

# Silence marks N.C. execution

## Community speaks on Powell's life

BY CATHERINE ROBBIS  
STAFF WRITER

A somber silence permeated the Newman Catholic Student Center on Thursday night as community members gathered to show reverence to William Powell, the North Carolina man who was slated to be executed at 2 a.m. today.

Powell, affectionately referred to throughout the vigil by his nickname "Bugs," was found guilty for the 1991 murder of Mary Gladden, a convenience store clerk in Shelby.

During the vigil, speakers offered insight into Powell's life, his case and the legal proceedings. They prayed that Powell be granted clemency in the final moments before his planned execution.

As of Thursday evening, the N.C. and U.S. supreme courts had denied

appeals for a stay of execution, leaving only Gov. Mike Easley with the power to halt the execution.

In light of this hope, the congregation sang, "I've Got Peace Like a River," ending with a verse about determination.

"If we are going to make a difference, we're going to have to have determination," said the Rev. Lisa Fischbeck.

At the time of the murder, reports state that Powell was surfacing from a three-day cocaine binge and robbed the store for drug money. When Gladden fought back, Powell beat her in the head with a blunt object and killed her. He took the register's \$48 and fled.

Powell had no prior history of violence and was unarmed when he entered the store. During his con-

fession, Powell said that he had no intention of hurting anyone, but that he panicked. The trial judge found no evidence of premeditation.

Powell's attorneys argued that because Powell would not be executed for his crime in 44 other states, he should not receive the death penalty in North Carolina.

The speakers also questioned the use of the death penalty for any felony murders, arguing that it is cruel and unusual punishment.

"He has relived that Halloween night many times," said Fischbeck, who described Powell as a man of strong faith.

The service focused on the legal factors and Powell's positive impact on his community.

Before his addition to alcohol and drugs, Powell served as a sergeant in the U.S. Army, a member of the Shelby Fire Department and a volunteer in the rescue squad.

Powell was also the active caretaker of his mentally handicapped son.

During the service, parishioners listened to the words of a letter written by Nellie Aspel, principal of Powell's son's school, requesting clemency for Powell. The letter focused on his devotion and patience toward his child.

"(He has) a dedication and spirit that is worth keeping alive," Aspel wrote. "Unjust actions can't be erased, but they can be forgiven."

Attendees also sang "Silent Night," which was followed by the reading of a letter from Powell on his belief that Christ's birth should be celebrated year-round.

The service concluded with prayers for the governor and for Powell, along with a call to parishioners to "go in peace."

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## HATE CRIMES

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could help to prevent incidents like the assault two weeks ago on UNC junior Thomas Stockwell, who told police that his attackers shouted derogatory remarks about his sexual orientation.

Since the attack, a petition supporting changes in the state's statutes has been circulating on campus.

The petition has about 1,000 signatures so far. It backs the Senate bill but asks that gender identity and expression be included, said Win Chesson, co-chairman of the UNC Gay, Lesbian, Bisexual, Transgender-Straight Alliance.

Gender identity is an individual's internal sense of being a man or a woman, while gender expression is the behavioral expression of a person's gender identity.

Ian Palmquist, executive director of programs at Equality NC, which is working with GLBTSA, said the bill is key to getting the word out. "These are people that are frequently targeted ... and it's important that the state send a message that it's unacceptable."

But adding sexual orientation to hate crime statutes isn't high on the list of priorities for legislators such as Rep. Russell Capps, R-Wake.

Capps has not read the bill, but he said singling out a particular group is unnecessary because laws to protect people already exist.

"It's a shame that (Lucas) doesn't introduce anything but bills that try to push the homosexual agenda

and I'm very sorry about that," said Capps, who voted against a similar bill in the House in 1999.

John Rustin, director of government relations for the N.C. Family Policy Council, said sexual orientation does not meet the U.S. Supreme Court's criteria for a protected class of citizens. "The underlying purpose of this legislation is ... to gain legal legitimacy for alternative sexual behaviors, and we just don't believe that's in the best interest of the state."

Others feel hate crime legislation is altogether unnecessary.

"I'm against anybody doing those sort of things to anybody," said Rep. Jim Gulley, D-Mecklenburg. "I don't see that a hate crime is any worse. I think that everybody ought to bear the brunt of what they do."

Still, the atmosphere could be changing, said Rep. Dewey Hill, D-Columbus, who voted against the 1999 bill. He said if the bill were to make it to the House, he would have to give it a hard look.

Rep. Paul Luebke, D-Durham, who introduced the 1999 bill along with Rep. Verla Insko, D-Orange, said it's too early to tell if the environment is right, but the Chapel Hill incident could be influential.

"The recent incident indicates that these are not just actions of the past," he said. "In a sense, what's happened in Chapel Hill reminds members that this is still a current problem."

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## HEARING

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he said.

Student Attorney General Carolina Chavez and Steve Russell, a second year law student and CAA member, submitted the motion to dismiss Wednesday night, highlighting several factors they said made Grasso's case invalid — primarily that his complaint fell outside of the period in which plaintiffs are required to file.

Chavez said she is not surprised by the court's ruling. "I felt our grounds were valid," she said.

Russell, on the other hand, said he was not sure what to think the night before the trial.

"I wasn't really sure what to expect going in, since the (Supreme Court) so rarely operates," he said.

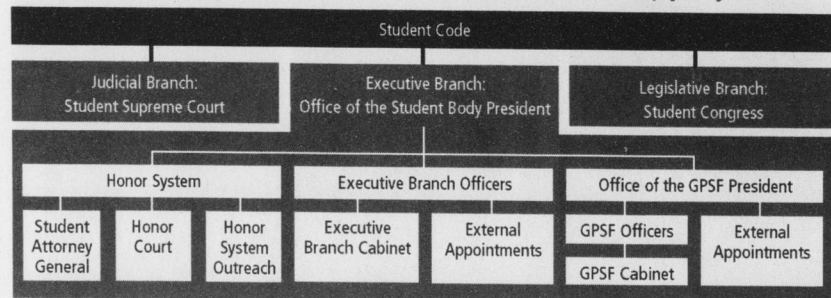
The last time the court tried a case was in 1999, when students challenged the Board of Elections' invalidation of graduate student votes in the election of a candidate for Residence Hall Association president. The court ordered a reelection.

Thursday's hearing lasted nearly two and a half hours, as the justices sifted through each point in the motion for dismissal.

Erteschik said that although the complaint won't go to trial, the justices fully fleshed out the merits of the case. "I would call that a day in

## THE STRUCTURE OF STUDENT GOVERNMENT

The Student Supreme Court makes up the judicial branch of student government and is ruled by the Student Code, as are the executive and legislative branches. The smallest of the three divisions, the judicial branch is charged with assessing violations of the student body's governing document.



SOURCE: STUDENT GOVERNMENT, EXECUTIVE BRANCH

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court," he said.

Aside from the issue of timing, Chavez and Russell's motion for dismissal included three points.

The first of those noted that Grasso's request for a temporary restraining order on CAA could not be granted, as the basketball tickets up for debate are no longer available.

The pair also argued that Grasso failed to comply with requirements put forth in the Student Code for the formatting of a complaint.

Thursday evening, a few hours before the hearing began, Grasso attempted to submit an amended complaint to the court, reformatting his original complaint. He was

denied.

He also submitted a document to the court outlining his opposition to the motion for dismissal and was given the opportunity to voice his opinion.

In filing his complaint, Grasso wanted to see the case forwarded to the Honor Court to charge members with an Honor Code violation: knowingly violating the Student Code.

But justices agreed with a point made in the motion to dismiss, saying that passing the case along would be beyond the scope of their positions.

Much of the debate related to a Nov. 9, 2004, meeting of Student

Congress, at which the body approved CAA's ticket distribution policy.

The two sides agreed that Student Congress has been aware throughout the year that CAA holds on to 138 tickets.

The court declined Grasso's motion for a summary judgment in the case, saying it was premature to debate the facts.

Erteschik told each side that the court wanted to make a ruling on the motion to dismiss so all parties involved could use Spring Break to prepare for a trial or to rest easy.

Although the book is closed on the case, Grasso said he will continue to be a harsh critic of any group he thinks isn't adhering to the Code.

"It was really up to the Student Supreme Court to decide what the intent of the Student Code is — the jurisdiction they have is supreme, and as a member of Student Congress that's just the way I have to deal with it."

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## KEGS

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Hill's council made a similar request during their annual legislative breakfast March 4, they were told that such a policy would probably be unpopular in the legislature.

Chapel Hill's council has not yet weighed in on Graham's proposal.

If the bill succeeds, North Carolina would be the 24th state to implement keg registration.

Jim Ward, the Chapel Hill Town Council member who initiated talks locally about a statewide keg registration, said the policy is key to ending underage drinking and driving.

"Underage drinking is a serious problem both in terms of the safety of the underage folks and the people who might get in their way behind the wheel," he said.

"Getting alcohol via a keg party is a popular way because it's a ... high-volume, low-cost party ingredient that allows one legal-aged adult to provide alcohol to hundreds of potentially underage kids."

Ward said states that regulate keg sales produce young adults who are less likely to become binge drinkers in college.

And if the statewide measure fails to pass, the council might still be interested in a local keg registration law, he said. But a local requirement would be less effective, as buyers could easily leave

town limits to purchase kegs.

"I would still be a supporter of it at the town level," Ward said. "But it obviously would be minimally effective because of the small area that is Chapel Hill."

Graham said the Charlotte City Council requested the measure for many of the same reasons as Chapel Hill officials did.

"It's a public safety issue for the people of Charlotte," he said. "(We want to make) sure our teenaged population doesn't engage in underage drinking and driving."

Charlotte City Council member John Tabor said the council was responding to a request by the police department. "What the police department is asking for is a little accountability," he said. "It's to help save lives, to help save kids' lives."

Sen. Ellie Kinnaird, D-Orange, said that she isn't sure if Orange County will sign onto Graham's legislation, but that she will show the bill to Chapel Hill council members and wait for their replies.

Though she hasn't formed an opinion on the issue, Kinnaird said she's willing to put forth similar legislation to meet Chapel Hill needs.

"What we do is what our local governments ask us to do ... I'll do what they want us to do," she said. "That's what we do."

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## COURT

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forced to dust cobwebs off relatively unknown Supreme Court procedures.

But those procedures won't be employed, because the case was dismissed Thursday night.

The court comprises a chief jus-

justice and six associate justices, all full-time UNC students appointed by the student body president and confirmed by a two-thirds vote of Congress.

UNC students can bring cases before the court based on the invalidity or illegality of an act by members of student government — including Congress and the

executive branch — as well as the RHA, Graduate and Professional Student Federation, CAA and other recognized organizations that receive funds from Congress.

Students also can dispute the acts, decisions and rulings of the campus Board of Elections. Some in student government speculated that the disputed 2004 student body president runoff between Matt Calabria and Lily West could have gone to the court, but the elections board was able to resolve the race.

The Supreme Court heard Honor Code-related cases from its inception in 1968 until sometime between 1976 and 1994. The exact date that the court became exclusively one of original jurisdiction is unclear, according to the Reporter of the Student Supreme Court from 1999.

The Reporter offers a concise but comprehensive look at the history of the Court. It summarizes rulings and provides opinions from involved parties.

"It's inspiring how students have taken on leadership," said Cunningham, who helped compose the document. "The Student Supreme Court is an important part of that history of self-governance."

He said he hopes the Reporter will help the court in future rulings because it is filled with precedents.

This week's case involved complaints against the CAA regarding the number of men's basketball tickets allocated to members.

Student Attorney General Carolina Chavez, who represented the CAA, said she was surprised when she learned of the case.

"It's such a late date on an issue that has already been addressed all year by the University community and continues to be addressed," she said.

Cunningham said the Student Supreme Court is essential to continuing the University's ideals.

"There needs to be a student organization that decides disputes," he said. "It's part of our great history at Chapel Hill of student self-governance."

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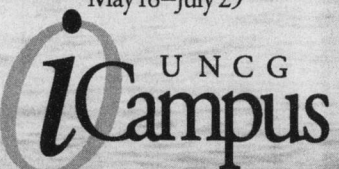
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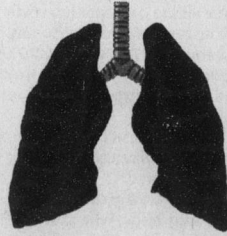
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