

By Tom Gordon

MONTGOMERY, ALA.

**A**LABAMA'S BRIGHT YELLOW electric chair was used for the first time on April 8, 1927. Through Jan. 15, 1965, three women and 150 men died in its 2,400-volt embrace.

Last week, the man who said he wanted to be No. 154, a 29-year-old Texan named John Louis Evans III, was within six hours of his goal. At that point, U.S. Supreme Court Justice William Rehnquist, responding to a petition filed by Evans' mother, halted the scheduled Friday morning (April 6) execution for a week.

Because of some provisions of Alabama law, Rehnquist's ruling means Evans' execution may be put off much longer than a week. And if Evans consents to further legal efforts on his behalf, his death could be delayed even more.

Without Rehnquist's Thursday night ruling, the Beaumont, Texas, native would have been the first American prison inmate to be executed since Gary Gilmore was shot by a Utah firing squad Jan. 17, 1977.

A high school dropout with an extensive criminal history, Evans says he first showed his criminal potential by stealing money from his family and giving it to his fellow kindergarten students. At age 16, he committed his first robbery.

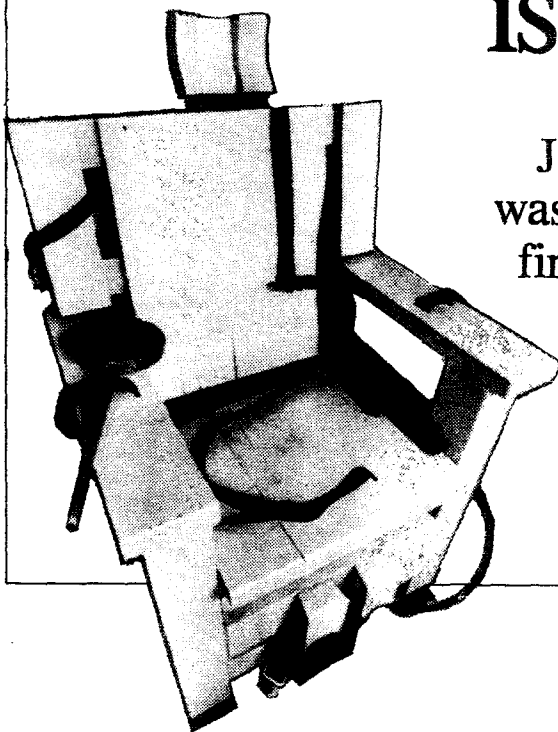
Eleven years later, he embarked on a two-and-a-half-month crime spree that, police said, included 22 robberies, two extortion-kidnappings and the murder of a Mobile pawn shop owner.

Evans and his companion in the spree, Wayne Eugene Ritter, later were arrested and convicted in 1977 of robbery-murder in connection with the killing of the pawn shop owner during a holdup. Evans had fired the shot that killed Edward Nassar, in the presence of Nassar's two young daughters.

Both Evans and Ritter were sent to Holman Prison in south Alabama and put on death row, where inmates are confined to five-by-eight-foot cells, allowed only half an hour of exercise each day and are denied privileges granted inmates elsewhere in the prison. Ritter's death sentence is being appealed, but weeks ago, saying he could no longer tolerate life under prison conditions, Evans told attorneys to stop

# DEATH PENALTY

## Alabama execution is delayed



John Louis Evans III was scheduled to be the first prisoner executed since Gary Gilmore was shot in Utah in 1977. He also wanted to die.

any efforts on his behalf so that he could die.

"I'll just pay the ticket for all I have done," he said several weeks before his scheduled end. "This is my only option left. I've reached the point where I'm tired of prison conditions, tired of the hassles, tired of the loss of freedom."

As the death date drew near, Evans seemed determined to go. He drew up a will, planned to donate his body for medical research and to receive the last sacraments from his Catholic chaplain. Two prison guards apparently were anticipating his death, too. Evans told a visitor that one of them wanted to have his shoes and that another wanted his watch.

Though some of them doubted Evans would go through with his death, Alabama prison officials prepared for it. They gave the electric chair a fresh coat of paint and made sure guards were more security-conscious. Early last week, they

moved Evans to a holding cell two doors down from the electrocution room and planned to serve him a last meal of steak, potatoes, salad and beer.

At the same time, however, Evans' mother, Betty Evans Dickson, and attorneys from the Montgomery-based Southern Poverty Law Center were seeking to stop his death. They filed a petition in U.S. District Court challenging Alabama's death penalty law and raised the question of whether Evans is mentally competent to make legal decisions on his own.

In response, the state questioned whether Mrs. Dickson could file such an action. The petition was unsuccessful until it reached the U.S. Supreme Court, 15 hours before Evans was to die.

Evans was told of Rehnquist's stay of his execution after he had taken what he thought would be his last shower. He seemed disappointed and cried. But two

days later, he said, through an attorney, that he wanted to be moved out of death row and into the general prison population. He also said he wanted to challenge Alabama's controversial death penalty statute.

The 1975 law, called by critics the "kill-them-or-let-them-go law," has not been ruled upon by the Supreme Court. It applies primarily to murders committed under aggravating circumstances (during a rape or robbery, for example), and critics say it puts too much pressure on a judge and jury.

Historically, many juries have avoided convicting someone of a crime carrying the death penalty, according to Montgomery attorney Morris Dees. But a jury considering the case of someone indicted under the death penalty law cannot find someone guilty of a lesser offense carrying a less severe sentence. It must either issue a guilty verdict—in which the death sentence applies automatically—or find the defendant not guilty. Dees says no other state in the nation has a capital punishment statute in which the jury determines punishment when it determines guilt, and has no leeway to hand out a lesser sentence.

Also under the law, the trial judge can reduce a death sentence—but only to life imprisonment without parole—if there are mitigating circumstances. In effect, the law forces judges to decide whether to commute a sentence—and anger voters—or let it stand. It allows for nothing in between.

Now that his electrocution seems less likely, Evans may see the death statute overturned by the federal courts. He also expects results from a suit filed recently to improve conditions for him and the 41 other inmates confined to Holman Prison's death row. Prison critics charge that poor food, prolonged confinement and other conditions unique to the row "forced" Evans to seek death as a way out.

The state prison system already is under a massive, three-year-old federal court reform order. Recently, with the consent of U.S. District Judge Frank M. Johnson Jr., Gov. Fob James took control of the system.

James had been asked by Evans' mother to stay her son's death, but he was still weighing a decision when Rehnquist's action was announced.

## MASSACHUSETTS

### Conservative governor hits new political low

By Sidney Blumenthal

BOSTON

**T**HE WEEK THE THREE MILE ISLAND disaster occurred Massachusetts Gov. Edward J. King issued a vigorous defense of nuclear power as 3000 protesters marched outside the State House. Nuclear power is one of the pet projects of the governor who prides himself on his "can do" attitude, a self-conscious conservative machismo that has already brought his young administration to the edge of ruin. In a time when politicians are widely held in low esteem, Ed King may be the nation's most incompetent governor. *Newsweek* has labeled his administration "Amateur Hour" and the *Washington Post* calls him the "Ray State Blunderbuss."

King was one of the few Democratic conservatives who beat a liberal rival in the primaries to survive the general election last year. Since his inauguration his regime has been a calamity. So far, four of his top appointments have resigned under fire in a chain of events journalists in Boston refer to as "the thing of the month club." Every day seems to bring a new scandal. Last month, when the more than 40 members of the Massachusetts Commission on Women protested his heavy-handed rule, King dismissed them in a single stroke, a gesture typical of his style. He has a way of alienating everyone but

his staunchest backers.

In a way, King represents the coming to power of the kind of Democrat that neo-conservative theorists Ben Wattenberg and Richard Scammon touted in the early '70s in their tract, *The Real America*. Scammon and Wattenberg (who has hosted a neo-conservative television series on public TV) argued that Democrats who stood firmly against permissiveness on "the social issues"—crime, drugs, youthful rebellion—would thrive against Republicans. Scammon and Wattenberg also linked this stand with a rigid anti-Communist foreign policy. This position is typified by Senators Henry Jackson and Daniel Moynihan, both of whom Scammon and Wattenberg advise. Yet in the purely domestic sphere, in which railing against the Soviet Union is quite irrelevant, there haven't been many *Real America* advocates. Enter Ed King.

In his campaign King portrayed himself as a spokesman for the *Real America* (or the silent majority) that supposedly demands Proposition 13-style property tax relief. King offered to cut property taxes by half a billion dollars. He admitted to a reporter late in the race that he made the figure up. Even so, voters elected him. He was seen as a regular Democrat in one of the strongest Democratic states.

King promised a new regime of managerial competence, or "can do" policy. His claim rested on his past record as the dictatorial head of Massport, the public agency that runs Boston's airport. As his

administration shapes up, however, it appears that patronage and cronyism rather than efficiency and productivity are his watchwords. Consider his nominees for state office:

•Stephen Guptill, a television reporter, was named Secretary of Elder Affairs. Newspapers revealed that Guptill had a falsified resume. He claimed degrees from Cambridge and Heidelberg universities. In fact, he was a high school dropout. He was forced to resign.

•Stephen Clifford was nominated as King's Insurance Commissioner. The insurance company that Clifford worked for heavily contributed to King's campaign and suggested to King that Clifford get the top insurance post. When newspaper accounts detailed Clifford's business partnership with a convicted arsonist, for whom Clifford had acted as a straw, he had to resign.

•Tom DiSilva was slated to be an assistant commissioner of the Metropolitan District Commission (MDC), a multi-million dollar agency dealing with roads, recreational areas and waterways. FBI tapes published in newspapers showed that DiSilva is allegedly a business associate of Raymond Patriarca, crime boss of New England. Di Silva quit under pressure.

•John Haggerty was tapped to be head of the MDC. Haggerty is the former head of a union against which many charges of illegal activities were filed by a dissident rank-and-file group; the charges were never thoroughly investigated by state agencies. The leader of the dissident group was murdered, gunned down in a parking lot. The case is still open. When these facts became known publicly Haggerty resigned.

King has attempted to brush aside criticism. The governor said he "regrets" the appointments; he will concede nothing else. But these scandals have immobilized his administration. The media smells blood. King himself disdains and scorns

the press. Their acrimonious relationship recalls Nixon's friction with the media.

On his \$500 million property tax cut, the issue that may break him if he can't deliver, King is having troubles. The budget he has submitted to the legislature falls short of the monumental cut he pledged. His budget also calls for drastic cuts in funding of Aid to Families with Dependent Children. His fiscal plan will encounter very close scrutiny. To the extent he is viewed by other Democrats as a poseur, weakened by his foolish appointments, his problems will increase. Already, powerful Lt. Gov. Tom O'Neill, son of "Tip" O'Neill, has publicly opposed King's welfare plans.

King's big triumph so far was to get the legislature to increase the drinking age to 20. Actually, King wanted it raised to 21. This typifies his worldview. He wants to show what a strict father-figure he can be. Also on his agenda is capital punishment. He's also for more nuclear power plants, off-shore oil drilling and tax breaks for big business.

In public opinion polls King scores very low in popularity in the Boston area. A ripple effect of disapproval apparently hasn't spread to the rest of Massachusetts. He still maintains his core support of regular Democrats, including many blue-collar voters, although the public employees' union, which supported him in November, is in a quandary because of the governor's draconian pronouncements about holding their salaries down.

A movement against King is beginning to emerge, although King is ravaging himself without any outside help. When King begins to move on his issues, public opposition will percolate. He is a neo-conservative mutant, someone the academic neo-conservatives probably will never want to claim as one of their own, although their theories helped make him possible.

## IN THE WORLD

NCE



Francois Mitterrand retained his leadership at the French Socialists' April 6-8 Congress.

## French socialists inch left

By Diana Johnstone

**F**RANCOIS MITTERRAND CRUSHED his younger rival Michel Rocard's bid for leadership at the French Socialist Party Congress in Metz on April 6-8. Shoved out of the majority that runs the party, Rocard and his discreet ally, Pierre Mauroy, the powerful mayor of Lille, emerged from the often stormy congress as the main figures in a new right-wing opposition faction. Mitterrand and his faithful lieutenants managed to scrape together a 46 percent plurality to keep full control of the party without having to share power with the left-wing minority CERES (The Center for Socialist Study, Research and Education), clamoring to get into the majority on the basis of its enthusiastic support of Mitterrand against Rocard.

Right after the left so closely lost last year's parliamentary elections, Rocard began stressing the need for policy changes.

Mitterrand and his closest admirers seem to have deeply resented the implication that Mitterrand's leadership was to blame for the defeat. To counter suspicion that he was motivated primarily by excessive personal ambition, Rocard was obliged in pre-congress discussion to stress the novelty of his position on the basis of issues.

When his position paper failed to rally a majority, Rocard—and especially Mauroy—urged a “synthesis” that could keep them all in the majority. Now it was Mitterrand's turn to insist that the policy differences were irreconcilable. In the end it was Rocard's supporters who could complain that ideas had been used as a pretext to attack their hero.

At the top of his oratorical form, Mitterrand led off by attacking Rocard's distinction between the “two cultures” of the socialist tradition: one of them centralist, statist, Jacobin and Marxist-Leninist, and the other decentralizing, libertarian, favoring “self-management” and individual freedom. At the last PS congress in Nantes in June 1977, Rocard's “two cultures” speech was the ideological high point of a debate aimed at isolating the left-wing CERES minority from the rest of the party. This time the CERES people, led by Jean-Pierre Chevenement, although numerically weakened (down to about 14 percent from their previous 20 percent of party members), could chuckle as Mitterrand answered that the role of the French Socialist party was to bring them all together. While insisting that he was personally not a Marxist, Mitterrand paid tribute to the Marxist contribution to socialist thought and rejected the anti-Marxist campaign popularized by the “new philosophers.”

On economic policy, Mitterrand at-

tacked Rocard's suggestion that ownership of the means of production was not decisive to socialist strategy as an implicit rejection of the “break with capitalism” central to PS doctrine since its 1971 Epinay Congress.

Mitterrand also rejected any special relationship with the CFDT labor confederation, where Rocard has many friends. Mitterrand's supporters warned that turning the PS into a “transmission belt” for CFDT policy could jeopardize PS relations with the other labor confederations. In fact, many of Mitterrand's labor allies are in the rival CGT (despite the heavy Communist Party influence there) and perhaps even more in the big teachers' union, the FEN.

Rocard's opposition to a strong nation-

al state, accompanied by his championing of the EEC and regional autonomy movements, is seen by his left critics, notably in CERES, as part of a strategy aimed at favoring the dominance of multinational corporations by weakening the only government level capable of making a transition towards socialism.

To the glee of the CERES people, Mitterrand largely took up this argument, warning against “imprudent enthusiasm for supranational structures,” but he said, Europe must be strong to resist “American imperialism.” This was meant for CERES, which has been warning against “German-American Europe.” In so many words, Mitterrand called on CERES to drop the “German” from their complaints, and lo and behold, Cheven-

## Communists welcome the June 10 elections

By Diana Johnstone

R O M E

**I**TALY WILL HOLD EARLY PARLIAMENTARY elections on the date of the first direct election of the European parliament, June 10. Italy's old Socialist President Sandro Pertini announced the double-header as the Italian Communist party (PCI) held its 15th congress.

In his closing speech to the congress on April 3, PCI secretary general Enrico Berlinguer approved Pertini's decision to dissolve the parliament elected in June 1976, when the Communists scored a record 34 percent. All signs point to a much poorer showing now. But a campaign against the Christian Democrats should help the PCI regain some of the sense of identity and combativity lost in over two years of non-opposition to Christian Democrat governments it was never allowed to join.

During the congress, leaders took pains to counter many militants' obvious relief and “sense of liberation” (the term recurred) at being back in the opposition by reminding them that the PCI was still intent on playing a role in government in keeping with the country's welfare and the important part of the population it represents.

The PCI's 14th congress, four years ago, marked the launching of Berlinguer's “Historic Compromise.” This time, with European elections coming up and Com-

munist states warring with each other, Berlinguer called for a “new internationalism” based on acceptance of diversity between parties and nations as the basis for peace and development.

### Foreign policy.

The PCI spelled out the originality of its foreign policy position without seeking the quarrel with Moscow demanded by some of its critics as proof of its independence. For one thing, this was not the moment to carp at the Russians, who are enjoying a new wave of popularity (or at least gratitude for their relative restraint) thanks to China's punitive raid into Vietnam, which horrified Italians. Without that raid, it is likely that Berlinguer would have gone farther in marking the PCI's distance from the USSR and desire for friendship with China.

Aside from the emotions of the moment, the PCI leadership is clearly committed to avoiding all sorts of “excommunications” and dramatic breaks that could aggravate dangerous tendencies towards belligerent isolation in either the USSR or China. On the contrary, the PCI means to make the most of its exceptionally rich international contacts to promote peace in and beyond Europe.

Berlinguer accused political adversaries who demand that the PCI openly break with the Soviet Union of both ulterior motives and provincialism. He said that foreign policy, after long being perhaps the most divisive factor, was now a main area of agreement between Italian parties,

ment in his speech simply called for a French foreign policy looking beyond “American Europe.”

With Rocard's defeat clearly in sight, Chevenement congratulated the PS for resisting the “Americanization of political life” which consists in choosing leaders according to their scores in public opinion polls. Thanks in part to a good press, notably in the weekly *Nouvel Observateur*, Rocard has in recent months done better than Mitterrand in public opinion surveys.

Rocard's speeches to the congress tended to confirm the “social democratic” label pinned on him by his adversaries. His reminder of past socialist failures was not what party stalwarts wanted to hear, and his defense of the market economy on the grounds that “there is no choice between the market and rationing” turned into the scandal of the congress. In rebuttal, Mitterrand won applause by denouncing the capitalist market as a form of rationing determined by power and money, recalling some of the ways that such basic necessities as education, health care and even jobs are “rationed” under capitalism.

As the congress that clobbered Rocard, Metz could be interpreted as a leftward turn for the PS. Mitterrand countered that interpretation by refusing to share his narrow majority with the party's otherwise jubilant left wing. He slipped out of the CERES embrace by the device of spending so much time in the resolutions committee debating disagreements with Rocard and Mauroy that there was no time left to discuss agreements with CERES. The CERES people were told that their incorporation into the Mitterrand majority could hurt the socialist image in the June 10 European parliamentary elections. But Mitterrand promised to open talks with CERES that could give it a share of party leadership once those elections are safely past.

CERES spokesman Didier Motchane concluded that the Metz congress ended with its business unfinished.

and gave as examples the attitude towards Indochina and support for African liberation movements. In fact (and the foreign delegates at the congress were a sign of this), the PCI probably has more friends on the African continent than any other political party in Europe, and Berlinguer made it clear that the party's internationalism, far from being pruned down to meet ideological criteria, should be seen as an asset to Italy and Europe in dealing with the world.

PCI “Foreign Minister” Gian Carlo Pajetta said the “new internationalism” was by no means aimed at strengthening some “camp” (as in past Communist parlance) but precisely at overcoming the division of the world into blocs. Stressing the importance of “nonaligned” countries, Pajetta said that “no one should seek to align them or, even worse, to ‘play’ one against another.” Attending the congress at the head of his country's delegation, Yugoslav party secretary Stane Dolanc expressed warm approval of Pajetta's words.

The other main theme of the PCI congress was the need for unity with the Socialists. But the scrawny Italian Socialist Party hope to ride sturdy Eurosocialist coattails to a score well above the 9 percent of the vote it got in 1976, apparently by winning votes away from the PCI.

PSI posters proclaim in the six EEC (European Economic Community) languages: “If you speak socialist you will be understood in Europe.” This goes along with PSI secretary general Bettino Craxi's ideological campaign against the PCI's undemocratic “Leninism.”

### No ideology.

Speakers at the congress stressed the PCI's idealism, not its ideology. And it is clear that idealism, more than any ideology, is the key to party members' sense of their identity. When old “historic leader” Gior-