

Opinion/Commentary/Letters

# Gilmore death doesn't silence protest

**Editor:**  
Shortly after dawn on Monday, Jan. 17, convicted murderer Gary Gilmore was executed by a Utah firing squad. His death carried with it the significance of ending a ten-year moratorium of capital punishment in the United States. Reactions to Gilmore's execution were, as expected, divided and strong. Outside the Utah prison a vigil of protestors to the execution stood through the dawn and into the afternoon. A Lewis-Harris poll conducted before the execution showed a different sentiment. It found 71 per cent of the persons it questioned favored the death penalty and only 19 per cent opposed it.

If the people have spoken, their voices will be heard again and again, for there are dozens of men throughout the country whose fate seem to be closing in. Again the question is posed, "Is the death penalty necessary, useful or moral?" Perhaps society demands its vengeance and will exact punishment upon its offenders, whether it is therapeutic or not. Meager evi-

dence bears this out, for when a survey was taken ascertaining Americans' views on the penal system they responded that they favored punishment for some crimes, even if it was certain that the offender would never again commit them. So capital punishment does serve the people as a tool for their vengeance. Whether this service is beneficial to society is extremely dubious.

The most widely spread argument favoring capital punishment is that it is a deterrent. This is based on speculation rather than careful analysis. If it is truly a deterrent there is strong reason to continue its use, for victims' rights, and future victims' rights, should be our paramount concern. If criminals do preview their actions as ultimately ending in their executions, there might well be less killing, unless the criminal did not care about dying. But what if the attacker wanted to die, as in Gilmore's case? Then the death penalty would be an inducement (rather than a deterrent) to kill. Almost without exception,

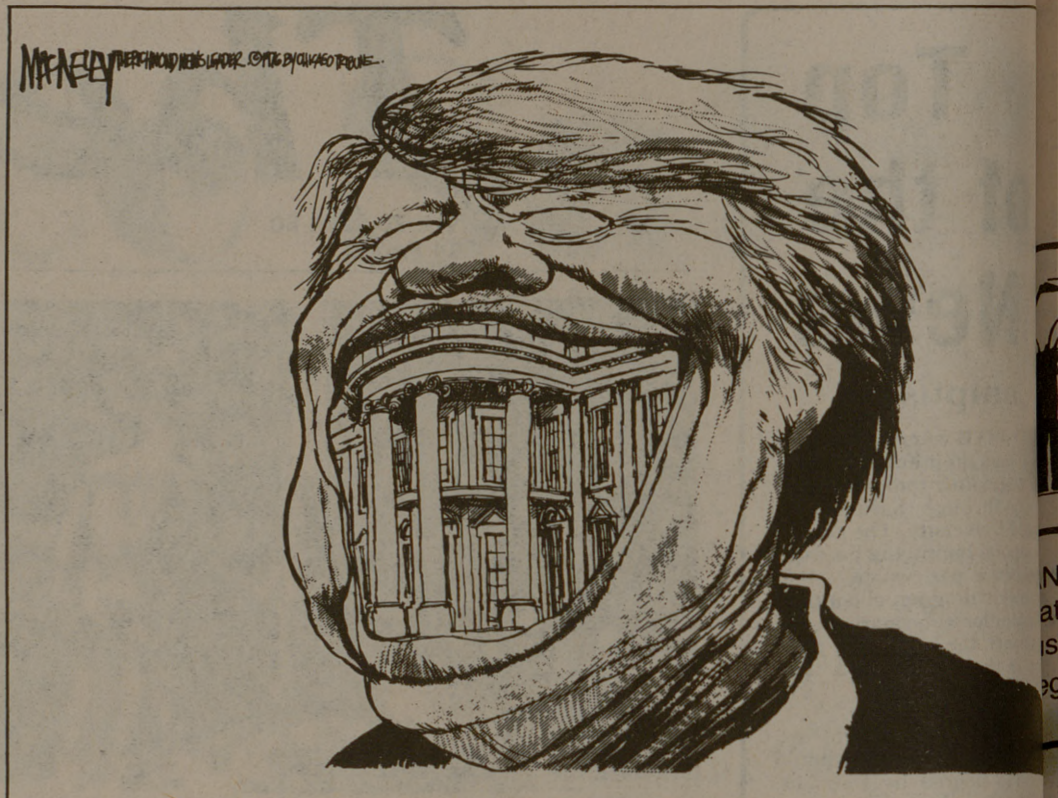
criminals do not expect to be caught and do not stop to consider the consequences of their actions. Most killings are spontaneous expressions of passion, devoid of consideration about society's reaction. Caryl Chessman, who was executed in San Quentin on May 20, 1960, wrote these words in an eloquent letter to the Governor of California: "The death penalty does not deter; it does not protect society. On the contrary it leaves it defenseless, since as long as we have executioners and gas chambers, we will be content to believe that we can bury the problem with the offender. We think that revenge is enough. It isn't. We must find why men kill and we must learn to prevent killing. We must become as intensely concerned with tomorrow's prospective victims as yesterday's actual ones."

An obvious obscenity of the state performing executions is that it places a low value on human life and

admits its own impotence. It is a "let's murder the murderers" philosophy. I think there must be a better way. To object to executions does not imply that murder is not horrible. In Gilmore's case, his actions were worse than detestable and if allowed to live, it would be obligatory that he never be freed. But his victims are dead, and nothing can resurrect them.

What we can do is to protest the current system of dealing with our "worst" citizens. Would it be impossible for us to say, "We will never forgive you but we will not lower ourselves to the level you did." For Texans, this is an especially timely question. We have several men currently on death row. If you feel, as I do, that these men's blood should not be on our hands then I urge you to write to the Governor, expressing your views. We live in a democracy and the will of the majority cannot be ignored.

—Bob Rios



## Texas Taxes

By Bob Bullock, State Comptroller

Taxpayer rights have received new emphasis in the comptroller's office. Some of these rights are reviewed in this column.

As a state taxpayer, you are entitled to protest and appeal any tax assessment you think is improper or unfair. That is your right under the law.

Contrary to what many think, you don't need a lawyer or accountant to appeal. And in most cases, you won't even have to leave your home.

If you feel that your assessment is improper, you are entitled to a redetermination hearing before an examiner from this office. After receiving your request, our office will set a time and a date for hearing and notify you by mail.

You may argue your case in person or designate an attorney, accountant or anyone else to represent you. If it would be more convenient, you may submit your arguments in writing.

After consideration of the evidence, the examiner will make a

recommendation to me to either uphold the assessment or revise it. I will make the final decision after reviewing the case and notify you in writing.

If you are not satisfied, you have 15 days to file a motion for a rehearing. If you fail to do so within that time, my decision is final.

I have 45 days from the time I make an initial ruling in which to rule on a motion for a rehearing. If I take no action within the time allowed, the motion for rehearing is deemed overruled.

If you still are not satisfied, you may appeal my ruling by filing a petition in a district court in Travis County. The petition must be filed within 30 days from the date of my denial of the rehearing motion.

As a precaution, you may want to pay the tax under protest prior to filing the petition in the district court. The courts have not finally resolved the issue of whether payment under protest is required before the case can be heard in the district court.

## New staff jockeys for power



David S. Broder

WASHINGTON — Two chance remarks, quite unrelated, triggered the memory. A soon-to-retire member of the Ford Cabinet, probably an embittered fellow, said that President-elect Carter was starting to look like a man who bent to the advice of whoever talked to him last. And Jack Watson, the Carter transition planning chief, said Carter would fill the White House with special assistants who knew better than to invoke the President's name to impress Cabinet members or other lesser bureaucratic creatures.

I knew the two remarks were somehow connected, and, staring at the bookcase, I spied the slim volume that linked them. It is called "Who Talked to the President Last?" and it was published five years ago by Will Sparks, a writer who endured the Lyndon Johnson White House and other chastening experiences.

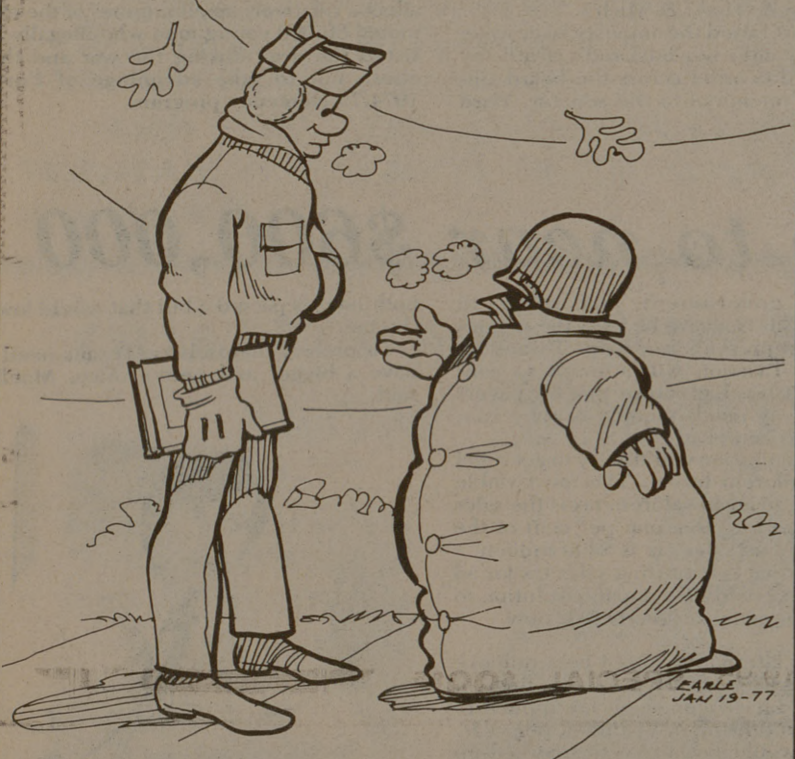
It is a survival guide for new government officials and would make an ideal present for your nephews Hamilton, Jody, Zbigniew, Griffin, Cecil, Cyrus, or Bert — those obscure relatives whose names seem to be in the paper all the time now. It will tell them more than all the Brookings books ever published about how government really works.

For Cabinet members, Sparks says, the first critical requirement is that "you must decide why the President gave you the job. In making the appointment, the President will say that after a nationwide talent search he has found exactly the right man for the job. The President is delighted and deeply grateful that you have consented to serve, at great personal sacrifice, in this most exacting office. Indeed, the President believes, in these trying times, yours may prove to be the most critical Cabinet post of his administration."

"Since the President makes this same speech every time he appoints a new Cabinet officer," Sparks notes, "nobody believes it, least of all the President."

So the Cabinet officer must devise a more plausible explanation of his appointment. Sparks lists three possibilities — "you are a close friend of the President; you have a

## Slouch by Jim Earle



"I'VE BEAT TH' COLD, BUT I CAN'T FIGURE OUT HOW TO GET TO CLASS!"

## Battalion

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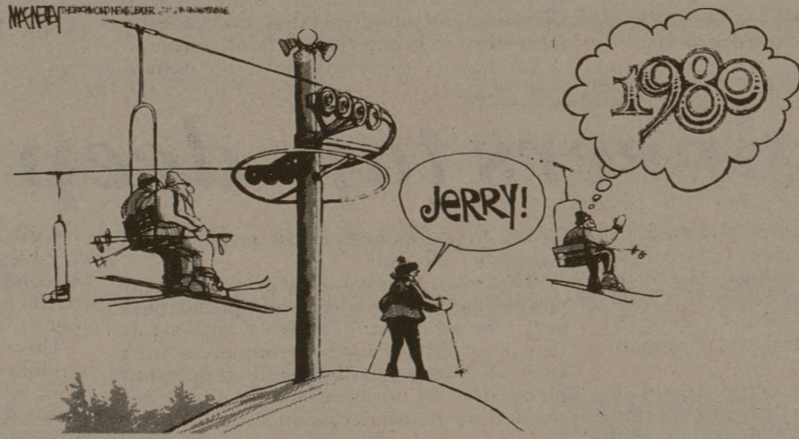
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## Consumer Alert

From the Texas Consumer Protection Division

Businesses can be consumers and they can have some special types of consumer problems that individual consumers never have to face.

As a matter of fact, sometimes unscrupulous "con artists" and other fraudulent operators concentrate their energies solely on trying to take advantage of business persons. They figure that with the usual flow of billings and payments a business handles routinely, some dollars diverted their way will never be missed.

Some Texas business communities recently have experienced a wave of specialized frauds aimed at "conning" them into paying for products or services never received or items which were received although they had never been ordered.

One ploy is to call a secretary, office manager, or clerk to offer "discounted" prices on office products, such as toner for copying machines. Lawyers in the Consumer Protection Division have learned that one approach is to say that a customer in the same city had cancelled an order for the product, but that it was already in shipment. "In order to save the expense of having it returned to the home office," the caller says he is authorized to sell it at a "reduced price."

Or the caller may indicate that the person will receive a special bonus, such as a television, if an order is placed. The caller usually wants to acquire a name and address to use for "authorization" before sending the product. Even if no order is placed, the product may be sent anyway, and the company billed.

The Better Business Bureau reports that some unscrupulous sales persons intentionally bypass per-

sons in authority and talk with a janitor or maintenance man. In these cases, the seller a small, inexpensive gift janitor for his time, in order to get him a line of office materials. In order to get the janitor has to sign a receipt the company is sent a list of office goods based on the "authorization" on the gift.

Businesses not only in Texas across the nation have been solicited by disguised as international business advertisements in newspapers, magazines, and similar publications.

The Texas Deceptive Practices-Consumer Protection offers protection from false, or misleading business practices for business consumers as individuals. Contact the General's Consumer Protection Division in Austin if you have been victimized in a similar to the above.

You can often prevent abuses from occurring simply by designating an individual to authorize all company contributions, advertising or other purchases before the BBB also suggests that you use all employees to refer for contributions or other purchases to this person.

In addition, the U.S. Postal Service now requires that all solicitations must be labeled as such, and the note that the recipient is obligated to pay unless the solicitation is designed to look like a bill which does not carry the name of the company. If your business receives solicitations designed to look like bills which do not carry the name of the company, you should report your local Postal Inspector's Fraud Inspector.

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