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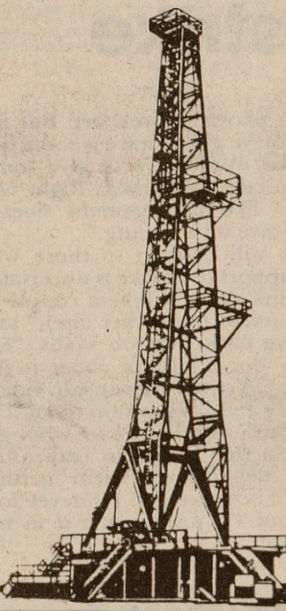
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World and Nation

Bork's chances remain in doubt after testimony

WASHINGTON (AP) — After the first week of his confirmation hearings, Robert H. Bork's chances of becoming a Supreme Court justice remain as much in doubt as the effect his extraordinary five days of testimony packs for future nomination fights.

As the Senate Judiciary Committee prepares to hear from Bork's backers and detractors in the hearings' second phase, key questions are unanswered:

- Will the impressions Bork created in his bid to win approval by a majority of the committee's 14 members be bolstered or eroded as the hearings continue?

- What effect will the committee's vote, still weeks off, have when the nomination reaches the full Senate?

- Has the Senate now established beyond a doubt the propriety of asking a Supreme Court nominee about his or her judicial ideology and political beliefs, and then voting based on those views?

- Has Bork's willingness to provide answers to such queries, a break from recent precedent, set the model for future nominees?

Among the committee's eight Democrats and six Republicans, Bork appears likely to win the support of five Republicans and attract negative votes from five Democrats.

Bork's fate in the committee then would be determined by three Dem-

ocrats and one Republican still claiming to be on the fence — Robert Byrd of West Virginia, Dennis DeConcini of Arizona, Howell Heflin of Alabama and Arlen Specter, a Republican from Pennsylvania.

DeConcini and Specter asked Bork the toughest questions, but Byrd, the Democrats' leader in the Senate, is considered the most likely of the four to cast a negative vote.

The often-contentious atmosphere that permeated the Senate hearing room as Bork testified is not likely to dissipate this week.

Numerous groups already have spent millions lobbying for and against Bork.

Groups including the National Organization for Women, the National Abortion Rights Action League, the AFL-CIO, the American Civil Liberties Union and the Leadership Conference on Civil Rights will urge the Senate to reject Bork's nomination.

Groups including Concerned Women for America, the American Conservative Union and the National Right to Work Committee will urge confirmation.

Three prominent Bork supporters — retired Chief Justice Warren E. Burger, former presidential counsel Lloyd Cutler and Illinois Gov. Jim Thompson — are scheduled to testify first when the committee reconvenes Monday.

Representatives of the American Bar Association are to testify in a hearing is sure to be peppered with questions about the ABA's vote on Bork.

The organization's 15-member standing committee on the judiciary split 10-5 in finding qualified for the Supreme Court.

Four of the ABA members found him not qualified and one voted "not opposed."

Bork's supporters have denounced the vote as a blatantly political one, noting that the ABA committee unanimously gave Bork the highest rating when he was considered for the federal judgeship he's held for five years.

As a law professor, Bork never shy about promoting his theories. And perhaps because he expects a close vote, Bork has furthered than any recent Supreme Court nominee in laying out his views for his Senate inter-

Whether future nominees face the Bork hearings, or rather Scalia hearings, for guidance in dealing with the Senate spotlight will depend on their level of confidence.

Scalia, who seemed more confident of confirmation earlier, refused to discuss many areas of law during his hearings, with a 98-0 vote.

Report says administration wrong to reinterpret treaty

WASHINGTON (AP) — The Reagan administration incorrectly claims it can unilaterally reinterpret the 1972 Anti-Ballistic Missile Treaty to allow expanded U.S. "Star Wars" testing, the Senate Foreign Relations Committee said Sunday.

The attempt by the Republican administration to change the U.S. view of the 15-year-old treaty could affect Senate consideration of a possible treaty on intermediate-range nuclear weapons, the Democratic-controlled committee said in a 106-page report.

wants to move from the existing interpretation to a so-called "broad" view of the ABM treaty, which would allow expanded testing of Star Wars.

Last week the Senate split generally along party lines as it voted 58-38 to approve a proposal banning spending for expanded Star Wars tests that violate the existing view of the ABM pact.

While releasing the report, the Foreign Relations Committee also sent to the floor a resolution sponsored by Sen. Joseph Biden, D-Del., that rejects the attempt to reinterpret the ABM pact.

"This report underscores the profound constitutional issues which will surround Senate consideration of an INF (intermediate nuclear forces) agreement if the treaty power question is not resolved," Biden said in a statement released with the report.

The committee's report came in the wake of a series of joint hearings it held earlier this year with the Senate Judiciary Committee to make

preliminary decisions in agreement.

According to the report, the administration's theory of treaty interpretation, having cast a dark shadow on the Senate's consideration of future treaties, could severely curtail and greatly prolong the committee's consideration of a treaty.

The committee will hold hearings on any new treaty, probably sometime early in 1988, Sen. Robert D. Byrd, D-R.I., chairman of the panel, said.

Congressional critics of the administration's proposal to reinterpret the ABM treaty say the executive branch cannot change a pact is viewed.

When the Senate "gives its consent to a treaty, it is a treaty that was made, irrespective of the explanations it was given," the report said.

Instead of reinterpreting the treaty, the administration is actually proposing a new treaty, the report said.

Historian's research of executions turns him against death penalty

HEADLAND, Ala. (AP) — Seventeen years spent documenting more than 15,000 executions by every method from the gallows to a saw have turned amateur historian Watt Espy into an ardent foe of capital punishment.

His cluttered rural home, which doubles as a workplace, is decorated with scores of grainy pictures of executed felons. A wooden card catalog and two large ledgers record the names and crimes of those put to death.

"Believe me, the stress is awful," Espy, who has ulcers, said of a life dedicated to chronicling every legal execution in the United States since Colonial times. "I'm depressed half the time."

And every new execution makes it worse. "With every execution I feel a part of me dies," he said in a recent interview.

In Louisiana, there was the 1767 execution of a man who was nailed in a box which then was sawed in half. One Alabama inmate fought for two hours before guards got him into the electric chair.

Dr. J.H. Snook, respected head of the veterinary medicine department at Ohio State University, was executed in 1930 for the murder of his girlfriend, a nymphomaniac he couldn't please. In 1944 South Carolina

electrocuted the youngest person ever executed in the United States, 14-year-old George Stinner, convicted of the rape-murder of two girls.

Even though Espy has no college degree, he is employed as a researcher at the University of Alabama school for 8½ years before he decided to move to the man Capital Punishment Project back to his home.

Espy said he had no particularly strong feelings about capital punishment when he began his work in 1970, but years of sifting through old court records and newspaper accounts have changed that.

Executions of innocent people are the one thing he's seen.

Through August, Espy had documented 15,000 executions in the United States dating to 1608, when George Kendall, a governing councilor in what is now Virginia, was shot for spying. Espy said evidence indicates Kendall was framed because of political rivalry.

Of the executions carried out this century in the United States, Espy said a recent study indicated wrong person was put to death 25 times. But that number must be higher, he said, because he figures that 22,500 people actually have been executed in the United States. He just hasn't gotten to all the cases.

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