
<b>FASHION JEANS</b>	\$22	\$14 <sup>50</sup>	\$9 <sup>95</sup>
<b>DRESS SHIRTS</b>	to \$18	from \$6 <sup>95</sup>	\$2 OFF
<b>IMPORTED TIES</b>	\$10	\$3 <sup>50</sup>	4 FOR \$10
<b>BRUSHED CORD SHIRT JACKS</b>	\$20	\$12 <sup>95</sup>	\$8
<b>ASST. SWEATERS</b>	\$20	\$10 <sup>95</sup>	50% OFF
<b>LEISURE SUITS</b>	to \$80	\$39 <sup>95</sup>	FROM \$13

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