

Calley's release postponed while Army ponders appeal



Photo by Tom Palera

Taking advantage of a sunny day.....

CRISP FALL WEATHER enticed this artist out to use the Mall as his studio yesterday.

WASHINGTON (UPI) — An appeals court judge late yesterday delayed until Monday the release of former Lt. William L. Calley Jr., while the Army considers appealing a federal court ruling overturning Calley's conviction for murder in the My Lai massacre in Vietnam.

Chief Judge John R. Brown of the 5th Circuit Court of Appeals in New Orleans ordered a four-day delay in carrying out the direction of a lower federal court that Calley be released "forthwith."

U.S. Solicitor General Robert H. Bork authorized the Army to seek the new delay yesterday, and Brown granted a temporary stay only minutes later.

The Army sought a 15-day delay while it considered the lower court decision issued Wednesday.

U.S. District Judge J. Robert Elliott of Columbus, Ga., who overturned the conviction and ordered Calley's immediate unconditional release, had refused an Army request that he stay his own order to allow time to decide whether his ruling would be appealed.

A Justice Department spokesman said Brown acted within an hour after Elliott

had turned down an Army motion for a 15-day stay. Elliott also refused an Army request for clarification of his order that Calley be given immediate unconditional freedom.

The legal moves were needed to give the Army time to study the legal issues contained in Elliott's 132-page opinion in the Calley case and decide whether to appeal his overturning of the conviction in 1971.

Army officials, after being turned down by Elliott, went to Bork, the solicitor general, for authority to make the emergency appeal to Judge Brown.

The 5th Circuit Court is based in New Orleans but panels of the court travel throughout its southeastern jurisdiction to hear cases and conduct their business. The Justice Department did not know where the Army lawyers reached Judge Brown.

Elliott's order to release Calley immediately was mailed to Ft. Leavenworth Army disciplinary barracks Wednesday. The Army took the position that it could not act on the court decision until the order was in the hands of the authorities who have Calley in custody.

Bork first figured in the news a year ago when he fired Special Prosecutor Archibald Cox on President Richard Nixon's order after Attorney General Elliot Richardson and his assistant, William Ruckelshaus, resigned rather

than do so.

The court order was mailed to Ft. Leavenworth from Elliott's court in Columbus, Ga., and the Army has taken the stand it cannot act on the court decision until the order is in the hands of Ft. Leavenworth authorities.

"The court decree called for the Army to release him (Calley) forthwith and we hoped they would release him forthwith," said Kenneth Henson, one of Calley's attorneys.

"Within a matter of three hours they released 145 convicted deserters from Leavenworth Prison pending a hearing to determine how they would qualify under the President's clemency program," Henson noted.

"I feel that Mr. Calley should be afforded equal treatment at least," Henson said. "They've got a different set of rules — one set for draft dodgers and deserters and one set for one who willingly served and willingly obeyed orders."

Calley contended throughout his court-martial that he merely was obeying orders when he and his men opened fire at My Lai, which had previously been pinpointed as Viet Cong stronghold. He initially was sentenced to life imprisonment for his role in the massacre; but this sentence was reduced to 10 years through the military appeals process.

The 31-year-old ex-soldier sought further relief in civilian courts after

exhausting his appeals route in the military.

Elliott, in striking down the Calley sentence, said: "If there ever has been a case in which a conviction should be set aside, this is it."

The judge said Calley had been the victim during his trial of "unrestrained and uncontrolled" prejudicial publicity, that the charges against him had been improperly drawn and that he had not been given the right to confront unfriendly witnesses.

In addition, Elliott contended in his 132-page ruling that the U.S. Supreme Court had decided the Calley case when it held that former President Nixon had to turn over the Watergate tapes to congressional investigators.

Nixon had claimed executive privilege, but the high court ruled that the need to get at the heart of the evidence in a criminal proceeding took precedence.

Calley had asked for hearing transcripts from a House Armed Services Committee that investigated the My Lai affair, claiming they were vital to his defense. The committee refused to turn them over on grounds of legislative privilege.

"If we substitute the word 'legislative' for the words 'presidential' or 'executive,' we see that the Supreme Court in deciding the Nixon case also decided the Calley case," Elliott ruled

Second USG tape likely

By TIM KUHNHENN and SHEP McCaULEY
Collegian Staff Writers

Testimony by Eric Richardson, former executive assistant for Undergraduate Student Government President George Cernusca, last night suggested that a second tape may exist in the insurance matter.

Richardson said he attempted to tape a conversation with Arthur Williams, former USG insurance adviser. But he answered questions about that tape's existence with "No comment."

Richardson said his unnamed legal counsel advised him not to implicate others in the USG Senate's special insurance investigation hearings.

Richardson did admit to taping a May 23 conversation with USG office secretary Clair Brown in the USG office. That tape's existence was revealed Tuesday and the tape was delivered to the committee Wednesday night.

Richardson said there was more than one microphone in the room to pick up Brown's conversation. But Richardson

would not say how many microphones were in the office.

Richardson said he saw nothing unethical in taping the conversation with Brown. He said he made the tape because he was suspicious of an "immigrant stink" forces outside USG in the insurance matter.

Richardson also testified about a gathering which took place at the end of May in the USG office with former USG president Mark Jinks, Richardson, Cernusca, and an unknown man.

Jinks said the fourth man told him he was involved in taping Brown and Williams.

Richardson tonight identified the fourth man as "Cliff." He said he did not know Cliff's last name. He also said Cliff was not a student and was not a State College resident.

Richardson refused to say how he knew Cliff or why Cliff was present at that gathering.

Richardson refused to answer a total of 41 questions at the hearing. Richardson was asked:

— If he taped any conversation with

Arthur Williams.

— If he taped conversations with anyone other than Claire Brown.

— When he told George Cernusca about the tape.

— If he has any other tapes relevant to the insurance matter.

Committee member Joan McCarthy said last night that any rumor concerning former Penn State football player Franco Harris' stock investment in a company involved in the case is not based on fact.

In separate action yesterday, USG president George Cernusca introduced two new members of his executive staff.

Tom Downing and Greg Lord were appointed to the positions of press secretary and executive assistant.

Cernusca's former executive assistant, James Newton, resigned Wednesday morning as a result of Cernusca's refusal to comply with a committee subpoena for a tape recording concerning the insurance investigation.

Both appointees are graduate students in political science. Downing received his degree from Smith College. Lord has served as Alabama field representative in the presidential campaign of U.S. Rep. Paul N. "Pete" McCloskey (R-Calif.).

Downing said he is to serve Cernusca in two capacities — as a mouthpiece when Cernusca is unavailable for comment and as a sounding board to Cernusca's political actions.

Lord said that as executive assistant he will act as a personal adviser to Cernusca and provide a counterbalance of opinion and rationality to his administration.

Cernusca said Lord's name might come up for ratification at the next USG Senate meeting.

Cernusca said his two new advisers will be working closely with him in any matters concerning USG, including the insurance situation.

He also said he will consult them on the audit of University spending.

Cernusca said he is extremely confident about the insurance investigation.

"We are riding the waves, but the shore is in sight," he said.

Downing and Lord shared Cernusca's optimism.

USG Vice President Marion Mientus said she had no part in the appointments.

Weather

Morning fog followed by partly sunny days. Warm and more humid. High 69 to 74. Showers likely Friday night into Saturday morning. Fair Saturday night. Lows both nights, 52 to 56.

Greece reconsiders NATO membership

ATHENS (UPI) — Greece may consider rejoining the military arm of the North Atlantic alliance if its allies help find a solution to the Cyprus problem, a high and unimpeachable official source said yesterday.

But if no solution is found, the source said, Greece may yet go to war with Turkey and may ask the United States to withdraw its military bases from Greek territory.

At the same time, the source made clear that Greece, despite its differences with the United States, is not flirting with the Soviet Union and does not look to Moscow to settle the Cyprus problem.

The source, who declined to be identified, provided in a wide-ranging interview the first authoritative outline of Greek policy since Turkey invaded Cyprus last July and effectively partitioned the island republic.

Greece's first response to the invasion was to withdraw from the military arm of NATO and accuse its allies of failing to do all they could to help off the invasion.

"The decision to withdraw from the military side of the North Atlantic alliance is definite," the source said.

"But if our allies contribute to a just solution of the Cyprus problem, we do not exclude the reexamination by Greece of its position vis-a-vis the alliance."

The source said Greece would accept a solution providing for a federation of the Greek and Turkish Cypriot communities, "provided it does not involve the movement of populations and provided the Turkish cantonments are related to the percentage of Turkish Cypriot population."

But a federation based on the current division of the island imposed by Turkish arms would become in a few years time a definite partition and therefore unacceptable, the source said.

"We want a just solution," he said. "But if we do not get it, we will fight. We may go to war, and that is no joke. No people can expect such a blow and humiliation."

The source expressed continuing Greek dissatisfaction with the role of the United States in the Cyprus crisis, and suggested this could lead to a demand for the removal of U.S. bases from Greece.

Nixon displeased by funds cut

WASHINGTON (UPI) — In what former President Richard M. Nixon reportedly considers a "begrudging attitude," a Senate subcommittee voted yesterday to deprive him of more than half of the \$850,000 requested for his return to private life and insisted none of it be spent for household servants.

The subcommittee voted unanimously to cut the request for Nixon to \$328,000, a figure expected to be approved by the full Senate Appropriations Committee next week.

The vote followed a disclosure before the subcommittee that the government has been paying salaries amounting to \$420,000 a year for 22 employees on the payroll at Nixon's San Clemente, Calif., estate including a butler and maid.

An administration source meanwhile said that Nixon, now hospitalized, has been "very irritable" about the "begrudging attitude" in government to deny him the special privileges afforded all other former presidents. "He feels everyone is giving him a hard time," the source added.

The Senate subcommittee approved \$55,000 for 11 months of Nixon's pension and \$200,000 for one-shot transition expenses, such as moving. But a requested \$110,000 for a vault and guards to protect Watergate tapes and papers and \$50,000 for office equipment were cut.

Staff members said the subcommittee felt that the 186

chairs, 21 sofas and 77 typewriters which Nixon has already received from the government should suffice.

The subcommittee also cut a requested \$10,000 travel budget to \$3,000, trimmed a \$35,000 communications request to \$21,000 and reduced the "miscellaneous contingency" fund from \$26,000 to \$3,000.

Subcommittee chairman Joseph Montoya, D-N.M., said Budget Director Roy Ash prompted some of the cuts when he tried to justify the expenditures for a maid and butler, saying that with servants to shine his shoes and do the housework Nixon was thus freed for activities involved in the transition of power.

"Mr. Ash said that," Montoya said, "and we threw it in the ashcan."

Montoya said the subcommittee, in its report to the full committee, will insist that Nixon's federally paid staff confine its activities to "direct transition acts, rather than perform chores in the household..."

However, the \$12,000 a year butler's salary and the \$8,000 annual federal paycheck for the maid are not affected by the subcommittee's cuts.

The House Appropriations Committee earlier voted to provide only \$398,000 of President Ford's requested \$850,000 for Nixon's transition expenses through next June 30.

Long inflation battle seen

WASHINGTON (UPI) — President Ford, preparing for today's economic summit conference, was told by his economic advisers yesterday that the battle against inflation will last 18 months to three years.

Press Secretary Ron Nessen reported that prediction on the eve of the long-heralded two-day conference of top economic leaders from business, labor and government. He said Ford's advisers also expressed the opinion that the nation is no longer beset by fears of depression.

Nessen said Chairman Alan Greenspan of the Council of Economic Advisers reported it may "take between a year and a half and three years from the time we start until we have it (inflation) under control."

Asked to elaborate on Greenspan's prediction, Nessen said he did not know precisely what was meant by the words "from the time we start." He said he assumes Greenspan believes some actions already have been taken and added "maybe I should say from the time we started."

Nessen said Ford, who plans to attend most of the sessions and speak at both the opening and the closing ceremonies, will have some recommendations of his own to propose. He did not say what they would be.

He said both Greenspan and L. William Seidman, executive director of the summit meeting, reported a general consensus that the pre-summit discussions held throughout the country during the past two weeks "have calmed the fears" of a major depression similar to 1932.

Greenspan testified yesterday in a meeting of the Congressional Joint Economic Committee, and repeated his views that no short-term solution to inflation is in sight.

Greenspan apologized for his widely quoted statement last week that stockbrokers had been hurt worse, relatively speaking, by inflation than had the poor.

He said he had been misinterpreted, and added, "obviously, the poor are suffering more."

Nessen said an announcement will be made soon on widespread reports that Treasury Secretary William E. Simon will become the President's economic coordinator, and Seidman will become Simon's deputy and Ford's economic policy adviser at the White House.

The spokesman said Ford still is strongly opposed to wage-price controls, and will not ask Congress for rollback authority "because you can't have rollbacks unless you have wage and price controls."

In response to a question, he quoted Seidman as saying that a tax break for the poor is one of a number of ideas under study for easing the impact of inflation on low income groups.

Nessen said he had discussed the economic outlook with both Greenspan and Seidman. Greenspan, he said, feels the greatest urgency is to reduce the present high level of inflation which strains the entire economy.

He said Greenspan predicts that a start can be made on meeting the inflation problem, but it will take one and a half to three years before it is brought under control.

Prostitution remains a crime, but patron usually goes free

By BETH BOYD
Collegian Staff Writer

Editor's note: Following is the last of a three-part series examining prostitution in the State College area. Some of the names have been changed.

The first efforts to smother her profession began 70 years ago, when the popular image of the prostitute was of a syphilitic nymphomaniac who ran rampant through the slums seducing weak, misguided boys.

Even though the moralistic view of the 19th century has long since been abandoned, in every state except one anyone maintaining a business of prostitution is a criminal.

Penalties for conviction vary from state to state. They are as slight as South Dakota's \$10 fine and as severe as the five years imprisonment that threaten the prostitute in Rhode Island and Iowa.

In Pennsylvania, prostitution is a misdemeanor of the third degree, which means a convicted woman can be fined as much as \$250. Arrests for prostitution have been rare in State College, as in most smaller communities across the country.

State College Police Sergeant Kenneth Hannah could recall only three arrests for prostitution in the last five years. "The crime has to have a victim before we really go out and work hard on it. Now if we get a complaint on it, certainly we will act upon it, but we don't send men out looking for prostitutes," Hannah said.

The last conviction was in June, 1972 after a series of articles on the business of sex were published in The Daily Collegian. Two Pittsburgh women were sentenced to two days in jail by Centre County Court, and each was fined \$100.

"We really don't make a lot of arrests in that field. If we make an arrest in that, it's because somebody called in and complained," Borough Police Officer Jones said. "Either the

chick had some disease or he didn't get the service he paid for."

One of the reasons why there is such a small number of arrests made is because proof is difficult to obtain.

"You can be sitting in the bar and you can see the chick. You see her leave with a guy and come back in five minutes and she can leave with somebody else but you don't really know what she's doing," Jones explained.

Even if an officer suspects the woman is a prostitute, he cannot encourage or proposition a woman to engage in sex for a price since "intentionally causing another to become or remain a prostitute," according to state law, is also a crime.

"It's pretty tough to catch one unless she actually walks up and solicits you," Jones explained. The woman must mention money before she can be apprehended. If she does not, all evidence against her is invalid once she is in the courtroom.

Police claim the best they can do is try to keep the problem under control. "They know most of the police officers in town," Jones said. "I wouldn't call it a working relationship," but he added that the women realize how difficult it is for the officers to get sufficient incriminating evidence that will hold up in court.

"I think the county handles it in the manner that it should be. Fine them. Give them probation, and get rid of them — get them out of town," Hannah said.

Though laws against the prostitute herself are not strictly enforced, police put forth even less effort to punish the male participant.

Only six states have laws under which police may arrest the patron. Pennsylvania is one of them. But there has never been an arrest of a customer in State College.

Sociologist Kingsley Davis believes the demand for the prostitute is so broadly based that prostitution would be harder to control if stronger action

were taken against the client.

"It is economically and politically foolish to punish a large number of society's productive and otherwise orderly members. It would cause more social disruption than correcting the alleged crime would be worth," Davis claims.

Frequent attempts across the country to limit prostitution have resulted in failure, according to Davis. He said he believes the answer lies in legalizing prostitution.

There is only one part of the country that follows Davis' advice. In Nevada, prostitution may be legal if a county decides to take advantage of this option offered under state law.

The business flourishes in 15 of Nevada's 17 counties. There are quite a few small towns that welcome the revenue from such establishments. Storey County has fewer than 700 residents and the brothels' license fees provide about one fifth of the county's annual budget.

Amidst all the debate about the business of sex there is one alternative that is constantly overlooked by legislators: That of doing nothing. The National Organization for Women and the Washington Commission on the Status of Women believe prostitution should cease to be a criminal offense.

Venerae disease is the subject of the most heated debates over prohibition, legalization or decriminalization of prostitution.

"Venereal disease is very low via prostitution," Dr. J. Robert Wirag of the Ritenour Health center said. "In spite of what the vast majority of people may think. Those girls are in it for the business and they have periodic checkups," Wirag explained.

Control of venereal disease is a medical rather than legal problem, as far as Washington Commission on the Status of Women is concerned. "It is not by blaming prostitutes that VD will be controlled, but by educating the public," the commission said.