

# Narc performs his job; dealer may face jail term

Editor's note: These articles are part of a study on drugs.

By PHIL STOREY  
Collegian Staff Writer

Thomas Gray, an agent for the state Bureau of Drug Control, did a good job. Through his diligence in a case last October, four people were arrested and 100 pounds of marijuana was confiscated in a State College drug bust.

Randy Kinkead, one of the people arrested, was given a jury trial early this month and found guilty on two counts of selling marijuana.

Kinkead's trial was an interesting one.

Two of the other people arrested, Frank Moleski and Rick Marone, testified against Kinkead. (Moleski has already pleaded guilty to selling "speed" and Marone's trial comes up in July, 1977.)

Gray set up the deal through Gary Scarpello, who pleaded guilty to charges of selling marijuana. Scarpello got in contact with Marone who in turn talked to Moleski.

Moleski called Kinkead who obtained the pot within three hours. The transaction — \$12,000 in marked money for four

burlap bags full of pot — took place in a shack behind Kinkead's Prospect Street residence.

Gray and another agent, with help from the State College police, later raided Kinkead's place and got the money in the shack plus two more pounds of pot in Kinkead's room.

During the trial, Alan Ellis, attorney for Kinkead, made at least nine objections throughout the testimony of Moleski, Marone and Gray. All but one objection was denied by Judge R. Paul Campbell.

Ellis's main objection of the morning was that the officers who raided the premises produced neither search nor arrest warrants at the time. Ellis added that officers went into the house although the transaction took place in the shack.

Campbell recessed the trial for lunch after Gray's testimony and Ellis threw out his most controversial defense to a jury in the afternoon session of court. Larry Riegler, a criminologist for the state police, tested the pot Kinkead sold to see if it held any THC (tetra hydro cannabinoid — the ingredient in pot that produces a high).



Riegler testified that he performed three tests on the pot, which proved conclusively it contained THC.

But Ellis claimed the tests weren't valid because the same conclusions could be drawn if the same tests were used on several other species of plants.

Ellis also objected to Riegler's testimony because Riegler wasn't a trained taxonomist (plant expert).

Ellis's objections were again ruled out by the judge.

Mary Willard, a former University chemistry professor who has done consulting work on drug identification for the courts since the 1930's, testified on the tests she ran on the two pounds of pot found in Kinkead's room.

Kinkead had a third count against him for the two pounds — possession with intent to deliver. The jury found him not guilty on that charge.

Willard testified from the taxonomist's point of view and even brought for the jury's inspection some samples of pot that she grew.

"I'm very fond of my marijuana," she said as it was being examined.

"A lot of us are fond of marijuana,"

Ellis quipped almost inaudibly.

Ellis tried to get her testimony thrown out because she recently misidentified caffeine tablets as amphetamines in another case, but the judge overruled.

The afternoon wore on and the trial was coming to a close.

Ellis made his final address to the jury, urging them to disregard the testimony of Moleski and Marone.

"This is testimony from people who are trying to save their own skin," Ellis said.

Centre County District Attorney Charles Brown addressed the jury for the prosecution, calling attention to the facts that the jury had seen the pot (it was brought into court in a plastic garbage bag), mimeographed picture of the marked money and a parade of credible witnesses.

The jury took 20 minutes to name Kinkead guilty. The trial ran an eight-hour course.

Ellis is calling for a new trial, citing in a petition eight points he thinks the court erred on.

Agent Gray has since moved on to another assignment in another part of the state.

## Pot arrests continue to get many 'tokers'

By CHRIS SIMEONI  
Collegian Staff Writer

In 1975 alone, 500,000 people were arrested for possession and sale of marijuana in the United States.

Of these half a million people, 330,000 are under 25 years of age.

And 217,800 of these 330,000 were arrested for possession of less than an ounce of marijuana.

Alan Ellis is a State College attorney who specializes in defending people arrested on drug charges — 80 per cent of his work load is made up of drug defenses.

Ellis said University Police Services go after the drug user and still arrest people for possession of "roaches." A roach could be compared to a cigarette butt without the filter removed.

The State College police, in comparison, are more interested in the dealer, he said.

Ellis said he is not "laying any blame" with the police departments, but said the state laws have to be changed.

When people are arrested in State College for dealing in marijuana, it is usually done by the state Bureau of Drug Control. Ellis said the bureau offers the alleged dealer an opportunity to cooperate. If the person decides to do so, the bureau will recommend leniency to the district attorney, who will then recommend leniency to the court, Ellis said.

Ellis said this procedure is quite legal, and is a "typical law enforcement tool."

Ellis said the conviction rate for people charged with dealing drugs is 90 per cent.

Narcotics agents "take advantage of the dynamics of the subculture" to arrest people for dealing, Ellis said. "They know kids are acting out of friendship" when they try to obtain marijuana for someone, Ellis said. "Undercovers prey on friendship," he added.

One source said on the day he was arrested by the Bureau of Drug Control in State College, they asked him to become a narcotics officer, and said they would "pay and protect" him.

The source said he was "set up" by a friend who had recently been arrested for dealing. The friend was released from jail two days after his arrest and has been out of jail "ever since." "I'm sure there was a deal" between the bureau and the informant, he said.

He said he was arrested on two counts of delivery of three pounds of marijuana. He said he wasn't dealing, but "doing it as a favor" for the informant.

The source said he received two to 24 months in prison, of which he served two months. He is on probation for the rest of the sentence. He must pay a \$1000 fine and \$475 in court costs and must also reimburse the state for money used to buy the marijuana he sold to the narcotics agent.

The source said he was given "state time," which means his conviction will remain permanently on his record. He said if he had been sentenced to between one and 23 months, it would be considered county time and his sentence would be taken off his record.

Tomorrow: a study of drug paraphernalia

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## Carter sees no opponents

PHILADELPHIA (AP) — Jimmy Carter, twice a landslide winner in Pennsylvania, said yesterday it is unlikely he can be stopped short of the Democratic presidential nomination — but Sen. Hubert H. Humphrey was preparing to try.

The Pennsylvania verdict, with Carter a big winner in both sides of a presidential primary that measured popularity and also picked delegates, left the former Georgia governor with no real challengers among the candidates he has faced in nine primaries.

But Humphrey, in Washington, signaled a likely go-ahead for supporters who want to set up what they call an exploratory committee to assess his prospects for presidential nomination.

That is no more than the cover for a campaign committee that will seek to keep Humphrey's prospects alive for active candidacy after the primary voting ends on June 8.

Humphrey said he wasn't part of any

stop-Carter movement, but politicians always talk that way. In fact, if Carter isn't stopped, Humphrey can't get started.

And at this point, the Minnesota senator is the stop-Carter movement. He noted that two-thirds of the Democratic delegates have yet to be chosen, and that two new candidates have not been tested against Carter in the primaries.

Gov. Edmund G. Brown Jr. of California launched his national campaign yesterday in Maryland, where he will be running in the May 18 primary.

Sen. Frank Church of Idaho faced his first primary test May 11 in Nebraska.

In the meantime, Carter is running Saturday in Texas, which will select 130 delegates, and next Tuesday in Indiana, Georgia, Alabama and the District of

Columbia. They have 177 delegates among them.

That run-everywhere strategy is serving Carter well, particularly off his surprising margins in Pennsylvania. That showing is the best advertising available to impress Texas voters, and the Louisiana Democrats who also will be selecting delegates Saturday.

Furthermore, Carter's Pennsylvania win was the undoing of Sen. Henry Jackson of Washington, who has been his major rival. It left Rep. Morris Udall of Arizona about where he was — winless, in debt, and struggling to keep a campaign going.

Jackson said he will change his campaign style, spend more time talking directly to voters on the issues, and continue his campaign. Udall said

he, too, will keep running.

Campaign money is likely to become an increasingly serious problem for both of them. It already has forced Jackson to cut back his campaign advertising, and Udall to take out loans.

With Pennsylvania's vote count nearing completion, these were the numbers on the presidential preference Carter 501,653 or 37 per cent.  
Jackson 335,565 or 25 per cent.  
Udall 255,590 or 19 per cent.  
Alabama Gov. George C. Wallace 155,248 or 11 per cent.  
Anti-abortion candidate Ellen McCormack 39,308 or 3 per cent.  
Gov. Milton Shapp 36,000 or 3 per cent.  
Sen. Birch Bayh of Indiana 16,910 or 1 per cent.  
Fred Harris 13,829 or 1 per cent.

## PennPIRG proposal refused

By JEFF HAWKES  
Collegian Staff Writer

University President John W. Oswald has refused to recommend to the University Board of Trustees consideration of a new compromise funding mechanism for a Pennsylvania Public Interest Research Group, a University administrator told Students for Penn PIRG recently.

Vice President for Student Affairs Raymond O. Murphy also told the student group Oswald will not take a stand for or against their new funding system.

PIRG spokesman Mike Tingle called their compromise funding proposal a "refusable-refundable" funding mechanism. He said with this proposal students will have two opportunities to decide whether or not to pay \$2 toward financial support of PennPIRG.

He said the student tuition bill would clearly itemize in a different color ink the inclusion of \$2 for PIRG funding within the total amount of tuition a student must pay. If a student desires not to pay \$2 for PIRG, he simply crosses out the line — PennPIRG: \$2 — and subtracts \$2 from his indicated bill. The

student then pays the new, lower sum.

For example, if a student tuition bill is \$402 and he desires not to contribute \$2 for Penn PIRG, he crosses out the itemized line for PIRG funding and pays \$400.

Also under the new proposal, a student can obtain a \$2 refund up to five weeks after paying the tuition bill which includes the Penn PIRG charge.

Printed on the tuition bill would be a concise explanation of what PennPIRG is, Tingle said. And included with the bill would be a separate information card. The information card would explain in further detail what PennPIRG is, what the money is used for, and how the "refusable-refundable" funding mechanisms work for Students for Penn PIRG's new funding proposal resulted after three meetings with Murphy, Tingle said. Tingle said Murphy was very helpful in offering suggestions.

"Murphy is in favor of a PIRG and said our new proposal answers all questions he had about PIRG funding," Tingle said.

Murphy informed Oswald of the new PIRG proposal and of a study of the Minnesota PIRG conducted by the office

for student affairs at the University of Minnesota. The study revealed at least 75 per cent of the Minnesota student body understanding what MPiRG is and how its funding mechanism works. MPiRG functions on a "refusable-refundable" system, Tingle said.

According to Tingle, the MPiRG study occurred three years after MPiRG's establishment. Tingle said the information on MPiRG should "alleviate Dr. Oswald's fears that our funding proposal will take advantage of the students."

Nevertheless, the chances of establishing a PIRG at Penn State "are greatly diminished by Dr. Oswald's refusal to recommend our new proposal to the Trustees," Tingle said.

### Weather

With those sunny skies today and tomorrow temperatures should once again reach springlike levels. Mostly sunny skies around town and temperatures today should reach 64 after a chilly morning. Clear and not as cold tonight. Low 39. Partly sunny skies tomorrow and a bit milder. High 67.

## Heinz, Green to meet in Nov.

By The Associated Press

Pittsburgh pickle and ketchup heir H. John Heinz III overcame his opponents' characterizations of him as a millionaire politician on the take from Gulf Oil to win the Republican nomination to the U.S. Senate.

Heinz, 37, won the nomination to Sen. Hugh Scott's seat in a neck-and-neck race with former Philadelphia Dist. Atty. Arlen Specter.

With 99 per cent of the votes counted, Heinz had 359,655 votes, or 38 per cent, to Specter's 330,091, or 35 per cent.

George Packard, a former editor of the Philadelphia Bulletin, finished third with 161,142 votes, or 17 per cent. The other three candidates, C. Homer Brown, Francis Worley and Mary Foltz, were far behind.

Heinz, who spent \$500,000 of his own money in the primary, said he expects "a very hard-hitting campaign" with William J. Green of Philadelphia, his Democratic opponent in November.

Key factors in his narrow margin of victory, Heinz said, were the controlled vote in southeastern Pennsylvania and the fact that Packard and other candidates took votes away from him.

Specter declined to concede the election late in the morning even though 99 per cent of the vote had been counted. He said he was receiving conflicting reports on the vote count and would wait until later to make a statement.

Specter, who lost a bid for re-election as Philadelphia district attorney in 1973 and a mayoral election in 1967, declined to speculate on his future plans.

The former district attorney would not comment on other factors in the campaign, including his persistent accusations that Heinz was trying to buy the election and that Heinz had knowingly accepted illegal cash from Gulf Oil.

"There's a difference between calling attention to a fact before an election and complaining about something after the fact," Specter said.

Packard, who walked across the state telling people he was the only non-politician in the race, carried two large counties, Erie and York, and several smaller ones in central and western Pennsylvania. He called his showing in the primary a moral victory.

The Democratic race was a mild scramble in contrast to the GOP campaign.

Green claimed the nomination just two hours after the polls closed Tuesday night.

Green soundly defeated Reibman in all but a few of the state's 67 counties. With 99 per cent of the vote tallied, Green had 746,162 votes, or 68 per cent, to Reibman's 344,747, or 32 per cent.

It was only his second defeat in 20 years of politics for Reibman, a state senator. The first time she lost was in the Eisenhower sweep of 1956.

Fewer than half of Pennsylvania's 2.8 million registered voters turned out for the primary.

# Johnson, Ammerman — winners in primary



Albert Williams

Tuesday's primary election saw Albert W. Johnson, the incumbent Congressman from the 23rd Congressional District, withstanding a fairly strong challenge from opponent Charles Seeger.

In the 11-county district Johnson beat Seeger by about 5,000 votes. Seeger, however, defeated Johnson in Centre

County, picking up just less than 5,300 votes to Johnson's 4,950.

George Leshock was far behind with about 2,400 votes in the 23rd District.

In the Democratic race for the 23rd Congressional District, state Senator Joseph Ammerman made a strong showing, trouncing his opponent, Peter Atigan by about 15,500 votes.

In Centre County, Ammerman had 8,178 votes to Atigan's 1,707.

Ammerman now faces Johnson who is completing his seventh term, in November's election. He is expected to give Johnson his toughest fight in years.

Helen Wise, a teacher and a member of the University's Board of Trustees, handily won her race against Henry Guttenplan for the Democratic nomination for the 77th Legislative District.

Wise lost only one of the 37 precincts in the district, pulling a total vote of 3,671. Guttenplan trailed with 2,286 votes.

Wise will face the Republican winner, Albert Williams, in the November contest for the state General Assembly. Williams, an insurance salesman and long active in the Centre County Republican party, narrowly defeated businessman Robert Hines, 3,106 votes

to 2,724.

In an extremely close race, won by less than 300 votes, attorney Virginia Eisenstein defeated incumbent Marie Garner for the Centre County position on the Democratic State Committee.

Eisenstein had 5,218 votes to Garner's 4,933, according to unofficial totals from



Helen Wise



Albert W. Johnson

the county's 78 precincts. Eisenstein won 39 precincts, Garner took 36 and three were evenly divided.

Former State Representative Eugene Fulmer easily won the Centre County Republican party chairmanship. Fulmer had 4,705 votes, 1,500 more than his closest opponent, Loretta Willits.

Fulmer was running as part of a "Republican Action Team." Two other team members, J. Doyle Corman and

Bonnie McCormack, also won their races for Republican committeeman and committeewoman, defeating Arnold Addison and Lula Witherow. Robert Hines, running for the state legislature from the 77th district, was the only "Republican Action Team" member to lose.

In the delegate race, Jimmy Carter delegates followed the success of their candidate, winning with comfortable margins. Robert O'Connor and A. Frederick Fellmuth, both pledged to Carter, came in first and second in the Democratic delegate race from the five-county 34th Senatorial District.

Allen Patterson, who was committed to Morris Udall, won the delegate race in Centre County, but finished third in the district.

Winners for the three 23rd Congressional District delegate seats to the Republican convention were Lula Witherow, Charles Dodd and Robert Hall.

Democratic presidential candidate Morris K. Udall won the popular vote in Centre County with a tally of 3,815. Former Georgia Gov. Jimmy Carter came in second with 3,677 votes and Henry Jackson followed with 1,211 votes.

In the U.S. Senate race, democratic



Joseph Ammerman

candidate William Green won in Centre County with 3,651 votes. His opponent Jeanette Reibman had 3,076 votes.