

Courtroom fight rages over death row

by Joel Brinkley
Feature Writer

First in a series.

On March 22, 1973, James Monroe Cummings of Clayton was convicted by a Johnston County jury for the murder of a Clayton policeman.

Judge Maurice E. Braswell pronounced Cummings as follows: "...you will be taken to the place provided for execution by the Warden or the Deputy warden where you will be led into the permanent death chamber and therein caused to inhale lethal gas in sufficient quantity to cause legal death. And may God have mercy on your soul."

Cummings thus became the first man sentenced to die under North Carolina's new capital punishment law, a law generally recognized as the nation's toughest.

Since a state Supreme Court ruling of a year ago, 22 men have been condemned to death in the state. This number is more than half the total number of men convicted in all 50 states.

The new law was the result of a United States Supreme Court ruling in June, 1972. In this decision (*Furman vs. Georgia*), the court ruled

that the death sentence, because it was often "arbitrarily and capriciously applied," was "cruel and unusual punishment," and therefore unconstitutional.

No one has been executed in this country since 1967, and *Furman vs. Georgia* at first appeared to be another boon for opponents of capital punishment. Since the decision, however, the number of capital convictions in the United States has increased.

One factor leading to this increase was President Nixon's interpretation of the court ruling, announced last March. He said the death penalty was cruel and unusual punishment only when it WAS arbitrarily applied and therefore, if it could be legally made the MANDATORY punishment for certain crimes, it would no longer be cruel and unusual.

Two months earlier the North Carolina Supreme Court came to a similar decision. They edited a clause from the state law which provided juries with the opportunity to plead mercy for convicted capital defendants.

As the law now stands, all convicted first degree murderers, rapists, arsonists and first degree burglars who committed their crimes after the filing of the decision are mandatorily

sent to Raleigh Central Prison for execution in the gas chamber.

Judge Frank Huskins, in writing the court's majority opinion, stated that the change was made to bring the law more in line with current U.S. laws. Justice William Bobbit, who voted against the change, said that by changing the law the court had "... assumed to act in a legislative rather than a judicial manner."

When they revised the law, the court's members were not trying to leave North Carolina with the nation's toughest capital punishment law. They assumed the law would be modified by the state legislature.

It was not. The Senate and the House each passed separate bills, but could not agree on a joint one. When the legislature recessed in July, the law remained unchanged.

Since Cummings was condemned in March, 1973, 21 others have been convicted (13 murderers, two murder/rapists, six rapists, and one first degree burglar, and have been sentenced to die.

The last of this group, Samuel A. Poole of Moore county, was condemned to death for an attempted burglary during which he was scared away. No one was hurt and nothing was stolen.

He, as well as all the other convicted men, is appealing.

Most of them are appealing on the grounds that the present law is still "arbitrary and capricious." Their appeals argue that because the law sets a date (the date the ruling was filed) after which all convicted men will be executed, it is still arbitrary.

The constitutional validity of this argument may have to await a decision by the U.S. Supreme Court.

The court has already ruled on one such case. In November it upheld the decision of New York's high court to strike down the state's capital punishment law.

New York's law, similar to North Carolina's, left the death penalty to the discretion of the jury in every case. New York, as North Carolina had, found their law to be in conflict with *Furman vs. Georgia* and therefore unconstitutional. However, instead of merely striking the jury discretion clause as the N.C. court had, New York abolished the law altogether.

The New York legislature is working on a new law which would make execution the mandatory sentence for the murder of a policeman.

Since the Supreme Court's 1972 ruling, 21

states have enacted new death penalties of various types. None, as yet, has been ruled on by the high court.

Georgia, whose new law may be acted on by the Supreme Court soon, provides the death penalty for a number of crimes. Convicted men are granted automatic appeal by the state supreme court.

In Wyoming death is now mandatory for all hired killers and for all first degree murderers who have previously been convicted of the same crime.

California held a state-wide referendum in 1972 and found that 68% of the state's voters favored capital punishment. A limited death penalty was recently enacted.

Florida has two crimes punishable by death: first degree murder and rape of a girl under 11 years of age by a man 18 or over.

These new laws have followed a strong upsurge in national opinion in favor of capital punishment. In January, a national poll showed that 57% of U.S. adults favored the death penalty. This has led many to speculate that at least some of the laws were enacted for political reasons.

Basketball final
UNC 102,
Clemson 90
Details in Friday's DTH

The Daily Tar Heel

Basketball final
UNC 102,
Clemson 90
Details in Friday's DTH

81 Years Of Editorial Freedom

Chapel Hill, North Carolina, Thursday, January 10, 1974

Founded February 23, 1893

Vol. 82, No. 76

Parking violators face stiffer penalties

by Janet Langston
Staff Writer

Violators of University traffic regulations now face stiffer fines as a result of changes in UNC's traffic policy, which went into effect with the new year.

A resolution passed by the UNC Board of Trustees in December allows stricter fines and strengthens enforcement of University traffic regulations. The Board also made provisions for a hearing officer and appeals committee to handle appeals by persons who received a citation or whose vehicle was towed from campus.

Any vehicle violating UNC traffic regulation may be towed. To recover a vehicle, the owner must pay the full charge of towing, the storage fee and the University fine.

Chancellor N. Ferebee Taylor appointed Ted W. Marvin, director of campus security

services, to serve as hearing officer. Taylor said Marvin's selection is "appropriate" as he already supervises all departments concerned with traffic regulation.

An Appeals Committee was also created to hear any persons dissatisfied with Marvin's decision.

Adjusted fines for traffic violations are:

- Disobeying lawful directions from law enforcement officers—\$10;
- Violating regulations governing staff, students, student parking permits, temporary parking permits and motorcycle rules—\$5;
- Violating any parking restrictions, not parking in the proper zoned area—\$2;
- Moving violations, disobeying speed limits or any other violation during vehicle operation—\$10;
- Using streets as prohibited by the regulations, in broadcasting advertising

from loudspeakers on cars without a permit—\$10; and

- Violating any regulations governing parking meters—\$2.

Violation of the above regulation may result in a \$50 fine or "imprisonment for not more than 30 days."

John Temple, Vice Chancellor for Business and Finance explained that this is strictly a "legal mechanism" to enforce violators to pay their fines.

He added that the Town of Chapel Hill has similar provisions in its rules, and when adopting its new regulations, UNC thought it best to do likewise.

To avoid court action and a stiffer fine, Temple said a person usually could just pay the fine the first time. Continued violations may also create a civil violation.

Any traffic violation mentioned in the amended Article XII, Section 1 can be considered a misdemeanor and be tried in court.

Fines will be collected through the University, a change from the old policy. Earlier this fall, the Town of Chapel Hill determined that to collect tickets issued by UNC policemen was out of their jurisdiction. To avoid any future conflict, Chapel Hill discontinued the service.

Uncollected employee and faculty fines may be deducted from payroll checks, according to the revised traffic policy. Student penalties will be forwarded to the University Cashier to be collected as are other student bills.

The General Assembly on May 14, 1973 authorized the University at Chapel Hill Board of Trustees to adopt "regulations governing traffic, parking and registration of motor vehicles" on the UNC campus.

The UNC collection of fines is one of the steps included in a forthcoming University traffic revision, but was initiated sooner than expected after Chapel Hill discontinued its service.

SAMs may threaten European airliners

United Press International
LONDON—Intelligence sources said Wednesday up to nine Soviet-made SAM missiles may have been smuggled into Europe for Palestinian guerrillas who were reported planning to shoot down civilian airliners in flight.

Troops and police were maintaining strong security measures at airports throughout Europe against the threat of attack by Arab terrorists. The shoulder-held missiles were designed by the Soviets to home in on heat emitted by low-flying

aircraft over a range of three miles.

The sources said countries holding Palestinians from aborted hijackings and plots and those with pro-Israeli policies were the most likely targets. But security precautions were taken almost everywhere.

In a survey of European capitals, airport officials at Helsinki were the only ones to report no extra security measures.

All other capitals reported armed police at their main airports. In some, these forces were backed by combat troops with sub-machineguns and armored cars.

APO co-op offers texts

A chance to beat retail prices

by Melinda Hickman
Staff Writer

If you aren't satisfied with retail textbook prices, there are only a few days to utilize an alternative that comes only once a year. The annual Student Book Co-op, organized and sponsored by Alpha Phi Omega service fraternity, is in progress and will run daily through Monday from 10 a.m. until 6 p.m. in the Great Hall.

The co-op is an opportunity for not only sellers but also buyers to beat retail and buy-back prices. The set-up allows students to attempt to sell books at their own prices, and at the same time offers students buying textbooks a chance to hunt for bargains.

To participate in the co-op, the student first designates his selling price. If the book is sold, APO receives 10 per cent of the selling price and the seller gets the rest. For example, if a student gives his price as \$4 and the book is sold, APO will get 40 cents and the seller will get \$3.60. All unsold books are

returned to their owners.

A spot check of some commonly used textbooks showed a wide range in prices on most books. All prices were favorable when compared to Student Stores' prices for new books, but many were on a par with used book prices.

One of the better bargains was *Basic Botany*, used in Botany 11. Co-op prices ranged from \$3 to \$9. At Student Stores, no used copies were displayed and new books were \$12.05. *Economics* by Samuelson, an economics 31 text, went from \$2.50 to \$10 at the co-op, compared to \$8.65 for used and \$11.50 for new at Student Stores.

A few other comparisons were: *Physical Geology* (Geol 11), \$8-\$9.50 at the co-op, \$9.70 used and \$12.90 new at Student Stores; *Chemical Principles* by Masterson (Chem 11), \$6-\$10.50 at the co-op, \$9.55 and \$12.75 at Student Stores; *Calculus and Analytic Geometry* (several math courses), \$8-\$13, \$11.20 and \$14.95 at Student Stores; *The Politics of American Democracy* (Pol Sci

41), \$5-\$8.50, \$7.45 and \$9.95 at Student Stores; and the *Borzoi College Reader* (Eng 1 & 2), \$1-\$5, \$4.45 and \$5.95 at Student Stores.

A representative from Barnes and Noble, a New York firm that buys back texts for general distribution, confirmed that their maximum payment for a book is half its original retail price. Price depends almost entirely on demand. Out-of-print books and other books with no demand are not bought at all. The buy-back price on paperbacks is very low, especially for non-textbooks (novels, etc.).

The advantages of the co-op are obvious, but it also has its share of disadvantages. One is the selection of books. Lower-level, General College, required and popular courses' textbooks are usually easy to find. Books for higher level and for majors-only courses are harder to come by, since people generally keep books from their major courses.

There is also no guarantee that a book will



Weather

TODAY: Foggy, rainy and cool. The high is expected in the upper 50's. The low is expected in the upper 30's to mid 40's. There is a 70 per cent chance of precipitation today, 40 per cent tonight.

2 housing board members resign

by Henry Farber
Staff Writer

The chairman of the Chapel Hill Housing Authority and another senior member of the housing board formally resigned Wednesday as an investigation began concerning charges of misuse of funds and administrative problems in the town's housing program.

Chairman Edwin Caldwell Sr. and J.S. Bennett resigned, saying they felt housing needs are no longer being met since the merger of the former Housing Authority and the Redevelopment Commission.

Another commissioner, Ivan Hill, resigned Monday due to business commitments in a letter to Mayor Howard Lee.

Caldwell, a 10-year veteran of the Housing Authority, expressed frustration with the performance of the new board. He criticized board officials for being overly concerned with their own salaries.

Bennett, also discouraged with the merger, said, "We've discussed budgets, salaries and procedures, but not a darn thing about housing." He complained that the Housing Authority's personnel budget of \$160,000 seemed excessive since the town has only 156 public housing units.

A full investigation concerning administrative problems and misuse of funds was requested by Lee due to certain alleged irregularities brought to the attention of the mayor by an ad hoc committee of the Housing Authority.

Specific allegations include questionable procedures in bookkeeping and check writing, excessively high telephone bills and travel expenses and an unidentified employee's request to borrow money. All of these charges refer to Housing Authority action since the housing merger.

In a press conference Wednesday, Lee said he would not name specific people in reference to the charges "until I have evidence to support the allegations."

"There is nothing to indicate criminal charges can be brought about at this point," he said.

The mayor expressed renewed optimism about the housing authority merger when he said, "It is the way to go, the most economical process for the community. We have administrative problems to work out," he said.

Lee said he is responsible for appointing replacements for the board members who resigned and that he would abide by mayoral policy in involving the Board of Aldermen in the appointments.