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Death penalty debate continues as 54 await the chair

By TERRY MUTCHLER
Collegian Staff Writer

The 70-year-old oak chair squarely faces the plate glass window of a witness room at the State Correctional Institution at Rockview. The sandy-brown leather straps bolted to its arms and legs are scratched and worn, and a depression of the chair's legs can be seen in the greyish rubber mat on which the ominous piece of wood rests.

Since Feb. 23, 1915 — when John Talap was executed for killing his wife — 347 men and 2 women have sat in this chair of death. On April 2, 1962, Elmo Smith was led into the death chamber for the rape and slaying of 16-year-old Mary Ann Mitchell in Montgomery County. At 9:04 p.m. he was pronounced dead and the chair has not been used since.

Under the order of former state Attorney General Fred Speaker, the chair was dismantled and removed from its chamber in 1971 when the space was converted to counseling rooms. Capital punishment was reinstated by Pennsylvania's General Assembly in 1972, but the chair was not reinstalled until Aug. 1, 1985 — the day Gov. Dick Thornburgh signed three death warrants.

Currently, 54 individuals within the state correctional system have received a death sentence from a jury and three of those have been issued a governor's warrant setting an execution date.

John Charles Lesko and Michael J. Travaglia were scheduled to die today. Keith Zettlemoyer was scheduled to be electrocuted Dec. 3. But the deaths of the three men have been postponed.

Lesko, 26, and Travaglia, 27, were convicted of first degree murder in the 1980 fatal shooting of rookie patrolman Leonard Miller in Westmoreland County. Zettlemoyer, 30, was convicted of killing a witness who was to testify against him in a robbery case.

But in order for the men to petition the court to reargue each of their cases, the state Supreme Court stayed the executions of the three convicted killers.

Lesko, Travaglia and Zettlemoyer are in solitary confinement, under direct supervision by corrections officers. Lesko is incarcerated at the State Correctional Institution at Greentree. Both Travaglia and Zettlemoyer are confined in the Correctional Institution at Huntingdon. Visits for all of them are restricted by law to immediate family members, legal counsel and clergy.

Chief Deputy District Attorney William Behr, who is representing the Commonwealth for all appeals in the Zettlemoyer case, said that because of the finality of the penalty each case deserves at least an initial review by every channel of relief available.

"I don't think the court grants stays due to squishiness or anything of that nature," he said. "I think they are affording the petitioner every available opportunity to litigate the novel issues or new issues that were not presented before, basically due to the very nature of the penalty."

Behr explained that the judicial process leading up to a death sentence can sometimes be complicated. He said that the death penalty is only issued in cases of first degree murder. The homicidal act, he said, must be an intentional killing and it must be a specific type of intentional killing.

Proving that, however, is not an easy task within the judicial circuits of our society.

For example, according to title 42 of Pardon's Pennsylvania Consolidated Statutes Annotated, the complexity arises in the decision-making process of the jury.

First, the jury must decide the extent of the murder: first, second or third degree. According to title 42, "after a verdict of first degree murder is recorded and before the jury is discharged, the court conducts a separate sentencing hearing" to decide if the penalty for the crime shall be death.

The statute states that the death penalty shall be handed down if the jury unanimously finds at least one aggravating circumstance and no mitigating circumstances, or that the aggravating circumstances are greater than the mitigating ones.

Aggravating circumstances can be defined many different ways. Usually they involve a killing in which the victim is a hostage, a police officer, a firefighter, a public servant as defined by law, tortured or as defined by law, or a witness scheduled to testify. A previous federal or state offense in which a life sentence possibly could have been imposed is also considered an aggravating circumstance under the penal code.

If the defendant has no previous record, is emotionally disturbed or under duress, the jurors can view these instances as mitigating circumstances. The jury can also take into consideration the defendant's age at the time of the crime; whether or not the victim participated or consented to the crime; the defendant's character; and the extent of the defendant's participation in the crime.

But no matter what the penal code states as prerequisites and justification for its use, the electric chair and virtually all forms of capital punishment have been staunchly argued.

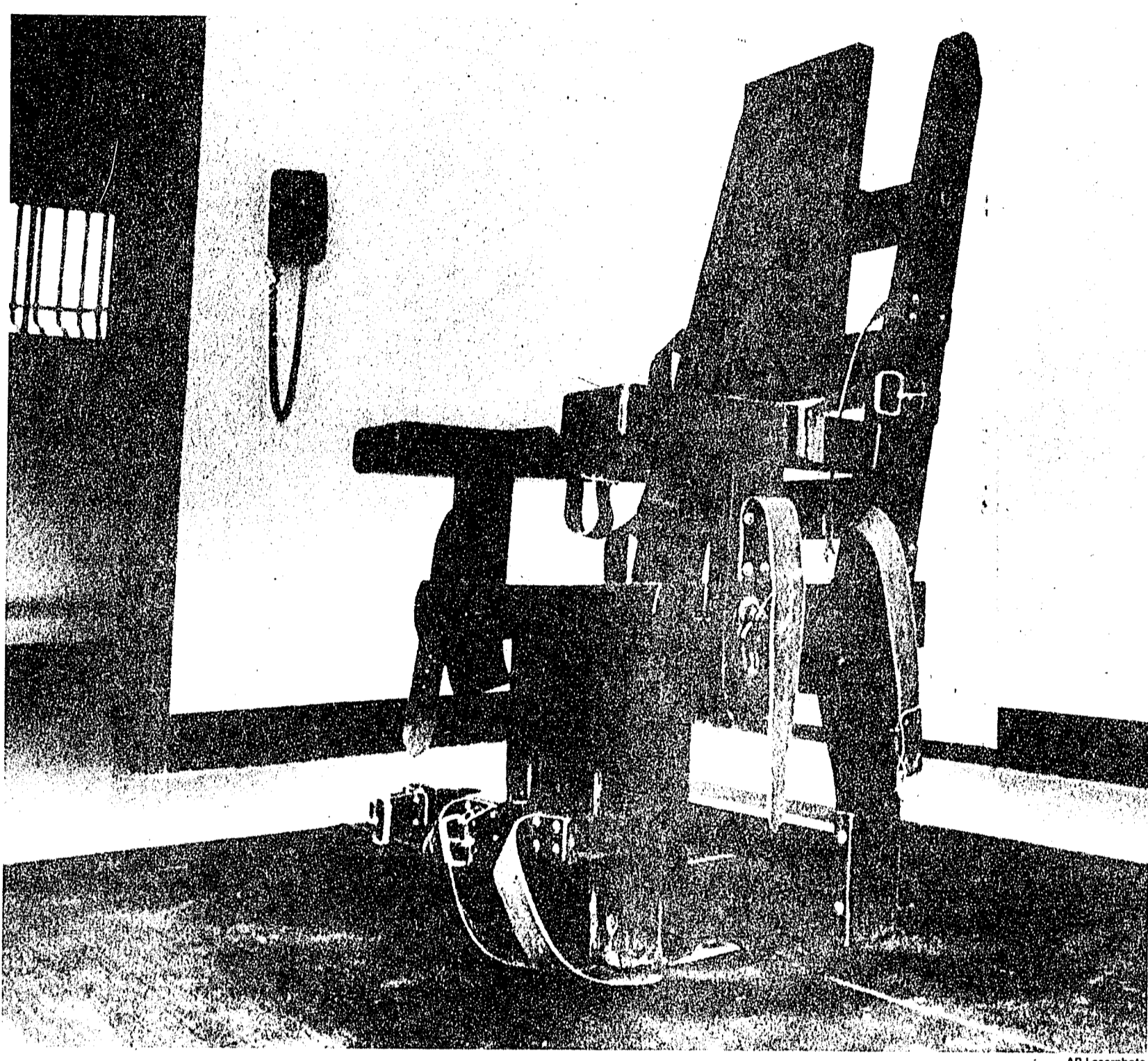
Rev. John Stamm, senior pastor at St. Paul's United Methodist Church, 109 McAllister St., said he really has grave misgivings about the reinstatement of the death penalty.

"I'm absolutely convinced that killing under any circumstances is contrary to the Christian faith," he said. "It tends to make us insensitive."

But, Stamm, who received his bachelor of ministry and master of sacred theology degrees from Drew University, said he realizes that many crimes necessitate a harsh punishment but in his opinion, not death.

"I don't have any sympathy for those who kill in cold blood and I don't think they should get back into society relatively quickly," he said.

Stephen D. Engelhardt, a member of the United Ministry at Penn State, said, "At heart, I am opposed to death penalty. I'm not at all convinced that it deters crime."



The death chamber at Rockview houses the only electric chair in the state. Twenty-three hundred volts of electricity will pass through the individual seated in the chair. In the rear of the chamber the stay of execution phone can be seen. It has only rung once — a wrong number.

Engelhardt said that he believes the death penalty is just a way for our society to "even up the score and satisfy our need for revenge."

The 35-year-old minister said that capital punishment is surely not the answer. He said he believes that if a crime is punishable by death, then the defendant should be incarcerated for life, not killed.

"Further," he said, "the defendant shouldn't be put back into society unless they show beyond a shadow of a doubt, over a long period of time, they've turned their life around."

Engelhardt admitted that his superficial reaction to persons convicted of heinous crimes can sometimes be one of anger. However, he added, that when he rationally contemplates the issue, he understands what the better judgment is.

"Ultimately, yeah, there is a part of me that says, kill the S.O.B. — I'm human too," he said. "But when I sit back and think about it, I know better (and) it's not right."

But Behr said he disagrees.

"The death penalty is most definitely a place in our criminal justice system," he said.

"Some people feel that some crimes are so heinous that life in prison is not adequate punishment. It is not barbaric to consider the death penalty purely and simply as punishment."

Still others argue that the physical aspects of the execution process are inhumane.

Prisons Spokesman Ken Robinson, of Harrisburg, explained the process that a convicted individual undergoes prior to electrocution.

When a convicted individual arrives at the site of execution, he said, his identity is verified and he is searched. His head and left leg between the ankle and the knee is shaved and the outside seam of the left trouser leg is ripped open about two inches in order to facilitate the attachment of the chair's leg electrode.

The inmate is led, unshackled, into the death chamber by a team of three corrections officers. Two other correction officers, both volunteers, then strap the condemned individual into the chair. The executioner, whose identity remains anonymous, places the head gear on the individual, attaches the leg strap and then attaches the electrodes to both.

When he is given permission to proceed, the executioner will first turn on a voltage switch and then an amperage switch to ready the control panel. He increases and decreases the amount of voltage five times before shutting the current off. The convicted individual's vital signs are then checked by a physician. If he is pronounced dead, the electrodes are removed.

The electrical system delivers 2,300 volts. Robinson put this amount of electricity in perspective.

"I read where (the volts) would move a locomotive train," said Robinson.

In spite of the argument that execution is inhumane, Behr said that the U.S. Supreme Court has acknowledged that the death penalty does have a deterrent effect on crime.

"Many offenses for which the death penalty is imposed are not the type of crimes that, in my opinion, a deterrent effect would work on," Behr said. He substantiated his argument by citing the example of a contract killer.

Behr said he didn't believe that a person who was hired to kill another would be deterred simply by thinking he may get a life sentence for his actions.

Another argument on which many opponents of the death penalty stand is premised from a written work more than 3,000 years old — the Ten Commandments. Located in the Old Testament of the Bible, the sixth order from God states that "Thou shalt not kill" (Deut. 5:17).

Although advocates of the death penalty dispute this argument's validity, Stamm said, "the basic comparison is a sufficient stone to stand on." He added that even the teachings of Christ in the New Testament did not advocate death, but rather "put a supreme emphasis on life."

One retired priest who had been with condemned prisoners at Rockview during their executions would not elaborate on his experiences.

"I've been there a few times," the Rev. Richard Walsh said. "I don't want to go over that again — I won't discuss it."

As the controversy of the penalty continues, the fact remains that capital punishment has been reinstated within the Commonwealth. However, there is a group of individuals on campus who are trying to alter the legislation.

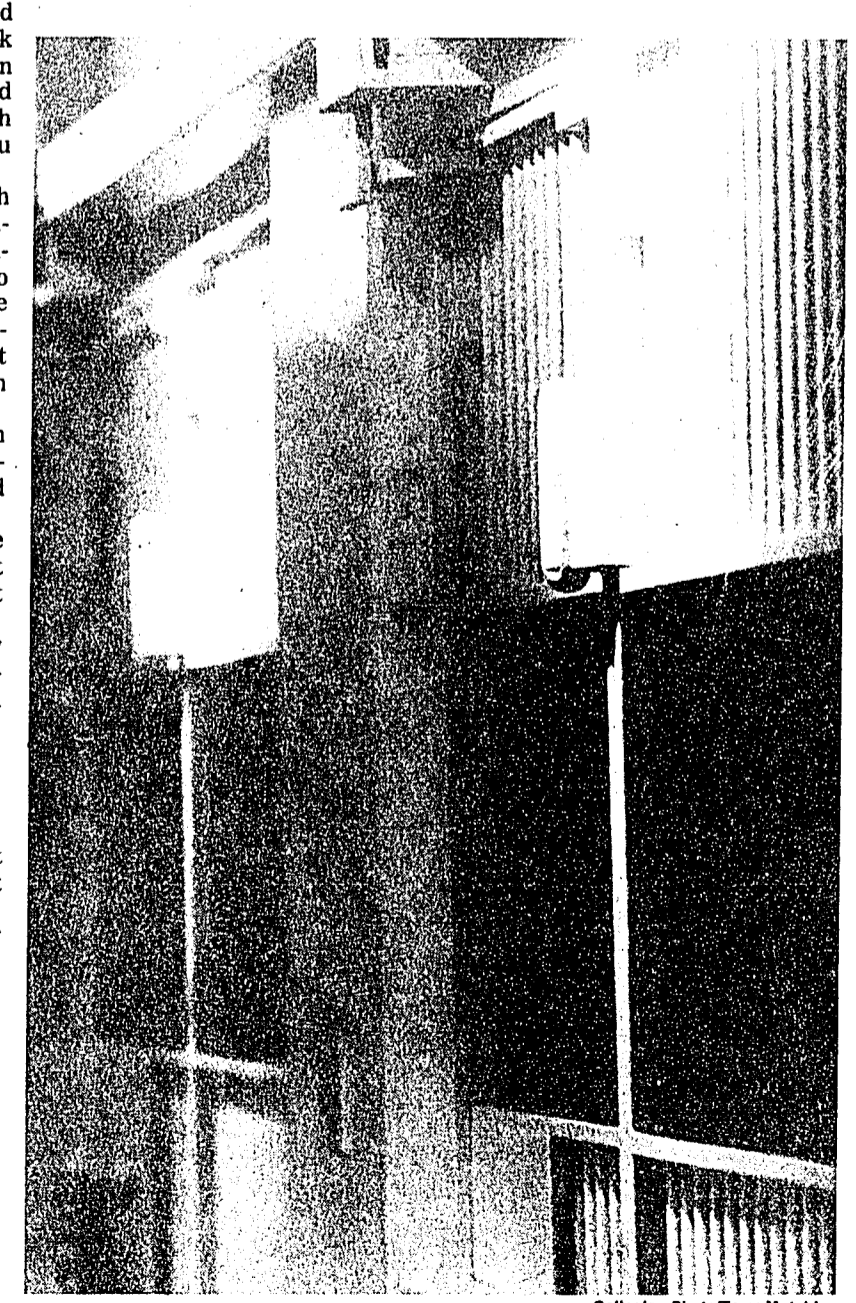
The Rev. Earl Henry, rector of the Penn State Catholic Center, said that a petition was circulated and last Thursday it was sent to Thornburgh.

"(The organization) Pax Christi, or peace of Christ, originally started the petition," he said.

"Most of the noise they make is usually about abortion, but capital punishment fits under the same umbrella," Henry said.

The petition, signed by about 1,000 people, stated that those who signed it were opposed to the death penalty and requested that the governor stop the executions "before people die at the hands of the state."

Petitioning was also done in the 1960s when Smith was executed. Delving back into history, though, Penn State played a very different role in



Three cells used to confine individuals scheduled to die can be seen above. The six cells located behind the execution room are commonly called "Death Row."

business

Farm Credit System aid bill unveiled

By JIM DRINKARD
Associated Press Writer

WASHINGTON — Farm-state lawmakers yesterday unveiled legislation aimed at rescuing the troubled Farm Credit System, including a \$3 billion backup line of credit.

The measure, to be formally introduced today by House Agriculture Committee Chairman Kika de la Garza, D-Texas, and three other senior committee members, calls for stronger regulation of the loosely knit \$70 billion lending system and a streamlining of PCS's cumbersome organization.

Whether financial aid should be included in any package for the system, whose size would make it the nation's third-largest bank if it were a normal commercial institution, has been the subject of hot debate. The Reagan administration has resisted any effort at financial aid, arguing that the system has untapped resources it can use.

The system, the nation's largest farm lender, is suffering along with the rest of the agriculture sector from the most serious rural depression in decades. Farmland values — the collateral for the bulk of the system's loans — have plummeted up to 50 percent over the past five years in the hardest hit areas of the Midwest.

System officials report that the 37

Dow sets another record

NEW YORK (AP) — Yesterday went into the books as a mixed day on Wall Street as the stock market churned through an erratic session.

But a strong showing by many blue-chip issues near the close enabled the Dow Jones industrial average to post a record closing high, its ninth in the last 14 trading days.

Dow Jones' average of 30 big-name stocks gained 4.83 to 1,440.02, surpassing the previous closing peak of 1,439.22 reached on Thursday. Other, broader market indicators remained a bit short of last week's highs.

Volume on the New York Stock Exchange tailed off to 108.36 million shares from 130.24 million Friday.

Standard & Poor's index of 400 industrials gained .88 to 220.94, and S&P's 500-stock composite index was up .60 at 188.71.

In the economic news, the Federal Reserve reported that the economy operated at 80.2 percent of industrial capacity in October, down from 80.4 percent the month before.

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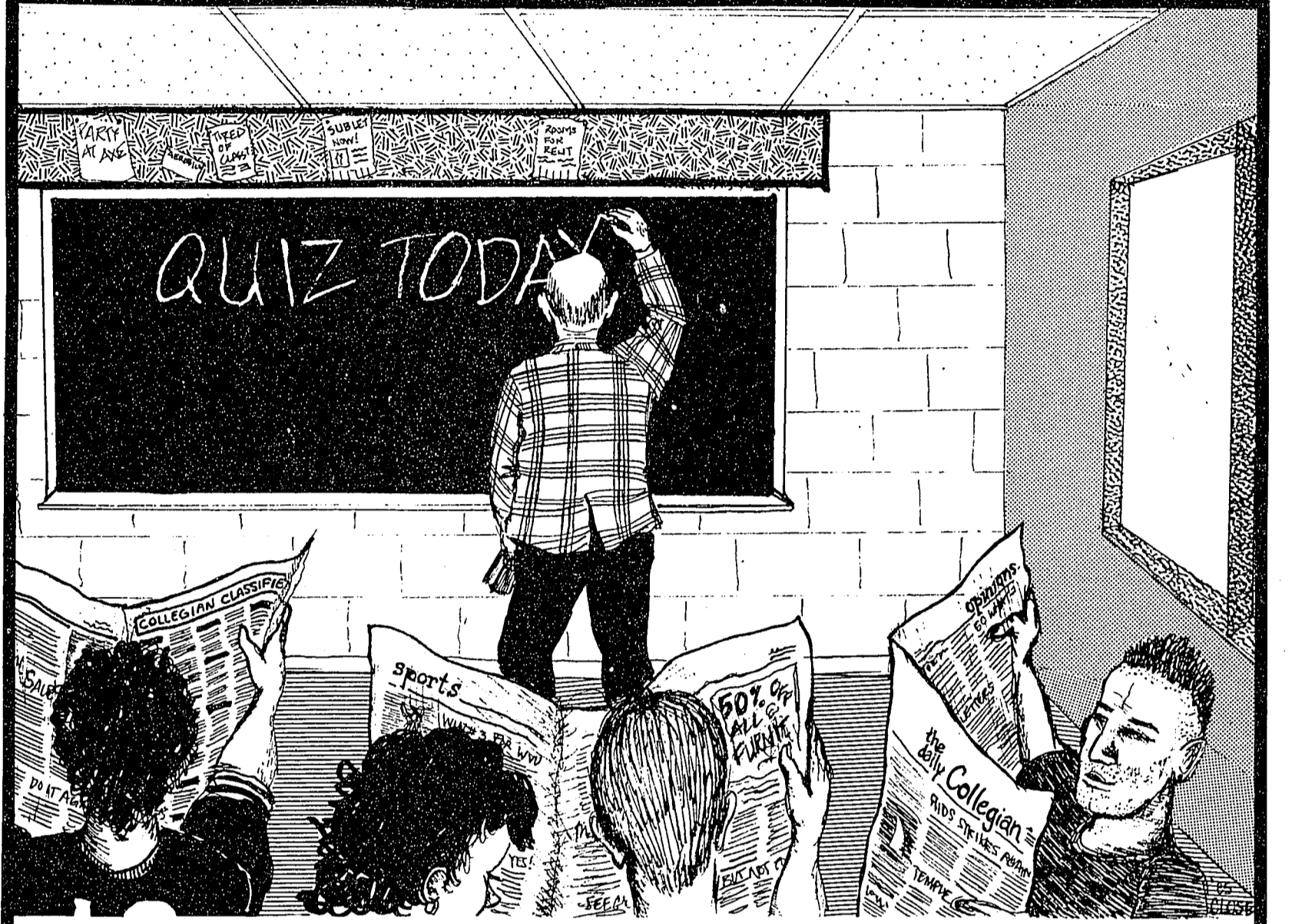
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612 PCs sold thru PSU

AN IBM offer to sell portable personal computers to full-time University students and faculty staff members resulted in a greater demand than expected, a senior buyer in the University's purchasing department said.

Chuck Naspinsky said the computer offered usually retails for \$2,430, but IBM was able to extend a one-time offer, ending Nov. 8, of \$1,000 for the unit.

"IBM has sold 612 portable personal computers to full-time faculty, staff, and students through the University discount offer of \$1,000 (plus



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For more information, call Lt Hough at 814-237-8578.



Pictured above is a cell used to house the condemned individual before he or she is taken to the execution chamber. The prisoner is only allowed visits from immediate family and clergy while on death row.