# The Battalion

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\$40.00)

College Station, Texas

Wednesday, June 1, 1988



#### No parking

staff parking spaces on University Drive are being sacrificed to widen the road to six lanes. State Department of Highway officials say the

out

widenining was necessary to handle the volume of traffic for safety reasons. Construction is expected to be completed in October.

# **Court overturns death penalty**

WASHINGTON (AP) — The Supreme Court on Tuesday erturned the capital murder con-tion of a Texas death row inmate cause he was not allowed to visit th a lawyer before taking a psychi-

nc test. The court ruled 5-3 that states ay sometimes execute convicted urderers even if their constitunal right to a lawyer is violated beuse such errors may be deemed armless.

But the justices decided unaninously that the error in John Sat-erwhite's prosecution was not harmss and overturned his death ntence

The high court ruled in 1981 that terwhite and a female accomplice defendant facing a possible death money from the store vault at gun-ntence has the right to consult with point.

chiatric examination designed to de-termine his future danger to society. Justice Sandra Day O'Connor, Sentenced to 20 years in writing for the court Tuesday, said prison and released under mandaviolations of that right do not nectory supervision in August 1986. essarily mean that an ensuing death sentence, in part based on a finding

Satterwhite's scheduled Feb. 17, 1987, execution date was postponed by Justice Byron R. White.

Ed Shaughnessy, chief of appeals section for the Bexar County District Attorney's office, said Tuesday he had not read the court's opinion but thought the ruling pertained to Sat-

terwhite's punishment. "If if dealt only with the punishment, then we have two options," he said. "The state can ask that the sentence be commuted to life. If that is

difficult because of a shortage of manpower within the district attorney's office, which has 15 capital murder cases pending in seven courts.

"We tried that case in 1979, before their ruling came out (in 1981), and then the case sat in the (Texas) Court of Criminal Appeals for about five years," he said.

O'Connor was joined in her opinion by Chief Justice William H. Rehnquist, White, John Paul Stevens and Antonin Scalia.

# **U.S.** supports Soviet reform during summit

MOSCOW (AP) — Mikhail S. Gorbachev won a fresh endorsement Tuesday from President Reagan for his Soviet reform program, but the leaders only inched forward in arms negotiations. Gorbachev suggested it may be "time to bang our fists on the table" to end the impasse. A U.S. official said the leaders

were likely to sign a joint statement, either today or just before Reagan's departure tomorrow, spelling out progress on two of the main obsta-cles to a strategic missile reduction treaty

The movement came on a U.S. proposal to verify limits on mobile missiles and on counting nuclear-tipped cruise missiles aboard warplanes, said the official, who spoke on condition he not be further identified.

There was no progress on the thorniest obstacle, and Reagan said his star wars program was not even discussed. "We would like the American delegation to originate fresh ideas," Soviet spokesman Gennady Gerasimov said later.

Nor did Reagan and Gorbachev attempt to tackle any of the thorny regional issues that bear on their relationship around the globe. They sidetracked policy differences in Afghanistan, southern Africa and the Middle East to focus on Gorbachev's perestroika campaign to restructure the Soviet economy.

"We still have a day and a half to go, so I will reserve final judgment," said a senior U.S. official, speaking on condition of anonymity at a midnight briefing after Reagan hosted Gorbachev at dinner.

Following the day's only summit session, Gorbachev steered Reagan through Red Square, a stroll which delighted and surprised visitors, es-pecially when Gorbachev picked up and cuddled a toddler. Reagan said be found Pad Source site of this he found Red Square, site of this communist state's annual military re-views, "wonderful."

During an encounter with reporters, Reagan was asked if he still believed the Soviet Union was an "evil empire," as he described it in March 1983

Standing next to his host, Reagan said, "I was talking about another time, another era.'

Several reporters permitted access Justices Thurgood Marshall, Wil- to Reagan for a few minutes deliam J. Brennan and Harry A. Black- scribed him as looking tired and posmun favored imposing an automatic rule to strike down any death sen-tence in a case in which such a consti-with the president's health," but that

#### Soviet leader shows vitality during visit

MOSCOW (AP) — Soviet leader Mikhail S. Gorbachev has cast him-self in the summit's lead role, projecting a vital image as statesman, negotiator and presidential tour guide and giving impromptu interviews to reporters.

On the eve of the first press con-ference by a Communist Party chief on home turf, Gorbachev on Tuesday sped through an ambitious summit itinerary, prolonging a one-on-one session with President Reagan, sporting him around Red Square's landmarks and overseeing the signing of nuclear arms protocols - all before noon.

Showing Reagan around Red Square, Gorbachev introduced the president to groups of Soviets clus-tered at one end of the cobblestone expanse and pointed out famed sights like Soviet founder Vladimir I. Lenin's red marble mausoleum and St. Basil's Cathedral.

Stealing the limelight from the man known as the Great Communicator, Gorbachev gingerly took a little boy into his arms and motioned to Reagan to get acquainted with the young Soviet, while cameras whirred and captured the Kremlin chief in a congenial pose

At the signing ceremony, Gorba-chev entered the Red Salon of the Grand Kremlin Palace with a wave and a greeting for journalists. After the session he returned to an Associated Press reporter who had asked a question during his entrance.

'What was it you wanted to ask?" he said. The party chief then recapped his morning meeting with Reagan, saying it was spent tackling economic problems and barriers to broader cultural ties.

"I criticized the position of the president and Congress for having thrown up a great deal of logiams in the way of healthy economic cooper-ation," he said, adding that Reagan had agreed with him that improvements are in order.

Reagan, who is 20 years Gorbachev's senior, appeared fatigued on the third day of his meetings with Gorbachev and declined to answer questions about the results of his talks. White House spokesman Marlin Fitzwater said the president had slept fitfully and was tiring, like the rest of his staff.

a lawyer before submitting to a psy-

The accomplice, Sharon Bell of

of future danger, must be thrown

The court refused to adopt an au-tomatic rule that would call for re-

versing the death sentence in any

case in which such a violation occurs.

Satterwhite, 41, was convicted of the March 12, 1979, murder of Mary

Frances Davis, a convenience store

clerk in San Antonio. Records show

Davis was killed after she gave Sat-

not done, then we can retry him.' Shaughnessy said retrial would be tutional violation occurred.

tence in a case in which such a consti-

### Patients given Dilantin without consent

CHICAGO (AP) — A drug linked by some tudies to birth defects was given to scores of premant patients without their formal consent, but hospital official said Tuesday it did not increase heir babies' risks.

A medical ethics expert questioned the decion by doctors at Cook County Hospital to adinister the drug Dilantin to more than 200 paents without their knowledge or consent.

The drug, commonly used to treat epilepsy, as been linked to birth defects when adminisered in early pregnancy, said Dr. Robert Miller, nairman of Cook County Hospital's scientific ommittee.

The doctors who administered the drug renained in contact with their patients pending a ossible disciplinary decision by the Cook County oard, which oversees the hospital, hospital pokesman Terrence Hansen said Tuesday.

About 245 women were given a single,

smaller-than-normal dose of the drug by two consent and without approval from the hospital's hospital anesthesiologists, Hansen said.

Five of the women had consented to participate in a hospital-approved study from September 1987 through January that sought to determine whether Dilantin could reduce fetal stress in Caesarean births, Miller said.

Miller said the pregnant subjects were given the drug in the 15 minutes before delivery. None of the infants suffered birth defects, although two babies died due to unrelated complications, he said.

Hansen and spokesman Wanda Robertson said Tuesday all the women affected were pregnant and were part of the study.

But Miller said only some of the approximately 240 women who did not consent were pregnant. He said those women were not part of the study and were given the drug without their

review board.

Miller said he did not agree with the doctors' actions but did not consider them unethical.

But a medical ethics expert at the University of Virginia disagreed.

'It seems to me that it simply goes against the principles of biomedical ethics . . . (which) really require that any person enrolled in a research project be informed of that and be given a chance to consent or refuse," Professor James Childress said.

"What it amounts to (is) . . . basically using human beings as means to other ends ... not treat-ing them as ends in themselves," he said.

Several studies have reported higher incidences of birth defects among babies born to women who use Dilantin and other anti-epileptic

'he did have a difficult night's

"We are all a little tired, and that's reflected in all our delegation," he said. Mrs. Reagan, during her trip to Leningrad, was asked about the president and said, "He sleeps fine."

The 77-year-old president arrived here Sunday after a four-day rest stop in Helsinki, Finland, en route from Washington.

On their third day of talks, Reagan and Gorbachev met in the Soviet leader's Kremlin office, sitting beneath a portrait of Karl Marx and holding what presidential spokes-man Marlin Fitzwater called a largely "philosophiocal" discussion on *perestroika* — Gorbachey's economic reform effort — that ran more than an hour.

In giving his blessing to Gorbachev's economic reform efforts, Reagan said that in his talks with the Soviet leader, "I have spoken of how important it is to institutionalize change - to put guarantees on reIn the afternoon, Reagan met with Soviet writers, addressed students and faculty members at Moscow State University and presided over a state dinner in honor of the Gorbachevs at Spaso House, the U.S. ambassador's residence.

But during the events that pit the two leaders together, Gorbachev has emerged as the more vibrant figure. That image, combined with any specific achievements that could come out of the summit, could propel him into a more secure position going into an important party gathering on June 28.

Soviet government spokesman Gennady I. Gerasimov commented last week that Gorbachev would have to divide his time during the summit between the affairs of state and the pressures of an approaching party conference.

## Committee to query agencies on their role in drug war

WASHINGTON (AP) — U.S. English, D-Okla. "It's good for the Rep. Glenn English said Tuesday he congress to find out what happened to the 1986 drug bill." his week to query several federal gencies — from the FBI to the U.S.

e Committee, said he wants to know whether funding, equipment and authority parceled out to the agencies in the 1986 omnibus drug

or his \$2.1 billion, 1988 drug bill, tage of.' said.

Witnesses are expected from nany of the federal departments in-olved in combating drugs — either ong the nation's borders and coasts through efforts to decrease denand for drugs through education and rehabilitation.

"The hearings will provide a good "The hearings will provide a good indication of how confident the agencies are (in fighting drugs) and will be interdiction; Thursday's, de-

English said he believes any "soft spots" in the agencies' efforts will orest Service — about their role in likely emerge during the hearings, e war on drugs. English, chairman of a House Jus- additional hearings.

Problems with coordination and turf wars between the agencies, English said, have "hurt us terribly. You lose effectiveness without close Information gleaned from the coordination. Gaps and holes are easy for the opponent to take advan-tage of."

> English is chairman of the Government Information, Justice and Agriculture subcommittee of the House Government Operations Committee chaired by Rep. Jack Brooks, D-Texas.

how well they spent the money," said mand reduction through rehabilita-

tion and education; and Friday's, the Pentagon.

"Congress is going to pass an om-nibus drug bill in the next few months, and it is essential to develop a record of exactly what happened to the 1986 act," English said. "We have to know where we are if we want to know where we're going.

English was one of the principal authors of the \$1.7 billion drug bill of 1986, and this year has drafted a bill that calls for spending \$2.1 bil-lion in the war on drugs — half on law enforcement and interdiction efforts, the rest on reducing demand through education and rehabilitation

He proposes moving the Coast Guard from the Department of Transportation to the Treasury Department so it would be under the Customs Service, and creating Latin American "strike forces" that would combine U.S. resources with Latin Americans to fight drugs in their countries

#### Officials say they could use military help

EL PASO (AP) - Federal drug enforcement officials grudgingly said Tuesday they could use military help in combating narcotics traffickers, but only if soldiers aren't given arrest powers.

U.S. Customs, Border Patrol and Drug Enforcement Administration leaders told a House subcommittee meeting in this border city that military hardware would be more welcome than military personnel.

The Border Patrol could use motion sensors, drugand person-sniffing dogs, weapons, night-vision devices and air transportation from the military, Border Patrol sector chief Mike Williams told the House Defense Policy Panel and Investigations Subcommittee.

Williams and other law enforcement officials agreed with Michael Mack, U.S. Customs district director, that military personnel aren't trained to make arrests.

He said, for example, that it takes 21 months to train a Customs officer how to inspect a vehicle properly.

"On the surface, it appears that all he has to do is tell the people to get out of the car," Mack said. "But you have to follow due process in this country, and that requires training.

If due process isn't followed in criminal cases, criminals can be freed on technicalities.

Committee chairman Bill Nichols, D-Alabama, assured the witnesses that Congress is unlikely to repeal the posse comitatus law, a Reconstruction-era statute which forbids military personnel from making civilian arrests.

Committee member Duncan Hunter, R-California, whose district includes the border between Tijuana and San Diego, repeatedly pressed Mack and others on their reluctance to use military personnel.

'Would it be acceptable for the military to use tracker planes and fly a Blackhawk helicopter to where a drug trafficker's plane has landed and discharge Customs agents?" he asked.

Al Sousa of Customs air operations grudgingly conceded the agency could use such help

Committee member Marvin Leath, D-Waco, said using the military is a good idea because the Soviet Union is considered "a perceived threat, while here we're facing a real threat

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