Death Penalty Comes Back In The Golden West

SAN FRANCISCO, Calif. the death penalty has had it. ere is no question that the me of the public execution is r," says Anthony Amsterdam, nford law professor and the m who argued against the th penalty before the U.S. me Court. His statement the more surprising in view the recent success of Caliia's proposition amendment the state constitution which izes the death penalty for tain crimes.

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1972 may well be remembered the year of conflict over cappunishment. On Feb. 18 this

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year, the California Supreme at the discretion of the legisla-Court declared death a form of tors. cruel and unusual punishment. The decision brought Angela Davis out on bail, saved Caliand brought about a violent controversy within the state. Governor Reagan and State Attorney General Evelle Younger immediately tried to appeal the decision and organized an initiative ballot to amend California's constitu-

On June 29 the boom fell, as the U.S. Supreme Court ruled (5-4) that the death penalty, as presently administered, was in violation of the Eighth Amendment to the Constitution. On that same day, Proposition 17, providing capital punishment for eight crimes, qualified for the California ballot. Last week, three and one-half months later, Proposition 17 swept the state with a two-to-one majority and wrote legalized murder expressly into the California constitution.

To the supporters of the proposition in California, this means that the public has spoken, pronouncing a clear mandate for death penalties in certain cases, leaving the door open for others,

But to Anthony Amsterdam, and to the opponents of Proposition 17, the decision of the voters fornia's 106 men on Death Row, on Nov. 7 doesn't mean much at

> Critics of the death penalty aren't dismayed by Proposition 17's success because they see the death penalty being phased out of our society in a broad fashion. "No one really wants the death sentence any more," said Anthony Amsterdam in a recent interview. "The governor commutes them, judges don't recommend them, juries don't ask for them, and neither do the prosecutors. The public can always be whipped up by men such as Younger, but when it comes down to it, no one wants to do the killing."

Amsterdam supports his statement by pointing out that in the last five years the death sentences of 1200 men and women have been delayed or commuted, mostly by the work of five lawyers and their offices. "With the resources that the supporters of Proposition 17 had at their control, including unofficial memos to all law officers in the state asking them to 'volunteer' to cir-

culate petitions and campaign for the proposition, with these resources, and the confused wording of the amendment, it is almost laughable that they only managed to get a two-to-one majority."

In fact, some of the terms of Proposition 17 seem in open contradiction with the Supreme Court decision. Of the eight crimes proposed for the death penalty, four cannot be reinstated because of the Supreme Court's

ruling that capital punishment must be mandatory and not left to the discretion of judge or jury. Also included among the eight are trainwrecking, which went out with Jesse James, and perjury resulting in death of an innocent person-which has never been prosecuted. The legislature, which was supposed to have the right to broaden these categories, has now discovered that it has to narrow crimes to keep them within the guidelines set by the court. The only real crime that comes under the proposition is assault by a life inmate resulting in death, and Younger, the state's attorney general, doesn't think that prosecution for such a crime

could be cleared for five years. The proponents of Proposition 17 have waged an expensive, sensational campaign which may have gotten them nowhere. The statute leaves the legislators encrusted with confusion, and in any case the ACLU is planning statutes on the books."

to appeal it to the Supreme Court, where they may have a good chance of winning.

Amsterdam has summarized the aftermath of Proposition 17 for California: "The results of 17 are misleading of public sentiment; in 1960 (when Caryl Chessman was executed) it would have gone the other way. (Besides) I don't believe there is cause for alarm. All Proposition 17 did was to put three obsolete capital

Norfolk Seaman Convicted Of Arson On Aircraft Carrier

NORFOLK, Va. (AP) - Seaman and his mother, wearing dark Apprentice Jeffrey Allison was glasses, began to cry. convicted Thursday of setting the \$7.5-million fire that damaged the aircraft carrier Forrestal July 10.

The slender, freckled Allison was sentenced to five years at hard labor and will be given a bad conduct discharge.

Although he paled at the verdict, the 19-year-old Oakland, Calif., sailor did not change expression. During arguments on sentencing, his father, a California highway patrolman for nearly 24 years, stared out a window

The military judge, Capt. William E. Neely, found Allison guilty of arson, sabotage, destruction of military property and hazarding a vessel, and guilty also of six specifications involving possession and distribution of the drugs LSD and mescaline.

Neely, at 60 one of the Navy's most experienced legal officers, found the young sailor innocent

Campus Briefs

John L. Sempe of Houston has been awarded Alpha Phi Omega's highest honor, the Distinguished Service Key.

TAMU's Xi Delta chapter of the national service fraternity made the presentation at its fall awards banquet Wednesday. * * *

Robert Charles Raiford of San Antonio, an electrical engineering student scheduled to graduate Saturday, has been cited by the institution's engineering faculty for outstanding achievement. * * *

The U. S. Navy's Office of Naval Research (ONR), in cooperation with A&M's Texas Maritime Academy, will present a threeday "Marine Resources" seminar here Jan. 5-7.

Speakers include Navy Reserve and civilian authorities in marine resources. The seminar is coordinated by Naval Research Reserve Co. 8-3 in College Station, commanded by Lt. Cmdr. Robert Merrifield, head of TAMU's Forest Science Department.

A dinner-reception opens the sessions at 6:30 p.m. Friday, Jan. 5, in the Square-Rigger Room of the Flagship Hotel. Seminar programs, housing and meals will be on board the TMA training ship Texas Clipper, docked at the Mitchell Campus. The cost is \$15. of only one charge - attempting to sell LSD to another sailor.

The Forrestal fire took place while the carrier was docked at the Navy shipyard. It delayed her deployemnt to the Mediterranean for two months.

The sentence automatically will be appealed to higher levels of Navy command and eventually could be channeled into civilian federal courts.

Prosecutor Lt. Kenneth M. Greene had asked Neely to sentence Allison to "in the neighborhood of 20 years" as well as a dishonorable discharge. He could have asked for a life sentence.

But, Greene said, the government "does not require anything near life — only a portion."

Allison's civilian defense attorney, Stanley Sacks, argued: "If drugs were the cause of it, there was no motive, no planning, no premeditation."

Pointing at Allison, who was staring down at the table in front of him, Sacks told the military

"Jeffrey Allison was a victim of the drug problem . . . He got exposed to what too many young people get exposed to . . . We are all human, and we all make mistakes."

Meeting with newsmen after the verdict, Allison's father, Dustin "Dusty" Allison, said he still was convinced his only son was

Nixon Picks Brinegar To Replace Volpe As Transportation Secretary

ident Nixon added a new face to his virtually complete second term Cabinet Thursday, nominating California oil company executive Claude S. Brinegar to replace John A. Volpe as Transportation secretary.

Volpe was nominated to be ambassador to Italy, the first Italian-American selected for the Rome post.

The announcements by press secretary Ronald L. Ziegler at the mountain-top retreat where Nixon has spent most of the month since his re-election left only one Cabinet nomination attorney general - yet to be disclosed.

Officials say there is little question but that Richard Kleindienst will be retained in that slot.

Brinegar, a 45-year-old Republican, economist and racing car buff, is the third new face to be picked for the Cabinet.

New York labor leader Peter Brennan was brought into replace James Hodgson as Labor secretary, and South Carolina textile manufacturer Frederick

CAMP DAVID, Md. (A)—Pres- B. Dent to replace Peter G. Peterson as Commerce secretary.

> Otherwise, Cabinet members were kept in their positions, shifted from one department to another or promoted from with-Ziegler said Brinegar will di-

> vest himself of his holdings in Union Oil Co. where he is senior vice president as well as president of the Union 76 division.

Brinegar received his doctorate in economic research from Stanford University in 1953, joined Union Oil as an economistanalyst and worked his way up through company ranks.

He is a director of the American Petroleum Institute and lives with his wife and three children in Rolling Hills, Calif. He also lived for a while in Yorba Linda. Calif., Nixon's home town, and was a visiting instructor at Whittier College, the President's alma

But Ziegler said Nixon did not know Brinegar until he made a trip to Camp David to discuss the transportation department post.

Brinegar is a director of the and Ziegler

said "he likes cars." Both Volpe and Brinegar must

be confirmed by the Senate. Volpe would succeed career

diplomat Graham Martin, who has held the Rome post since September 1969.

Ziegler said Martin will be "receiving another important assignment in the administration in the second term."

The President put aside consideration of his second term reorganization plan temporarily Thursday to confer with six budget advisors.

Library Gets \$500 Grant

The A&M Library Wednesday received a \$500 unrestricted grant from the TAMU Chapter, Society of Sigma Xi.

Dr. James G. Teer, society president and Wildlife Science Department head, presented the award noting the 700-member group is the university's largest honorary society with objectives to further research and scholar-

Library Director John Smith pointed out this is the fourth annual gift from the society, bringing total contributions to \$2,000 since 1969. The funds are used to purchase proceedings of international conferences and society members can suggest purchases.

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Dissertation: ISOLATION, PURIFICATION AND CHARACTERIZATION OF
THE VIRUS CAUSING ST. AUGUSTINE DECLINE.
Time: December 20, 1972 at 1820 a.m.

Time: December 20, 1972 at 10:00 a. m.
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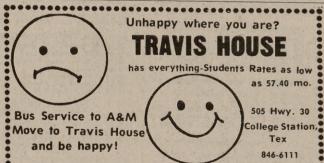
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