News

The Daily Tar Heel

DEATH PENALTY HISTORY

A look at efforts to enact a moratorium on the practice in the state.

JAN. 11, 2003

Outgoing Illinois Gov. George Ryan commutes the sentences of the state's 156 death row inmates.

APRIL 30, 2003

The N.C. Senate passes a 2-year moratorium. It becomes the first legislative body in the South to do so.

JULY 20, 2003

The legislature adjourns in the early-morning hours. The moratorium has not won approval from the House.

FEB. 18, 2004

At the end of his 2nd trial, death row prisoner Alan Gell is found not guilty of the 1995 murder of Allen Ray Jenkins..

TODAY

KEY

The General Assembly is set to reconvene. A halt on the death penalty has a place on many lawmakers' agendas.

PLAYERS These leaders will play

roles in shaping state

and campus policy in

Marc

Basnight,

D-Dare, is

entering his

5th term as

president pro

tem, the leader

of the Senate.

Tony Rand,

is the Senate

He is also

D-Cumberland,

majority leader.

chairman of the

powerful Rules

Committee

Jim Black,

D-Mecklenburg,

the sole speaker

likely will be

of the House.

He keeps an

optimistic budget outlook.

Richard Morgan, R-Moore, likely

will not keep

his speaker's

slot but could

be rewarded

for his loyalty.

Ellie Kinnaird,

D-Orange,

will fight in

the Senate

for reform on

many fronts. A

champion of

the 2005 session.

Executions might see challenge

Lawmakers circle moratorium issue

BY LAURA YOUNGS

After six months away from Raleigh, lawmakers are kicking into high gear for the 2005-06 legislative session as they prepare to tackle the much-debated possibility of a moratorium on the death penalty.

The idea is not new, and several proposals have been put forth in the past, including one in 2003 that made it through the Senate but died in the House

But this year, the climate could be ripe for such a bill, with Democrats controlling the legis-lature and Rep. Richard Morgan, R-Moore, possibly leaving his post as co-speaker.

Rep. Jennifer Weiss, D-Wake, said momentum for a moratori-

POWER

tion that he may very well be the speaker pro tem ... and I don't think that's a bad idea at all.' Speaker pro tem is a largely cer-

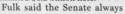
emonial position. Across the hall, Democrats gained

two seats in the Senate, where they

already held a substantial majority. "The Senate has always been controlled by Democrats," said Amy Fulk, spokeswoman for Senate President Pro Tem Marc Basnight, D-Dare.

Basnight's lack of opposition as leader allows senators to push for-ward with legislation — the most

important being the budget. The Senate will get the first crack at the appropriations bill and has a challenge of plugging an estimated \$1.2 billion hole.



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um seems to be strong, even from legislators who support the death penalty.

But it is too early to tell how successful such a move would be, she said, and it is important that she and other supporters work to get the votes

Weiss said a number of factors have led to innocent people landing on death row, from poor counsel to geographic, economic and racial factors.

"We know for a fact that innocent people have been put on death row," she said, citing recent ases such as Alan Gell and Darryl Hunt.

Gell was awarded a new trial after it was found that prosecu-tors had withheld evidence in his original trial.

prioritizes the UNC system when considering any legislation, especially the budget.

Though she said there's not much buzz about tuition yet, Fulk noted that Basnight and Black have sent a letter to Gov. Mike Easley expressing their desire to put enrollment growth in the continuation budget.

If the legislature approved this measure, enrollment growth at UNC-system schools automatically would be funded every year.

While the Senate and House work out their game plans for the session, a new fracture might have developed between the General Assembly and the UNC system.

The General Assembly this summer approved \$468 million in capital projects - most of them for the UNC system - before the BOG rubber-stamped them, disrupting the normal order of approval.

PITAS SALADS

OPEN LATE

VEGGIE OPTIONS

Hunt, though not on death row, served 18 years for the murder of Deborah Sykes. In 2004, he was exonerated after DNA testing was applied to the case.

There are a lot of incongruities that are very troubling," Weiss said. "The last thing I want to do is execute somebody who's innocent.

But Sen. Hugh Webster, R-Alamance, said a moratorium is the first step to ending the death enalty system, something he said he is against.

"I don't think the system is broken," he said. "As far as I know, we have never executed anyone who is not guilty." Webster said that although

there are problems with any system - such as inconsistencies in sentencing — the death penalty is an important and effective deterrence against other crimes.

Though the BOG approved the projects later, some thought legisors overstepped their bounds.

BOG Chairman Brad Wilson aid that though he does not fear that the General Assembly will take it too far, he has stressed that the board should take preventative measures

In January, he told a BOG committee that failure to enforce a punitive policy for overenrolling nonresident students would make way for legislative intervention.

"If we fail to enforce this policy, we will increase the chance we'll have legislative intervention on a policy that should be left up to this board," Wilson told the During the General Assembly's

short session last summer, Rep. Alex Warner, D-Cumberland, co-sponsored a bill that would legislate an out-of-state enrollment cap.

His bill would have allowed legislators to take up the issue but ultimately was referred back to committee. The UNC system already has

submitted its budget request, which includes a recommenda-

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SEN. HUGH WEBSTER, R-ALAMANCE

"No system is perfect," he said. Never has been, never will be. We should do everything we can to make sure the system works accurately, fairly, and we should come down hard on any prosecutor who lies to get a prosecution.

"But the execution of the death sentence is a very important part of our system." Webster said he is opposed

to any sort of moratorium but added that it is impossible to predict the future actions of 170 legislators.

Still, the moratorium is important to make sure the

tion for no systemwide tuition

increase. "We recognize that the General Assembly ... are our bankers," Wilson said. "The legislature can devise its own agenda, but my experience is that they will do it in concert with the university."

To ensure this collaborative atmosphere, Wilson said, he and the UNC-system lobbyist, Mark Fleming, will find opportunities during the coming weeks to build relationships with legislators and to start new ones.

Perhaps the most important issue for Wilson, besides the system budget, is his re-election to the board. If re-elected by the legisla-ture, this will be Wilson's last fouryear term as the board's chairman. The legislature also will review

13 board members for re-election and at least three new applicants

Aldridge and Bert Collins have served three terms on the board and are no longer eligible for reelection

> Contact the State & National Editor at stntdesk@unc.edu.

system is working right, said Amy Fulk, press secretary for President Pro Tem Marc Basnight, D-Dare.

She added that the senator voted for the moratorium previ-ously but said the atmosphere is hard to read because 24 percent of the senators are new to the General Assembly.

"Senator Basnight supports the death penalty, but at the same time, he feels that there is no room for error."

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Tobacco company denies charges

THE ASSOCIATED PRESS

WINSTON-SALEM - The executive chairman of Reynolds American Inc. testified in federal court that its main operating division, R.J. Reynolds Tobacco Co., does not market cigarettes to children.

Andrew Schindler was questioned Monday by Sharon Eubanks, a Department of Justice attorney in the gov-ernment's \$280 billion racketeering trial against the major

The government charges that the industry's past and present actions violate the Racketeer Influenced and Corrupt Organizations Act, or RICO.

court to compel the companies to return the "ill-gotten gains" they are accused of making over

the years — \$280 billion. The tobacco companies deny any wrongdoing and argue that they will go bank-rupt if they are forced to pay

government's case is its allega-tion that the tobacco companies intentionally marketed cigarettes to people under the legal smoking age.



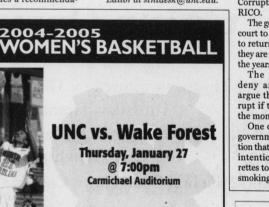
Verla Insko, D-Orange, focuses on swaying the House toward expanding involvement in health care.

Joe Hackney, D-Orange, will push the House toward tuition stability as well as stronger





Volunteers



One Heart...One Pride...One Carolina

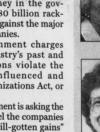
Carmichael Auditorium

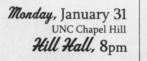
for open seats. BOG members Jack Cecil, Irvin

tobacco companies.

The government is asking the

the money. One of the key parts of the







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