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THE DAILY OKLAHOMAN
Fri., Jan. 10, 1975

New Spending Formula Urged By Howard

Senate President Pro Tempore Gene Howard said Thursday the Senate will give serious study to a proposal to amend the constitutional budget balancing amendment to eliminate peaks and valleys in legislative spending.

He said present projections point to tax increases in the 1977 and 1978 legislatures unless legislative spending is leveled off.

A proposal by J.O. Spiller, state finance director, would eliminate considerations of year-end surpluses for legislative appropriation. Instead, the legislature would be limited to appropriating the past year's collections plus two years of growth revenue based on the five-year average of increased collections.

The proposed formula, if now in effect, would reduce spending of the current legislature from $80 million in new money to $61.5 million. By slowing down the rate of spending the 1976 legislature would have $24.5 million in new money to appropriate instead of a $45 million drop in revenue.

Howard said the figures are based on the present tax structure. He said if taxes are reduced this session as proposed by Governor-elect David Boren the financial picture will be even more grim for the 1977 and 1978 sessions.

Howard said it would take an intensive education campaign to get the people to approve a change in the budget balancing amendment.

"Right now it wouldn't pass," he said.

Senate Chief Against Suspending Merit System in Corrections

Senate President Pro Tempore Gene Howard said Thursday he is opposed to suspending the merit system for the Department of Corrections as proposed by Russell Lash, state corrections director.

"It would take more justification than I have seen before I would support such a move," Howard said.

Lash has requested that the merit system for the department be suspended one year in order to speed up a proposed reorganization of the department.

Howard said the merit system was adopted to protect employees from arbitrary and political actions. He said it was designed to provide job security and thereby attract better-caliber-type employees.

Howard said the merit system had never been suspended for a department since it was started.

"If we start doing it, the move could spread to other departments," he said. "Unless there is an overwhelming reason to justify it I don't think we should tamper with the system."

Howard said by weakening job security the state could really be lowering standards in the department instead of raising them.

Howard also was cool to a proposal by Lash to move the Department of Corrections to McAlester.

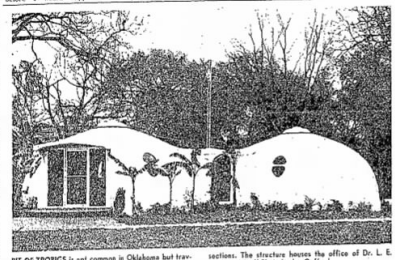
"I'm not aware of any good reason for the move," he said.

Howard also said he would approach "very cautiously" the proposal of Boren to spend $75,000 for a study of the state's penal system.

"I feel it would be better to spend the money to implement some of the studies that have already been made," he said. "The bottom line of all the studies that have been made always states that we need more money for the penal system."

A bill to suspend the merit system in the department was introduced Thursday afternoon by Reps. John Mistletty, D-Choctaw. The bill, House Bill 1880, makes no reference to suspending the merit system for only one year.

Mistletty said there was no way to suspend the system for a specific time period. He said the only way is to make the suspension with the legislative intent that it will be for only one year.



BIT OF TROPICS is not common in Oklahoma but travelers can see palm trees in front of an unusual structure in Pryor formed by a triangle of three fiberglass sections. The structure houses the office of Dr. L. E. Cramer. (Staff Photo by Ivy Coffey)

Unavailability Of Medical Aid At 'Rock' Cited

By Robert B. Allen
Staff Writer

MUSKOGEE — A criticism of Oklahoma State Penitentiary guard said Thursday it is next to impossible to get a doctor at night in the prison's segregation unit where one inmate died last May after reportedly making a dying plea for help.

Marion Price, who talked to reporters after 45 minutes before a federal grand jury, said he personally gave convict Robert Forsythe a gas mask to help his breathing two days before he died.

James 'Heavy'

"The fumes of gas were awfully heavy, one of the worst I have ever seen," Price said in describing the aftermath of a tear gas barrage last May 20.

The grand jury, in the fourth day of an investigation, has apparently devoted most of its attention to the Forsythe gassing death. The 35-year-old inmate was found dead in his cell two days after gas guns were used by guards to quell a disturbance which erupted during a shakedown of cells in the maximum - - segregation area.

Request Cited

The guard, who has been on the prison staff for more than 10 years, said he told the federal grand jurors Forsythe had asked for medical help but made no further plea after being given a gas mask. Price said other gas masks also were distributed to inmates in the segregation unit.

Price was one of nine guards among 18 witnesses to testify Thursday before the grand jury. Some inmates who talked to the jury earlier are believed to have testified about the unavailability of doctors in "the block" cell area during the night.

No Aid Lack Seen

Earlier, however, chief medical officer Karl Snow reportedly told jurors there was no lack of medical attention. He is one of Millin to one of the three appointments the governor makes on the board.

The fifth job on the board is filled by appointment by the chief justice of the state Supreme Court, Ben T. Williams of Pauls Valley, incoming chief justice, filled an order Wednesday reappointing Hazel Chairman Charles Chesnut of Miami to that position.

The remaining gubernatorial appointees are James Nicholson of Tahlequah and Paul Stumbaugh of Alangum.

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BLAST DEATH CASE OPENS

Convict Tells of Cellmate

By James Johnson
Staff Writer

ARAPAHO — An Oklahoma prison convict Thursday testified that bomb slaying suspect Larry Dean Turner once told him that "he knew how to make cure of witnesses" against him.

The testimony came on the opening day of a preliminary hearing for Turner on the charge that he planted the bomb in the home of Verner Hiebert which killed Hiebert and his wife, Helen Mae, last May 4.

Gene C. Wilson, serving a five-year sentence at the vocational training center at Stringtown for passing bogus checks, said he and Turner were cellmates briefly in the Custer County jail March 6.

Turner had just been arrested on suspicion of attempting to steal Hiebert's cattle and Wilson said Turner was seeking information from him on possible penalties for cattle theft and what size hand one might be required to post.

Wilson said Turner told him two men had chased him in a truck and they probably would be witnesses against him.

"He said the case against him didn't make any difference. He said he knew how to take care of witnesses like that," Wilson said.

Earlier, federal bureau of Alcohol, Tobacco and Firearms explosives expert Albert W. Gleason, Washington, told of a series of tests in which investigators reproduced the fatal blast.

Gleason said in the two days of tests at the end of October several types of explosives were employed. He said an ammonium nitrate and fuel oil commercial explosive sold under the name of Hercomix was the explosive which produced a crater matching the one in the cement floor of the Hiebert barn.

He said he required 12 pounds of the explosive to produce the correct size hole.

Other witnesses told of finding pieces of batteries at the blast scene and agent Sid Cookerly of the Oklahoma State Bureau of Investigation told of finding a piece of string similar to fishing line near the spot where the Hieberts were slain.

Gleason said that in his opinion they were the victims of a booby trap which was electrically detonated, probably when they opened the barn door.

Alamo police officer Day Reed testified he arrested Turner near the Hoskins Construction Co. on April 5, in the period between the time of Turner's arrest for cattle theft and the bomb slaying.

Agent Cookerly was recalled to the stand to tell of his finding evidence that the fence at the construction company had been forced. He said his investigation was last July.

When defense attorney Robert A. Jackson, Oklahoma City, objected to Cookerly's testimony, Dist. Atty. Richard L. Dugger, Elk City, said Cookerly's testimony was designed to show Turner had access to a store of Hercomix Explosive.

"You are going to have to tie it in with considerably more evidence," admonished Associate Dist. Judge Eph Monroe, who ultimately struck that portion of the agent's testimony.

At the opening of the preliminary hearing, Jackson made an unsuccessful bid to force the prosecution to include Mrs. Hiebert's death in the charge against Turner. The move came as Dr. D. D. Leatherman, Weatherford, Custer County medical examiner, testified Mrs. Hiebert was partly dismembered by the blast.

Turner, who faces the death penalty if he is convicted of Hiebert's slaying, also apparently may face trial separately for Mrs. Hiebert's death.

Judge Clears Rancher, 66, In Homicide

HUGO — A charge of shooting with intent to kill against a 66-year-old Choctaw County rancher was dismissed in district court here Thursday.

Associate Dist. Judge Ralph Jenner ruled during Thursday's preliminary hearing for rancher James Ketchum that the Dec. 19 shooting death of 25-year-old William Junior Thompson of Hugo was justifiable homicide.

Sheriff Earl Ballard earlier testified the two men allegedly had been involved in a long-standing fence feud going back several months and on the day of the shooting Thompson had driven his car through Ketchum's fence.

COPELAND NAMED

Tulsan Appointed To Parole Board

A formal order appointing Robert B. Copeland Jr. of Tulsa to a new term on the state Pardon and Parole Board was filed Thursday by C. F. Bliss Jr., incoming presiding judge of the state Court of Criminal Appeals.

Copeland is one of three members of the board appointed by outgoing Gov. David Hall. However, the position to which he was named is now held by Robert A. McMillin of Oklahoma City.

Copeland's appointment is effective next Monday, the day terms of all five members of the Pardon and Parole Board expire.

Judge Bliss, of Tahlequah, is not due to step down as presiding judge until the next day. The incoming presiding judge is Tom Brett of Oklahoma City, who originally appointed McMillin to the board.

McMillin, told Wednesday that Judge Bliss was expected to appoint Copeland to the post, praised the Tulsan and suggested that incoming Gov. David Boren might name McMillin to one of the three appointments the governor makes on the board.

Tulsa Businessman Shot In Dispute Termed Critical

TULSA — A Tulsa businessman was reported in critical condition at Hillcrest Hospital here Thursday after being shot five times in the chest and back with what was believed to be a .38 pistol, police said.

Maj. Harvey Sellars, head of the police department's detective division, said a 35-year-old Tulsa man, Paul Campbell, was arrested after the 1:40 p.m. shooting and was booked into jail for assault with intent to kill.

William Self, 44, was shot during an alleged argument with Campbell at a drive-in restaurant he owns in northeast Tulsa, authorities said. Campbell worked for Self as manager of the drive-in, according to police.

The shooting apparently stemmed from an argument about Campbell's wife," Maj. Sellars said.

Ships Under Way

WASHINGTON (AP) — A skyship Navy task force led by the nuclear-powered carrier Enterprise is expected to reach the Indian Ocean in a few days.

HOSTAGE SLAIN

Murder Charges Due in Robbery

CLINTON — Dist. Atty. Richard Dugger said Thursday he will file state first-degree murder charges against two Tulsa men already charged with the Monday robbery of the First State Bank of Gould.

Dugger said charges will be filed "possibly Friday or Monday" in the shooting death of bank bookkeeper Mrs. Wanda Masters, 28, who was taken hostage by the robbers. Alvin William Clark, 26, and Herman Tinsy Clark, 21, face federal bank robbery charges.

Mrs. Masters' body was found in an abandoned rural garage shortly after she and bank bookkeeper Mrs. Jana Robinson, 21, were taken hostage by two men who robbed the bank and also held two bank executives.

Mrs. Robinson was reported Thursday to be in poor condition in intensive care at an Amarillo hospital where she is being treated for bullet wounds in the face and shoulder, a hospital spokesman said.

Funeral services for Mrs. Masters were Thursday at the First Baptist Church of Gould. A spokesman for Caley Funeral Home said about 1,000 people attended services for the slain mother of five.

Arraignment Slated Today In Wagoner Shooting Deaths

WAGONER — A Wagoner man was brought to county jail here Thursday from Texas and will be arraigned at 10 a.m. Friday on first-degree murder charges in the deaths of a Muskogee couple.

Asst. Dist. Atty. Karen Steffen said Thursday Joel Rutherford, 24, Wagoner, stopped a police car in San Antonio Tuesday night and gave himself up.

Robert Burnett, 26, and his wife, Sue, 25, who was pregnant, were found shot to death on a Wagoner street Tuesday.

According to officials, Rutherford told San Antonio police he and the Burnetts, whom he called friends, had been out drinking.

Each had been shot in the back of the head with a 25-caliber weapon. At the time of his arrest, Rutherford was carrying a 25-caliber gun, Wagoner officials said.

The assistant district attorney said officials had not been able to determine a motive for the deaths.

Conversation Piece

Mom's Gourmet Lunch No Lure to Youngsters

By Nancy Stahl

As my children grew older, I find that I see less and less of them. Oh, I'm certain that I'd know them right off should I bump into them on the street; I mean, I could hardly miss a tall blonde girl wearing my clothes, could I? Or a short blond boy with size 10 shoes and a terminal case of Ring Around the Collar?

Besides, isn't this attitude what I begged for 12 years ago when they insisted on accompanying me whenever I went to the bathroom?

Actually, while I enjoyed it semi-immensely at the time, for the most part I am quite content to relinquish my title of North American GM Maid Champion.

Nancy Stahl

What I do miss is eating Saturday lunch together.

As Saturday is the only lunchtime we share, I tend to prepare a lavish spread, including bisque of shrimp soup, open-face chicken and bacon sandwiches, and broiled curried tomatoes. I envision the children rushing in any minute, expressing their delight at the prospect of such culinary magic, perhaps even calling me "Marmme." Instead, I receive phone calls from distant shopping plazas informing me that one child is going to the dentist with Joey to see him get his fluoride treatment, and the other is busy in a pet shop watching a hamster give birth.

I find that it helps at this time to remember the North Atlantic salmon, who never eat together. Of course, a nagging voice persists in reminding me that my children aren't salmon. But, after all, I have to think about something on these occasions, and North Atlantic salmon are better than nothing.

Sighing and kicking the stove does absolutely no good at all.

New Charge Eyed in Death

TAHLEQUAH — Asst. Dist. Atty. John Butler said Thursday he may file "a lesser charge" against a local woman who was freed of first-degree murder charges in the scalding death of her small child.

He also left open the possibility he will further appeal Judge's dismissal of the charge against Harriet Sellers.

"I haven't decided yet about the appeal," he said. "But I may file a lesser charge against her later."

Butler had appealed the dismissal of the murder charge at a September preliminary hearing before Associate Dist. Judge David Harris of Stilwell. But at Wednesday's hearing on the appeal, Dist. Judge Kenneth Hughes of Sequoyah upheld the decision.

The woman was accused in the Aug. 19 death of 22-month-old Tamara Jean Watson, who died in a local hospital after suffering severe burns.

Still charged and expected to be tried in March for first-degree murder is the child's stepfather, William Sellers. He has pleaded innocent and is being held in Cherokee County jail.

Escape Attempt Inquiry Delayed

AUSTIN, Tex. (AP) — Atty. Gen. John Hill said Thursday he will not ask for a court of inquiry in the Fred Gomez Carrasco matter until after two pending trials have been completed.

Carrasco, inmate Rodolfo Domingues and two hostages died in the attempted escape from the Walls Unit of the Texas penitentiary in Huntsville Aug. 3. The shootout came after Carrasco had held 25 persons hostage for 10 days in the prison library.

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