

Commentary DEATH PENALTY PAPER TIGER

By JIM JOHNSON
Of The Daily Mail Staff

When you are on the firing line, you see things in closer perspective. Police are on today's firing line and they have definite opinions concerning a matter now before the Legislature, restoration of the death penalty in West Virginia.

I don't pretend to know all of their views, but in three years as a police reporter, I'm pretty sure I know what they're thinking about capital punishment.

If a vote were taken today on Charleston area police departments on this issue, I think members would vote overwhelmingly to bring capital punishment back. Officers believe in certain instances it is fair and just to take a man's life after he has been convicted by a jury of his peers for murder.

Typical of the police viewpoint are the views expressed by Dunbar Chief of Police D. E. Mack, one of the state's youngest chiefs. Mack says he believes that the majority of the American people are not opposed to capital punishment for certain crimes, such as murder. All the polls which say they are against it, he adds, are based on small sample surveys. To back this, he says that there are only nine states which have abolished the death penalty and eight states which abolished it, later returned to capital punishment.

"On March 17, 1971," Chief Mack writes, "during testimony before the House Subcommittee on Appropriations, FBI Director J. Edgar Hoover cited some appalling statistics regarding the number of persons murdered over the past decade."

"He reported that during 1966, 67, police officers made 10,000 arrests for murder. Of the 711 known offenders involved in these murders, 73 per cent had prior criminal records and 54 per cent of these offenders had been previously charged for a violent crime. One-fourth of the murderers were on parole or probation when they killed the police officer and 19 had previously been convicted of murder."

Chief Mack points out that there are numerous cases on record where a man who has committed murder is sent to prison, and returned to society where he again commits the same crime.

"If the death penalty is an effective deterrent," he adds, "Before we attempt to answer that question," Mack said, "it should be pointed out that deterrence should not be considered the primary reason for criminal penalty. It would be both immoral and unjust to punish one man merely as an example to others. The basic consideration should be: Is the punishment deserved?"

During 1959, Mack explained a record 159 executions were carried out, but this only represented 13 executions for each 1,000 homicides committed. In 1960, it was three executions per 1,000.

"The death penalty," Mack contends, "has been made a paper tiger by the same sort of liberals who now call for its abolition on the ground that it is ineffective as a deterrent. He said that in the second year after the death penalty was abolished in England, 'there were more murders, more rapes, more robberies, more assaults and more robberies' than in any previous year of its 2,000 year history."

To say that the death penalty is not a deterrent, Mack said, is to go against everything we have been taught about the dangers of living in this world.

"Does anyone question the right of an individual to an assistant should such an extreme measure be necessary to preserve his life or that of a loved one?"

"Some muddled thinkers could conceivably question this right by asserting: If someone points a gun at you, what right do you have to decide in advance that he means to harm you? You are not a mind reader; after all, it might be a cap gun. But even if it is real, how do you know if it is real, how do you know if he does kill you, what right have you to pre-judge the case before your assistant has seen his lawyer, and a trial and exhausted all legal appeals?"

"If then it is legal and moral to take the life of an assistant before he kills you, why is it immoral for civil authorities to take the assistant's life after he kills you?"



RITUALS CONTINUE—Mourners walk down a hillside near Man as workers continue to bury victims of the Feb. 26 flood in Buffalo Creek. The number of known dead has exceeded 100.—AP Wirephoto.

103 BODIES FOUND

Guardsmen Comb Flood Wreckage

MAN, W. Va. (AP) — National Guardsmen continued today to comb the wreckage of camps in Buffalo Creek hoping for the bodies of additional victims of the churning flood that raged down the hollow Feb. 26.

Their work among the debris-filled wreckage was slowed by the fact that the flood had already turned the area into a sea of mud. Guardsmen were working in the wreckage of the Buffalo Mining Co. dam at Accoville. They were looking for the bodies of the 103 bodies found Sunday by the high school in Man.

William Davies, a federal geologist, said in a recorded interview Sunday he did not think regular checking of the wreckage would be productive. He said the wreckage was too deep and too widespread to be searched thoroughly.

That far, more than 90 bodies have been positively identified in the temporary morgue set up in the auditorium of a grade school here.

But as the relatives of the dead, they ask about friends, relatives and names are reportedly was about eight feet taken off or added to the fact of below the top.

The geologist said their "best guess" now is that the top of the dam subsided, probably because of poor engineering, allowing the water to rip through the Lincoln hollow.

The Black Lung Association said it would seek an 11 a.m. muddy river. A spokesman said Moore would search work continues, mourning the other residents of Buffalo Creek by their dead.

Federal agencies aiding the other residents of Buffalo Creek by their dead.

Dam, If Done' Unable To Stop Feb. 26 Flood

HUNTINGTON, W. Va. (AP) — Rescuers and recovery teams could have gotten into the Buffalo Creek flood disaster area sooner if the R.D. Bailey dam had been completed, according to the U.S. Army Corps of Engineers.

But a Corps spokesman said completion of the \$106 million facility on the Guyandotte River in Mingo and Wyoming counties, which is due in 1976, would not have prevented the Feb. 26 flood that killed more than 100 persons.

The dam probably would have kept major traffic arteries in Logan County leading to Buffalo Creek from being blocked by rising water, the spokesman added.

The only access to the disaster area for a time after the flood was from the south. The R. D. Bailey reservoir would also have prevented an estimated \$1.4 million in damage along the Guyandotte from Man to Salt Rock in Cabell County, the spokesman said.

The Corps reported the Grayson Dam on the Little Sandy and four dams on the Letcher Park of the Big Sandy River, all in Kentucky, prevented several million dollars in damage during the heavy February rainfall.

The Summersville, Blount and Sutton dams in the Kanawha River watershed in central and southeastern West Virginia prevented an estimated \$15.7 million loss, the spokesman said.

Of the 10 bodies found Sunday, four represented the dead of two families. Other families are missing.

"We can still hope some of them are alive," a military official said. "The 'best hope is all it is, and it can't be much hope at this point."

Guardsmen have begun using a heavy crane to hasten the search for bodies in the piles of debris. If no bodies are found, the debris is piled again and burned.

The creek empties into the Guyandotte River at this conflict town, and the Guyandotte empties into the swift Ohio River.

One day has been recovered in the Guyandotte within 10-12 miles of the Ohio, and officials cannot be sure more did not die that far in the swollen, muddy river.

While the recovery and mourning work continues, mourning the other residents of Buffalo Creek by their dead.

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Loan Groups, IRS Extend Aid To Victims

Savings and loan associations will be able to offer liberalized credit to residents in the Buffalo Creek area for repairs, rehabilitation and reconstruction.

Chairman Preston Martin of the Federal Home Loan Bank Board, Baltimore, Md., said local associations had been solicited to help persons living in the flood area of Logan County.

At the same time, Hugh D. Jones, West Virginia director of Internal Revenue Service, said individuals and families who have suffered extensive property damage from last week's flood are entitled to income tax deductions.

The Justice Department estimates that more than 2,000 attorneys.

Those who already have filed claims for 1971 have been advised they may make annual deductions that will reflect the damage claims.

Claim form 845 should be used for this purpose, Jones advised. Taxpayers may obtain assistance at Logan, Bluefield, Beckley and Charleston IRS offices.

Miss Betty Jo Singler, a Kanawha Falls, Widen Postmasters Named

Two Charleston satellite post offices today had permanent postmasters.

Mrs. Leslie V. Benton has been appointed at Kanawha Falls, Payette County, by the U.S. Postal Service. The postmaster at Widen, Clay County, is Miss Betty Jo Singler.

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MON., MARCH 6, 1972 Charleston Daily Mail 5A

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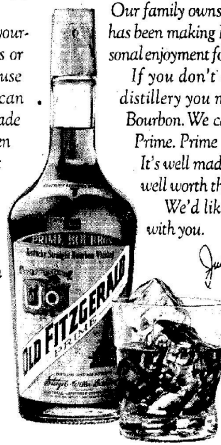
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