

Warped

by Scott McCullar

High court to rule on evidence policy

United Press International
WASHINGTON — In a surprise move, the Supreme Court is jumping to the forefront of a raging controversy over a legal rule of evidence often blamed for setting the guilty free on technicalities.

On a 6-3 vote, the justices Monday announced they will consider creating a "good-faith" exception to the "exclusionary rule," a much-criticized judicial policy that bars the use of illegally obtained evidence in criminal trials.

The policy has been attacked by the Reagan administration and in legal and law enforcement circles because it prohibits evidence or confessions from being used in court if police made even a technical mistake in gathering the information.

The Supreme Court could defuse the entire political controversy if it decides to punch a hole in the rigid exclusionary rule by permitting judges to overlook honest mistakes made in "good faith" by police and to admit evidence they collect to be used against accused criminals.

The high court went out of its way Monday to inject itself into the dispute, leading at least one attorney in the case to theorize the justices may be "fighting with each other" over the search and seizure constitutional issue.

Attorneys for both sides were baffled at what prompted the

justices' untimely order directing them to address the exclusionary rule issue in the Illinois case over a search of Susan and Lance Gates' car and home.

Police obtained a warrant to make the search based on an anonymous tip. Even though officials found 350 pounds of marijuana in the trunk of the couple's car and more marijuana, cocaine and drug paraphernalia in their home, the Illinois courts ruled the search was illegal and barred evidence of the drugs from being used against the Gates.

On appeal from the state of Illinois, the justices will consider not only the value of anonymous tips in obtaining search warrants, but also whether to admit the evidence anyway because police acted in "good faith" in making the search.

What is most unusual about the high court's action is that it voted unanimously in March not to tackle the "good-faith" issue in the Illinois case and it already heard arguments in the case on Oct. 13. Now a second round of

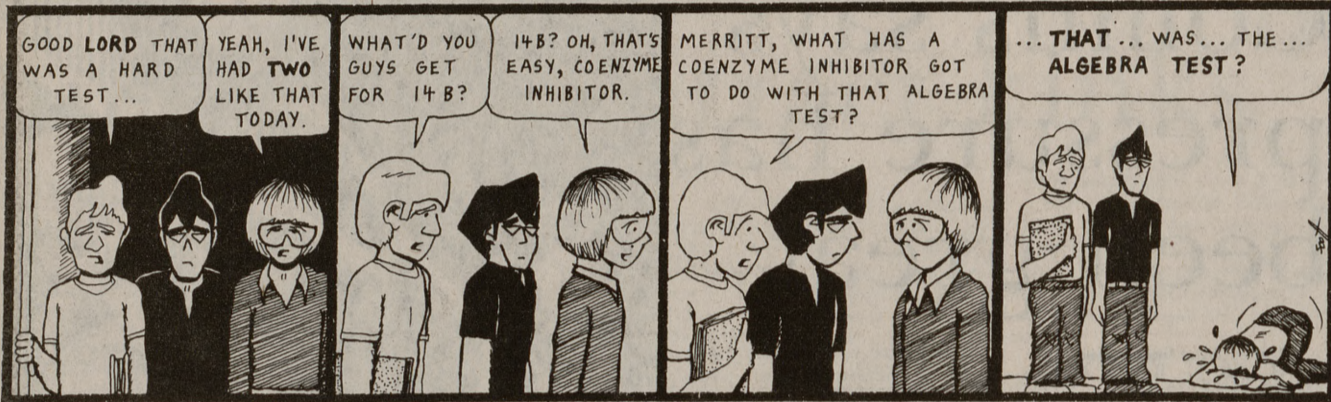
arguments will have to be heard the same case, probably in

The three dissenting justices also complained the exclusionary rule issue was not brought up before the lower courts, violating a Supreme Court rule against taking up issues addressed by the lower courts first.

Justices John Paul Stevens, William Brennan and Chief Justice Warren called the majority's action "a flagrant departure from the court's traditional practice."

By going so far out of its way to consider making exceptions for honest police mistakes, court signals at least an attempt in breaking down the strictness against using evidence gathered during an improper search or arrest.

However, the Gates case, James Reilly of Chicago cautioned the case also serves as a vehicle for the court "to say the good-faith exception is just not a viable standard."



Supreme Court hears debate

Abortion limits tested

United Press International
WASHINGTON — The Supreme Court, nearly a decade after legalizing abortion, is now examining state and local obstacles limiting the freedom to end a pregnancy.

Three hours of oral arguments were held Tuesday before the nine justices. An overflow crowd was expected in the courtroom to hear the explosive case.

In 1973, the court voted, 7-2, to legalize abortions in the first trimester, or three months, of pregnancy.

Tuesday's argument focused on restrictions of second-trimester abortions imposed by state and local governments in Virginia, Missouri and Akron, Ohio. These restrictions range from mandatory hospitalization and 24-hour waiting periods to parental consent for minors.

The most junior justices — John Paul Stevens and Sandra Day O'Connor, the first woman to serve on the high bench — confront the issue at the Supreme Court level for the first time. They succeeded two members who both voted with the majority in 1973 in favor of legalizing abortions.

The restrictions before the high court make it more difficult

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to obtain a second trimester abortion.

In the Virginia case, a physician is appealing his criminal conviction for inducing an abortion in a 17-year-old who came to his clinic when she was at least four months pregnant.

Besides claiming the state failed to prove the abortion was

not medically necessary, he contests the state law's requirement that second-trimester abortions be performed only in hospitals.

Medical and women's groups say requiring the procedure to be performed in hospitals rather than clinics substantially increases the expense, results in unnecessary and perhaps harmful delay and "straitjackets" a doctor's medical judgment.

Hospitalization also is an issue in the case challenging a 1978 Akron, Ohio, ordinance requiring doctors to describe to the patient the anatomy of a fetus and to tell her the "unborn child is a human life from the moment of conception."

It also requires a 24-hour waiting period, and mandates all abortions after the first three months be performed in a hospital.

Although a federal appeals

court in Cincinnati struck down all but the hospitalization requirement, the high court agreed to review the entire statute.

The court's final decision in the case will affect the 22 states that require women to check into hospitals for second-trimester abortions.

Also before the court is a challenge to Missouri's 1979 anti-abortion statute that has the same hospitalization rule, but that also requires minors dependent on their families to obtain one parent's consent for an abortion.

Written rulings on the cases are not expected before next spring.

Brazos County
Crime STOPPERS
775-TIPS

3707 E. 29TH (TOWN & COUNTRY CENTER)
SARITAS SMOKE SHOP
PIPES, SNUFF, SPITONS, PIPE RACKS, ROLLING PAPER, CIGARS, IMPORTED AND DOMESTIC LIGHTERS/FLUID, IMPORTED CIGARETTES, CUSTOM BLENDED TOBACCO, CANDLES THAT KILL TOBACCO ODOR

COUPON
one potato, two potato...
50¢ off with any two entrees with this coupon. Good until Dec. 17.
Eat Out In CLASS
102 Church St. College Station 846-0720
All our potatoes are Ph.D's PURE, HEALTHY, and NUTRITIOUSLY DELICIOUS each of our ingredients is REAL and prepared FRESH each day
COUPON

ARCHIE'S TACO BELL
3901 S. Texas Ave. Bryan
310 N. Harvey Rd. College Station

DECEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<p>Watch for Archie's Bell Ringer Christmas! Archie plans to bring a white Christmas to some lucky Taco Bell friend. Registration and details at both Archie's Taco Bells.</p>						
<p>5 Prohibition Repeal Amendment ratified, 1933.</p>	<p>6 MSC Christmas Program, call 845-1515. MSC Town Hall "Annie" 8 p.m., Dec. 6-8</p>	<p>7 T-Shirt Day is every Tuesday at both Archie's Taco Bells. Pearl Harbor Day</p>	<p>8 Late Night T-Shirt night every Wednesday at Archie's Taco Bell in Bryan. Wear your Taco Bell T-Shirt into the Bryan store between 11 p.m. and closing and receive \$1.00 off your purchase. (Not good with any other offer.)</p> <p>Texas A&M Men's Basketball at LSU</p>	<p>9 Tanzania's Independence (1961) and Republic (1962) Day</p>	<p>10 Texas A&M Commencement United Nations Human Rights Day. OPEN 'TIL 3:30 A.M.</p>	<p>11 Texas A&M Commencement Texas A&M Men's Basketball: Marshall Invitational OPEN 'TIL 3:30 A.M.</p>
<p>12 National Ding-a-Ling Day (Really!)</p>	<p>13 Aggie finals start December 13 - 17. Red Cross Blood Drive, December 13 and 14. Call 822-2157 for info.</p>	<p>14 Wear your Taco Bell T-Shirt into either store and get \$1.00 off your purchase! (Not good with any other offer.)</p>	<p>FREE BURRITO SUPREME WITH PURCHASE OF ONE AT REGULAR PRICE Soft flour tortilla. Fresh ground beef. Pinto beans. Sour cream. Lettuce and tomatoes. Onions. Real cheddar cheese. Mild red or spicy green sauce. LIMIT: ONE COUPON PER PERSON PER VISIT Offer good Dec. 15 - 31 11 a.m. - 11 p.m. TACO BELL GOOD ONLY AT ARCHIE'S TACO BELLS</p>		<p>17 Texas A&M Men's Basketball: Montana Classic, Dec. 17, 18 OPEN 'TIL 3:30 A.M.</p>	<p>18 7 days 'til Christmas! Give burritos and tacos!</p> <p>OPEN 'TIL 3:30 A.M.</p>
<p>19 First Christmas Greetings from space, 1958 (via satellite Atlas).</p>	<p>20 Drawing for Archie's Bell Ringer Christmas, in Bryan store at 1 p.m.</p>	<p>21 First day of winter. It could get down to 25° or up to 80°. Only in Texas!</p>	<p>22 Snow falls on Archie's Taco Bell in Bryan at 2 p.m.! Snowman Contest for first 50 children. Santa visits, too!</p>	<p>23 Feast of Radishes in Oaxaca, Mexico.</p>	<p>24 Christmas Eve, Santa comes tonight! OPEN 'TIL 10:00 P.M.</p>	<p>25 Merry Christmas! Closed all day.</p>
<p>26 Tired of Turkey? Come get Tacos!</p>	<p>27 "Father of Modern Astronomy", Johannes Kepler, born 1571.</p>	<p>28 Texas A&M Men's Basketball: Connecticut Classic, Dec. 28, 29</p>	<p>29 Texas became the 28th state, 1845.</p>	<p>30 Total eclipse of the moon.</p>	<p>31 New Year's Eve OPEN VERY, VERY LATE</p>	<p>Happy New Year To list a public service announcement on Archie's Calendar of Events for January, please call Ellen at 846-7753 by Dec. 15.</p>