

What Is The Law?

This column is prepared as a public service by the College of Law, Willamette University, Salem, to explain basic legal principles, not to provide legal advice. The reader is cautioned not to apply these cases to his own problems without an attorney's advice, for differing facts may change the outcome.

Editor's note: Because of the timeliness of the Cheryl Crane case, the Willamette University law school decided to do a special interpretative column this week. The article attempts to explain "justifiable homicide."

"Justifiable Homicide" Explained in Turner Case

The "justifiable homicide" verdict of the coroner's jury at the inquest in Los Angeles in regard to the killing of Johnny Stompanato by Lana Turner's daughter, 14-year-old Cheryl Crane, leads many of our readers to ask, "To what extent may such a killing be justifiable homicide?"

According to the transcript of testimony taken at the inquest, Cheryl had been told of the past threats and violence of Stompanato. She was present at the beginning of the quarrel the day of the homicide and, when Lana retreated to her bedroom, followed by Stompanato, Cheryl also followed. What happened there apparently led Cheryl to believe her mother was in danger of grievous bodily harm or death.

Cheryl was told to go to her room and Lana Turner closed the bedroom door in an attempt to shield the daughter from the quarrel. Cheryl got a kitchen knife, returned, and was outside the bedroom door when the mother ordered Stompanato to leave and then opened the door. Then Cheryl stabbed him in the abdomen. He fell and died within minutes.

Common Law Explained
It has long been the common law that a person may justifiably kill an assailant to save his own life or to protect himself from serious physical injury. Gradually this rule has been broadened. First it was extended so that one might justifiably kill to protect a relative from death or from grievous physical harm.

Then this protection by the law was extended further to apply to those who kill to protect anyone for whom he is responsible, or to apply to one who finds it necessary to kill in acting to preserve the peace, to prevent crimes or to make an arrest—particularly when it is his official duty to act under these circumstances.

Regardless of what the actual facts may be concerning the danger, reasonable motivation is determined by what the facts appear to be to the killer. Hence the emphasis, in deciding this type of case, should be upon the knowledge and thoughts of the one who commits the homicide. Whether the actual danger existed is not essential to know as long as Stompanato gave cause for fear of violence.

From Cheryl's Viewpoint
Let us consider the case from Cheryl's viewpoint. After she was told by her mother about Stompanato's former threats and that Lana

was afraid of him, Cheryl naturally would believe he was dangerous. As Cheryl stood in the doorway to the bedroom, before she was told to go to her room, she heard Stompanato threaten not only her mother, but herself and grandmother.

When she returned with a knife, although the door to her mother's bedroom was closed, she could hear enough to know the situation had not changed. It is possible that it might not have been the words she heard then as much as the desperate tone of her mother's voice that frightened Cheryl into final action. She knew that her mother did not have the comparative physical strength to win in combat with Stompanato.

She Could Have Believed
Therefore, we see that Cheryl could have believed that it was necessary to act quickly to protect her mother and perhaps herself from death or grievous physical harm. At least this is the view the coroner's jury seemed to take at the inquest. Although the findings made at the inquest are not final, it is not probable that Cheryl will have to stand trial for this homicide.

There is a report now that an effort may be made to take Cheryl from her mother and make her a ward of the juvenile court. Of course, the wardship is under the jurisdiction of the juvenile court. "Justifiable homicide," where it is proved that she acted within her lawful rights, is not in itself cause for change of wardship. There would have to be other reasons for such change, apart from the homicide, although the emotional tensions resulting from the incident may be considered in determining the wardship.

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Optometrist Talk Set On Reading
Dr. Steve Dipple, Grants Pass optometrist, will be one of the featured speakers at the April meeting of the Southern Oregon Optometric Society at 6:45 p.m., today at the Elks club in Ashland.

Dr. Dipple will present a clinical analysis of the visual aspects of retarded readers. Appearing on the same program also will be Dr. William J. Thompson, Medford, with a report on the optometric extension program for post-graduate education of practicing optometrists.

Hosts will be Dr. Glenn Revel, Ashland, Dr. T. Winston Smith, Grants Pass, is in charge of arrangements. Wives of members of the society have been invited to the dinner meeting to discuss the re-activation of the auxiliary section.

Oregon City Firms Counteract Gloom
Oregon City—The two largest industries here today released employment reports of a sort designed to counteract gloom in some other areas.

Both Crown Zellerbach and Publishers' Paper Company said their mills were operating three shifts a day, seven days a week and Crown Zellerbach said it had recently hired 10 men to bring its crews to full strength. Crown has nine paper machines going and Publishers operates four machines, all with full crews and on full time. Both plants said layoffs last fall and winter due to machine repairs were infrequent.

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Cosmic Ray Study One of Chief Satellite Functions

Editor's note: Much of the research being conducted through instruments aboard the United States satellites deals with cosmic rays. Dr. James Van Allen of the University of Iowa, who heads up the scientists in charge of the research, was asked to explain why so much expense and time is being spent studying cosmic rays. This is his explanation.

By Dr. JAMES VAN ALLEN
Written for United Press
Iowa City—Like early experimenters in other fields, the upper air and space scientists don't know now what practical applications their findings will have.

Such predicting would be something like Benjamin Franklin offering the world the telegraph and telephone immediately after his explorations of lightning.

Michael Faraday, British pioneer in the physics of electricity, had an answer for a member of Parliament who came to his laboratory to find out what was "practical" about his work.

"I can't tell you what it will be good for," Faraday said. "But I'll tell you this. One of these days you'll be taxing it."

In 1831, Faraday discovered how to generate electricity by rotating a coil of wire within the field of a magnet. His discovery became "practical" 40 years later with the development of the arc-light dynamo, and machines to convert mechanical energy into electrical energy became major investments of taxable enterprises.

It wasn't long ago that many people wondered why physicists were spending so much time and energy trying to split up those tiny atoms, things too small even to be seen in a microscope. Now, of course, atom-splitting is one of our major businesses, for peace as well as for war.

In Its Infancy
Cosmic ray and other upper atmospheric and space research is now in its infancy, like electro-magnetism in Faraday's days of the 1830s and nuclear physics in the 1930s. We are now "crash programming" our efforts to grow in knowledge through several International Geophysical Year projects, using balloons, rockets and the Explorer satellites.

Cosmic rays possess enormous energy. They speed toward the earth with more zip than man has been able to generate in his most powerful cyclotron.

Cosmic rays, spawned both in the sun and in interstellar space, are natural "atom smashers," shattering both

themselves and atoms of nitrogen and oxygen when they crash into the earth's atmosphere.

Because of their energy, cosmic rays have already taught physical scientists things which they could have learned in no other way. Some atomic particles, mesons, for instance, first identified about 20 years ago, were discovered when cosmic rays blasted them out of atmospheric atoms.

Cosmic rays at full strength can pierce several feet of lead or a hundred feet of water. But their energy is largely dissipated when they hit the atmosphere.

Satellites Serve Purpose
Therefore, we must send our detecting and measuring instruments up high enough to meet them before they are broken down from primary into secondary rays. Rocket flights are useful for quick vertical studies of these particles, but satellites provide a broad sweep of information over a long period of time.

Outer space is a vast area of human ignorance. The history of the world proves ample evidence that attacking ignorance is fruitful. For once you start dispelling ignorance, you start finding things that are useful.

Today we are on the track of cosmic rays. What we find out about this puzzling "rain" of invisible radiation should pave the way to further knowledge of what comes out of space — to affect the earth's atmosphere and even life itself on our home planet.

The Family Council

Editor's note: The Family Council consists of a judge, a psychiatrist, three clergymen, a newspaper editor, a women's editor and two writers. Each article is a summary of an actual report. The Family Council does not give advice; it merely reports on problems that have been dealt with by responsible agencies and counselors.

Raymond F.—She says she's just get over those silly fears. my fiancée.

Flora M.—I have the ring.

Raymond F.—Boy, am I in hot water! I just don't see my way out of this one. I was going with a girl back home and we were romancing around. She talked about marriage, but I never really asked her. Well, finally I got into the Army — and was I glad! I figured that once I got away this girl would find someone else.

Well, she kept sending me letters telling me how much she loved me and all that sort of thing and I never answered them. Finally, she came down here to stay near the base where I am stationed. She introduced herself as my fiancée. I didn't have a chance to say anything. Whenever I get time off, she's right there, waiting for me. She keeps talking about our coming marriage and I just don't see myself getting married yet.

Flora M.—Raymond sure has one big fat case of amnesia. He certainly did ask me to marry him — not just once either, but dozens of times! My parents even objected to his hanging around so much and taking up so much of my time.

The trouble must be that he always had a few too many beers when he asked me to marry him. He also had a few too many when he gave me a ring — not an expensive one, it's true, but he said it was the best he could afford and it would have to do for the time being.

My parents were against my running after Raymond, but I feel sure that he is the one for me. At times he has admitted that he would really like to marry me, but gets cold feet when he thinks about it. I'm sure we could be happy together if he would

just get over those silly fears. The Council — Well, somebody sure has the wires twisted!

We suspect, however, that there is a good deal of truth in both statements. Raymond likes Flora and thinks of marriage when beer helps him get over some of his fears. Then he forgets what he has said and is amazed at the long, loving letters that reach him.

We take a rather dim view of the prospects of a marriage in which a girl has to take the initiative to such an extent, but if she is determined, we suggest that Flora encourage Raymond to talk over the problem with his chaplain and the doctor on his base. In the future, we'd advise Flora to ignore proposals and ring presentations made under the influence of liquor. (Copyright 1958, General Features Corp.)

The Pentagon building has a cubic volume of 90,746,000 feet and occupies a square mile of land. It is said to contain about 16½ miles of halls and corridors.

The Health News Institute reports that modern drugs and improved sanitation and better medical care have added 23 years to the American life span since the turn of the century. Our life expectancy now stands at nearly 70 years.

In the crater of Mt. Ruapehu, a 9,175 foot peak in North Island, New Zealand, is a lake of hot water surrounded by ice and drifted snow.

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