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Supreme Court lifts Gilmore death ban

WASHINGTON (UPI) — The Supreme Court on a 5-4 vote yesterday refused to interfere further with Gary Mark Gilmore's desire to die before a Utah firing squad.

The court said in a brief order, issued in late afternoon following the regular Monday morning session, that it lifted the stay of execution it imposed earlier after examining transcripts of various hearings on the case and the views of the state.

Unless lawyers find other ways to block the execution, Gilmore will be the first person to be put to death in this country since June, 1967.

One of the main arguments made by the NAACP Legal Defense Fund was that Gilmore had not intelligently waived his right to appeal and had not even been told about this right. The LDF represented the condemned man's mother, Mrs. Bessie Gilmore of Milwaukie, Ore., who intervened in her son's behalf.

But the Supreme Court said after carefully looking at the material it is convinced that Gilmore "made a knowing and intelligent waiver of any and all federal rights he might have asserted after the Utah trial court's sentence was imposed."

Specifically, the order said, the court feels that "the state's determinations of his competence knowingly and intelligently to waive any and all such rights were firmly grounded."

Other proceedings are under way in state courts dealing specifically with the state law that executions must take place within 60 days of sentencing. Because of the stays by the Supreme Court and others, this period now has elapsed in the Gilmore case.

The Supreme Court order was accompanied by a flurry of opinions, both concurring and dissenting.

Chief Justice Warren E. Burger, joined by Justice Lewis F. Powell Jr. in the majority opinion, said Gilmore's mother had no standing to appear on his behalf, since Gilmore himself filed a response in the case.

"The application of Bessie Gilmore manifestly fails to meet the statutory requirements to invoke this court's power to review the action of the Supreme Court of Utah," Burger said.

At the same time Burger stated the view that the state was "firmly grounded" in its determination of Gilmore's competence to waive his rights.

Speaking in dissent for himself and Justices William J. Brennan Jr. and Thurgood Marshall, Justice Byron R. White said the execution should be stayed until state courts "have resolved the obvious, serious doubts" about the validity of Utah's capital punishment law.

"I believe the consent of a convicted defendant in a criminal case does not privilege a state to impose a punishment

otherwise forbidden by the 8th Amendment," White said.

Marshall agreed in a separate opinion, but also said the record does not show Gilmore properly waived his appeal rights.

Justice Harry A. Blackmun also dissented. He said the application for further stay should have a speedy hearing.

Justices John Paul Stevens and William H. Rehnquist filed a brief joint statement saying "a third party has no standing" to litigate a claim that a law violates the Constitution's ban on cruel and unusual punishment.

Only Justice Potter Stewart, author of the court's opinions of last July upholding the principle of capital punishment, offered no separate opinion in the Gilmore case, merely going along with the majority.

The case posed some difficulty for the justices, judging from the dissents and the pattern of voting. White and Blackmun both had voted last July to uphold the death penalty. The court majority, including Stewart, Stevens and Powell, voted against mandatory death laws while upholding those which afford some jury discretion.

In addition, White is known as a justice who generally votes against the defendant when the high court is faced with issues of constitutional law, and is the lone justice left on the high court who voted against Miranda rules in that famous case a decade ago. The rules set guidelines police must follow in questioning and detaining a criminal suspect.

Removal of the stay opens the way for Utah District Court Judge J. Robert Bullock to set a new execution date. He initially scheduled the execution for Dec. 6, but the Supreme Court stayed that order on Dec. 3.

Bullock first must deal with other legal moves in the case.

The Supreme Court yesterday also rejected efforts by James Earl Ray to withdraw his guilty plea for the 1968 assassination of Martin Luther King Jr. in Memphis.

After holding Ray's appeal for an unusually long time on its docket, the justices turned it down without comment.

Ray, who is serving a 99-year sentence for the King murder, has been claiming that two lawyers influenced him to plead guilty because they had a financial interest in a book planned by author William Bradford Huie.

Ray now claims he is innocent of the crime.

Police nab 11 in drug seizure

MOUNT POCONO, Pa. (AP) — State and federal law enforcement officers confiscated eight tons of marijuana with a street value of \$9 million to \$16.6 million and arrested 11 persons at an airport here yesterday.

U.S. Customs agents and state police said they made the arrest while the marijuana was being unloaded from a four-engine DC 6 at the Pocono Airport.

The officers camped out at the airport overnight in anticipation of the arrival of the contraband from South America.

Authorities said it was the largest amount of marijuana seized in Pennsylvania in at least three years.

"It may be the biggest bust ever in Pennsylvania," said a customs agent in Philadelphia. "But even if it isn't, it's a damn significant one."

The Columbian marijuana was being taken from the airplane in canvas and burlap sacks of about 25 pounds each and loaded into large rental trucks when the 15 members of the stake-out team moved in.

Those arrested included the four-man crew of the plane, five men at the airfield and two more in nearby cars who were supposedly monitoring police actions. Although two of the suspects had handguns, police said none tried to resist arrest, although several tried to run away.

Customs agent Clark Maurer said 25 pounds of marijuana would fill a two-suitcase piece of luggage. The load seized by the raid would fill 640 suitcases. Besides the marijuana, police seized three rental trucks, a van and two cars, all equipped with two-way radios and police radio monitors. Three more planes are subject to seizure, according to Assistant U.S. Atty. Sal Cognetti.

The raid was the result of a six-week investigation that "we got into by a fluke," Maurer said. "We thought it was booze" that was to be flown in, he said.

When customs officials learned recently that marijuana was involved, The Drug Enforcement Administration of the U.S. Justice Department joined in the investigation.

The marijuana was reportedly for distribution in New Jersey, Philadelphia and Wilkes-Barre.



Photo by Ken Kesper

A voice from the sea, Jean-Michel Cousteau last night told students about his experiences in the underwater world.

Denizens of the deep face savage life

By EVE MARKOWITZ
Collegian Staff Writer

Thanks to Jean-Michel Cousteau, more than 1,700 people who attended his lecture last night now know how to react if they should bump noses with a shark some day.

"I've been diving 31 years and have had many opportunities to see sharks. I can tell you, when I see potentially dangerous ones I'm not proud. I'm scared. But I don't let them know," he told the crowd in the University Auditorium.

If a shark is heading for you, Cousteau suggested, you either start to pray, or, if you choose to be more practical, arm yourself with a three-foot-long rod pronged with blunt nails.

This sort of contraception, Cousteau said, would peacefully convince the shark that there is an obstacle between you and himself.

"It's like when a dog is mad at you," he said. "Don't swim away because you're going to get it. That's your only choice. If you want to keep your behind — you face him — there's no way out."

Because of recent films, Cousteau said, the threat of sharks has been greatly exaggerated. Probably no more than 10 of the 200 known species of sharks are potentially dangerous to man.

"In 1975 one person in the United States died from a shark attack. Two hundred fifty died from bee stings," he said.

"Sharks, like other animals, do not have a sense of revenge, as shown in the movies," Cousteau said.

Cousteau wasn't impressed with the white shark featured in the film "Jaws."

"There's a much larger one no one talks about, the largest fish on earth — he has no teeth, he eats plants, so no one cares. He's a nice fish you can ride. It's a very nice feeling."

"All the work done by scientists for the last 30 years," Cousteau said, "has been destroyed overnight by films made and shown all over the world. The public is responsible for this. 'We've had our sex period. Now we're going to have our violence period.'"

Cousteau narrated several films showing procreation, recreation and mealtime in the deep.

"There's a manta ray doing loops in front of your eyes," Cousteau said. "And a seahorse sitting on his father's head."

In living color, we saw a tiny squid squirt from his jelly-like egg to bounce through the currents of the sea.

"He'll be eaten up, probably, in a few hours," Cousteau said.

The appetites of the creatures of the deep were astounding.

The film showed fish of every variety consuming their neighbors like vacuum cleaners. A seahorse eating his offspring, a snail shooting darts of venom into his victims, and seaweed-like pike fish were only a few of the hungrier actors in the drama.

Cousteau said such seeming violence is natural in the ocean and it happens constantly.

Mayors ask for funds

ATLANTA (AP) — A powerful contingent of big-city mayors gathered yesterday in Georgia for an urban summit with Jimmy Carter. They are seeking at least \$3.5 billion in emergency public works money and wider latitude in how the funds can be spent locally.

The city officials meet today with Carter in Atlanta. In addition to the public works program, they will lobby for increased housing subsidies and development of a national urban policy.

They will tell Carter that the government should allow use of the new public works money for "deferred maintenance," according to John Gunther of the U.S. Conference of Mayors. Most public works money now is spent on

major building projects, but Carter policy chief Stuart Eizenstat has suggested that such spending takes too long to stimulate the economy.

If the money was spent on routine municipal maintenance, says Gunther, it would provide an immediate spending stimulus and would mean much-needed help to cities that have been forced to delay maintenance of public facilities because of budget problems.

Meanwhile, Carter auditioned two candidates for secretary of Housing and Urban Development yesterday. Four other HUD possibilities are among the mayors, he will meet today.

Cost, installation to be studied

USG to prepare cable TV plan

By KATHY O'TOOLE
Collegian Staff Writer

The University yesterday came a few steps closer to admitting Rin Tin Tin, Herman Munster and Maxwell Smart into your dorm room.

A report on the feasibility of cable television in the dormitories will be presented on Jan. 15 to an administrative-student committee studying the service, Undergraduate Student Government President W.T. Williams said at last night's USG Senate meeting.

Williams said Joe Aman, president of Centre Video, will look into the cost and problems involved in installation of cable television and make recommendations accordingly.

Weather

Despite this morning's frigid temperatures, a brief respite from the arctic cold is in store. Mostly sunny today, becoming breezy and milder during the afternoon. High 35. Variable cloudiness tonight and tomorrow. The low tonight will be 30 and high tomorrow 42.

Williams said he was "very optimistic" about the cable television proposal following a meeting yesterday with Aman and several administrative officials including Ralph E. Zilly, director of the Physical Plant, Raymond O. Murphy, vice president for student affairs, and M. Lee Upercraft, director of Residential Life.

Williams said the possibility of adding a public information station was discussed. It also was noted, he said, that cable television would complement the residence hall area radio stations by expanding their frequencies.

Williams said the biggest problem with the cable television would be its cost. He said power consumption on campus would increase by 2 million watts per hour. The power plants may not be able to handle the additional currents, he said, and new ground cables may be necessary.

Williams said the University would be responsible for paying the cable television bill, and this would probably be reflected in increased room and board costs.

Williams said if the proposal is accepted, cable television probably will be

installed in one dormitory or a group of dormitories on a trial basis.

In other business, USG Business Manager Jim Minarik said USG will again sponsor chartered, express bus trips to Pittsburgh and Philadelphia for the Christmas break.

Buses to Pittsburgh will leave the HUB at 6:15 p.m. on Dec. 21 and 22. Return trip buses will leave the downtown Continental Trailways Terminal at 12:15 p.m. on Jan. 2.

Buses to Philadelphia will leave the HUB at 5:45 p.m., and return trip buses will leave the Continental Trailways Terminal in Philadelphia at 12:15 p.m. Jan. 2.

Minarik said about 520 students rode the USG buses last term at a savings of more than \$1,100 over the cost of bus terminal tickets.

Tickets go on sale today at the HUB desk and will be sold on a first-come, first-serve basis, Minarik said.

In the only formal action taken last night, the USG Senate voted unanimously to commend USG Senator Jim Hoffman for his efforts in organizing the Student Leaders conference last Saturday.



Photo by Amy Maxwell

Look what they've done to my song

Bill Kelley, a disc jockey and program director, works at South Halls radio station (WSHR), which, along with other

campus stations, is going commercial after Christmas break. See story, page 10.