

Supreme Court hears death penalty cases

WASHINGTON (AP)—A Stanford University law professor argued Tuesday that all death penalty laws enacted since the Supreme Court abolished capital punishment in 1972 are unconstitutional.

In urging the Supreme Court not to reinstate capital punishment, Anthony Amsterdam said all 34 new laws violate the Constitution because:

- The new laws are so indistinguishable from the old ones that they are invalid under the reasoning adopted by the majority of the justices in the 1972 decision.

- The death penalty under any circumstances is a cruel and unusual punishment forbidden by the Constitution.

Amsterdam, representing the NAACP Legal Defense Fund, made his arguments as the justices heard cases about two men condemned to death in Texas and Louisiana. Capital punishment cases from Georgia, Florida and North Carolina will be argued on Wednesday for the states, the condemned men and the federal government.

The cases involved Jerry Jurek who was sentenced to death for choking 10-year-old Wendy Adams, the daughter of a Cuero, Texas, policeman, and throwing her into the Guadalupe River where she drowned in 1973.

The second case focused on the appeal of Stanislaus Roberts, sentenced to die for the fatal shooting of Richard Lowe, 61, a Lake Charles service station attendant killed during a holdup in 1973.

Jurek, who is white, was 25 when the Adams girl was killed. Roberts, who is black, was 16 at the time of the Lake Charles slaying.

Texas Atty. Gen. John Hill defended the Texas death penalty law as a deterrent against the limited categories of murder for which the state has imposed it.

"Why shouldn't it be allowable as a goal of society to have someone who intends to kidnap a small child consider his own life as an incentive for returning that child?" Hill asked.

"The Constitution created the right on the part of our state legislatures to make that difficult choice, painful as it is," he said.

James Babin, an assistant district attorney from Lake Charles, disputed Amsterdam's assertion that Louisiana law places too much discretion in the hands of juries, judges, prosecutors and others as to which defendants should die.

"There is no discretion by a person as to whether any particular person shall die or not die," Babin said. "If he is found guilty of first degree murder, then he is sentenced to death."

Amsterdam told the court that Louisiana law is typical of those in 11 states in which the death penalty is imposed in a supposedly mandatory manner for some kinds of first degree murder.

He said the Texas law is representative of laws in nine states which require a jury to find specified circumstances surrounding the crime itself in order to impose the death penalty.

D grade action to return in faculty agenda

More action on the return of the D grade is on the University Senate's agenda for today's 3:30 p.m. meeting in 229 Law. The latest concern of the body is whether there should be a clause in Education Professor William Lamon's original motion dealing with the 85 percentile rule.

Lamon's motion, presented at the February general faculty meeting, called for abolishing the 85 percentile rule, replacing it with a GPA system. At the March faculty meeting, however, Computer Science Prof. George Struble sponsored an amendment to exclude the D grade from the computation of the 85 percentile rule.

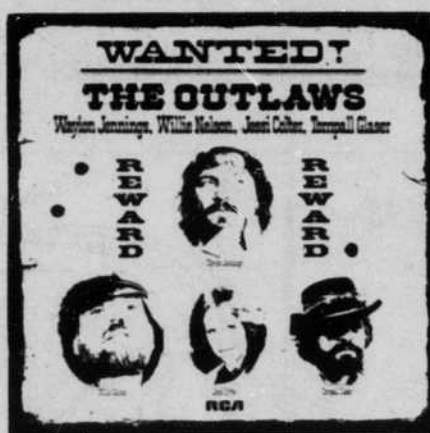
Economics Prof. Jim Tattersall, senate chairer, and Senate Secretary Shirley Wilson then circulated a motion through the mail calling for a repeal of Struble's amendment. According to Wilson, the motion is simply for the purpose of clearing up the issue of the 85 percentile rule. She says many faculty members were unsure of just what they voted on at the March faculty meeting.

According to the 85 percentile rule, 85 per cent of all work graded A, B, C, D, P, F and N completed at the University must be passed satisfactorily.

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