



I'll get it...

photo by Jane Beach

Kathy Poole, a Texas A&M junior and member of the women's field hockey team, runs to stop an opponent from St. John's School during a recent game here. The Aggies lost the match 2-0.

Governors debate decision in capital punishment case

United Press International
WASHINGTON — Gov. Mark White, whose state came within 31 minutes of executing convicted killer James Autry before Supreme Court Justice Byron White granted a stay, said Sunday that God would not object to capital punishment.

New Mexico Gov. Toney Anaya said he has moral and religious objections to the death penalty, but that his opposition is more pragmatic — killing criminals does not deter crime.

The two governors appeared on ABC's "This Week with David Brinkley." Sen. Dennis DeConcini, D-Ariz., and Henry Schwarzschild, a lawyer for the American Civil Liberties Union, also appeared on the show to debate capital punishment.

The death penalty also was debated on CBS's "Face the Nation," by Alabama Attorney General Charles Graddick, former Supreme Court Justice Arthur Goldberg and ACLU lawyer Alvin Bronstein. Anaya decried the death penalty as uncivilized.

"I think it's inhumane; it's barbaric; it does absolutely nothing to deter the incidence of murder and I think we're just sinking, ourselves, as a state, as a government, to the same levels as those who commit murder," he said.

Anaya, a Roman Catholic, said his religious and moral convictions make capital punishment abhorrent to him.

But White argued that death is "an appropriate punishment

for the most serious and most heinous crimes."

He said killers were responsible for "nine summary executions" of innocent citizens in Texas in the past two weeks.

Anaya said there would be a conflict between his religious and moral beliefs and his duty as governor if there was any proof capital punishment deterred crime. Thus far, however, there has been no conflict, he said, because there is no proof.

Since New Mexico passed a death penalty law, he said, murder has increased. And, he added, since the state made death the penalty for killing a police officer, the incidence of police officers being killed has gone up.

White said community standards are sufficient to determine in which cases the death penalty should be imposed and rejected the contention that such cases should be reviewed to determine if the penalty is in proportion to the crime and to punishments normally imposed.

It was that concept — called proportionality — that brought a stay of execution last week for Autry, sentenced to die for killing a convenience store clerk during a robbery in which he stole a six-pack of beer.

"There is something wrong if, in 10 similar cases, nine do not get the death penalty and one does. It was a brand new issue, and that is why the court granted the stay," Bronstein said.

Autry's lawyer accuses ACLU

United Press International
GROVES — Charles D. Carver, an attorney for death row inmate James "Cowboy" Autry, said attorneys with the American Civil Liberties Union stabbed him in the back by labeling him "incompetent" in an attempt to get a execution stay for Autry earlier this week.

"They stabbed me in the back," Carver said Thursday about ACLU lawyers.

Carver said he was used as a scapegoat in a desperate, last-minute attempt to save Autry's life although he was working with the attorneys to win the stay.

The ACLU branded Carver, who represented Autry during the trial, as incompetent. U.S. District Judge Robert Parker rejected the argument.

ACLU lawyer John Duncan said Thursday that Carver is a good lawyer.

"He is an extremely competent attorney," Duncan said, adding that "any good defense

attorney would really not be offended" by the ACLU's charge.

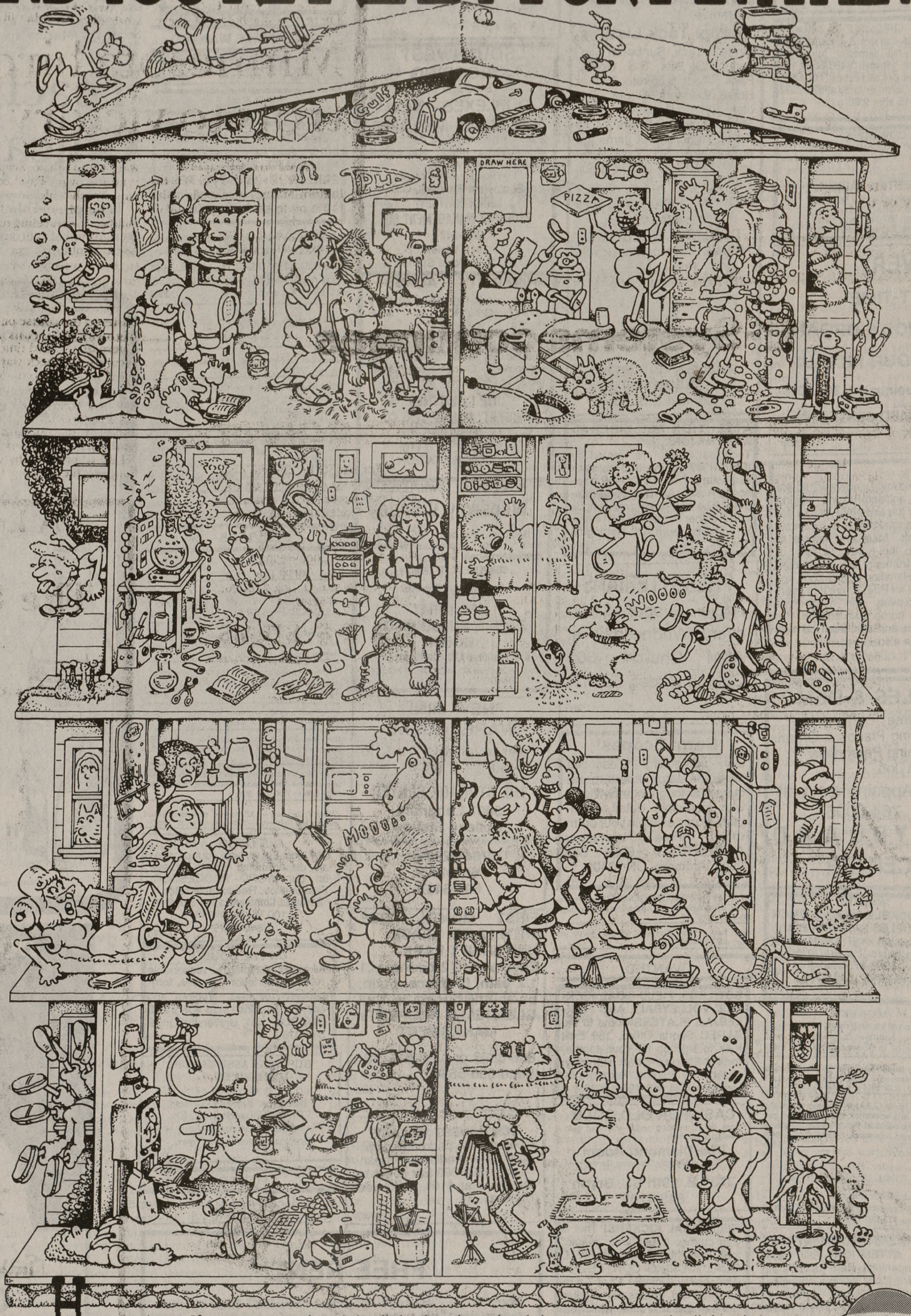
The ACLU contended the incompetency related to Carver's refusal to put Autry on the witness stand during the punishment phase of the trial. Carver said he feared what would happen if Autry testified.

Carver said he worked on the case with ACLU attorney Stefan Presser, but was unaware that Presser had visited Autry in prison more than two weeks ago. Carver also said he never agreed to being called "incompetent."

"They stick a knife in your back. And you wonder if it is worth it — all the time involved (in Autry's defense)," Carver said.

Carver said the only issue agreed upon for the appeal would be on the "proportionality" issue, which means defendants must receive sentences in proportion to sentences other defendants receive for similar crimes.

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