

MINUTES

ASSEMBLY JUDICIARY COMMITTEE
March 18, 1977

Members Present: Chairman Barengo
Assemblyman Hayes
Assemblyman Banner
Assemblyman Coulter
Assemblyman Polish
Assemblyman Price
Assemblyman Ross
Assemblyman Sena
Assemblyman Wagner

The meeting was called to order at 8:08 a.m. by Chairman Barengo.

AB 385: Pat Walsh, Deputy Attorney General in the Criminal Division, was first to address the committee. He showed the committee a display of weapons which had been confiscated at the state prison and explained that, as the law reads now, ownership of these weapons is not is not a crime. That is, possession is not a crime only carrying them concealed is a crime. He stated that they regularly find these weapons in the inmate's cells but they cannot prosecute them. He feels that AB 385 which provides penalties for simple possession of these weapons would discourage the crimes that result from having these weapons in the prison.

Mr. Walsh then introduced Mr. Tidwell of the State prison to explain the weapons to the committee. These weapons included zip guns, hand-fashioned knives, bludgeons, etc., all of which were found in the inmate's cell at the prison. It was noted by the committee that the inmate's show a tremendous amount of ingenuity.

In answer to a question from Mrs. Wagner regarding inclusiveness of the bill and the weapons named in it, Mr. Walsh explained that they did not include the use of acids or caustic materials which sometimes are used, however he did believe that the overwhelming majority of the weapons which are used were included in the bill. Discussion in this area followed as well as discussion on the transfer of prisoners and what is to be termed a prison facility.

AB 309: Assemblyman Wagner, as introducer, was first to testify on this bill. She handed out to the committee some material for their information. It is attached and marked Exhibit A. She stated that this bill addresses the problem which was brought to the attention of Nevadans last year, the Sundowners case. She pointed out that though the Grand Jury in Washoe County addressed this case, they came up with no recommendations or penalties. She also mentioned that the Board of Regents have come up with no proposals directed at this problem and though legislation might not be the ideal way to handle this problem it will, perhaps, bring it to the attention of those who could better deal with it. She said that this bill only applies to public institutions. She explained to the committee the definition of hazing which is used in the bill and the penalties which are involved. She said she did not believe

there were regulations in existence now which cover hazing. Mr. Ross stated that he felt the use of the term alcohol without some reference to amount was too vague. Mrs. Wagner stated that what was meant in the bill was that the ingestion of alcohol or any other thing which "caused bodily danger or physical harm" was not acceptable and perhaps the definition could have been more clear in the bills language.

Mr. Dick Wright, Washoe County School District, stated that his board presently has regulations against hazing. He said they do have some questions regard the wording in this bill. He said he felt there should be language added, perhaps in section 3, line 16, concerning "on public grounds or public school grounds". He explained that they have a very difficult time regulating the students when they are not on school property. He stated there should also be some clarification as to interpretation of public monies as used on line 17, and who it applies to, the student or the school or what. He also, stated they would like to see a due process procedure added to lines, 20 and 21.

In answer to a question from Mrs. Wagner, Mr. Wright stated that he would get a copy of their regulations on hazing and send them to her.

Mr. Bob Best, Executive Secretary for the Nevada State School Board's Association. He stated that the association has not taken official action on this bill. Though there have been certain points of the bill brought up for discussion and Mr. Wright had pointed some of those out in his testimony. He said that most school districts have rules against hazing on school grounds, however he did want to point out to the committee that school boards do not have authority to regulate or discipline children off the school grounds unless they are on their way to or from school. He explained that there was a judgement in Lyon County which prohibited the school from regulating the noon-time activities of their students in the downtown area. The judgement stated they had nothing to say in this type of a situation. Therefore, the enforcement of this type of a law would not be with the school authorities but with the law enforcement officials if it were not on school property even if it were a recognized organization at the school. He said he felt the rest of his points had been covered by Mr. Wright and thanked the committee for their time.

Mr. Mike Fondi told the committee that the Nevada District Attorneys Association is in favor of this type of legislation and the District Attorneys had drafted a similar bill patterned after the California statutes and Larry Hicks could give the committee more information on this.

Mr. Larry Hicks asked if the District Attorney's bill on hazing had ever been drafted and Chairman Barengo indicated that it had not and that perhaps, they could integrate their points into this bill. He said that their bill to had been prompted by the Sun-downer case and that what they wanted to do was define hazing in their bill so that it would not affect the minor types of initia-

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tions that go on rather to cover the types of hazing that goes on which is very dangerous and could cause bodily injury. He felt this type of hazing should result in misdemeanor charges. And, if the hazing activity ended in death of an individual then the charges should be felony and, perhaps, it should even be a felony charge if there was severe bodily injury.

He pointed out that the reason there were no criminal charges filed in the Sundowner case was, not that the Supreme Court would not indict, but, that there was no criminal law covering this type of problem. What happened could not really be termed "murder" or "manslaughter". He stated it would have been a prime case for felony hazing. And, he felt that Mrs. Wagner's bill should cover that type of situation where the hazing results in severe harm or death, which it doesn't in its present form.

Chairman Barengo stated that he had a copy of their proposed bill and that he would give it to the committee for their deliberations. Mr. Hicks then read the DA's definition of hazing. His definition did not include, specifically, the alcohol aspect that Mr. Ross had questioned.

AB 349: Assemblyman Craddock stated that the reason for introducing this bill was to try to curtail the thefts that are going on in connection with small tools, appliances, and CB radios, etc. by making it a crime to possess an item which had an identification number or marking removed from it. He stated he felt the bill was self-explanatory. Chairman Barengo asked him what would happen if a person had altered the serial number on an item which he had bought for personal use and then, later, decided to sell it. Mr. Craddock stated that would have to be one of the problems which would exist in order to have this legislation for the other types of situations. He said that if anyone had ideas as to how this could be covered in the bill, he was open for suggestions in that area.

He stated he felt this type of legislation would encourage people to be more aware of what they were buying, whether new or used. And, indeed, would hopefully educate people to write these numbers down so that if they were stolen later there would be some record of that number for the authorities to look for. A brief discussion on this followed.

Larry Hicks told the committee that the District Attorneys favor this bill.

AB 379: Mike Fondi stated that this bill was discussed in several meetings and it was decided that there was a definite need for this type of a bill which is pointed at the unusual case where it is necessary for one spouse to testify against the other. This would primarily be the child abuse cases, or the case where one spouse committed a crime against a third party and the other spouse witnesses that crime. As the law stands now, they cannot question the spouse without the consent of the other unless the crime that was committed was against the spouse who wished to testify.

Chairman Barengo pointed out that this is also for the case where one or the other parent has custody of a child and something happens to that child and the other parent cannot testify against their spouse until the divorce is finalized. Mr. Fondi agreed and added that this is also for the situation where someone with a child has remarried and the step-parent takes his frustrations with his partner out on the step-child. As the law is now, the parent cannot testify against the spouse, even if the acts are committed in her presence against that child due to the husband/wife privilege.

Larry Hicks testified that there is a need for this type of legislation and that they have run into some very real problems with the law as it is now in this respect.

AB 380: Mr. Robert Manley, Elko County District Attorney, stated that he and the District Attorney's Association and the Attorney General's Crime Conference all support this bill. He stated that the problem they are facing is that they cannot issue subpoenas for investigatory purposes as it is now and this prevents their pursuing some investigations. He said this bill would enable them to do what the Grand Jury does, but it is primarily for the small counties which seldom, if ever, have an existing Grand Jury. He said that this did not make it easy to get these subpoenas. He said that the bill called for good cause being given under oath before a district judge. And, if that judge finds that the cause is good and the subpoena is appropriate, then he can issue the subpoena. This process he feels would eliminate the possibility of abuse. And, he stated that in some of the complicated cases that arise, it is a badly needed tool.

In answer to a question from Mrs. Wagner, Mr. Manley stated that he did not know how many states have this kind of subpoena power although he does know that others do.

He said the main type of situation this bill is pointed at is where someone has vital information to an investigation and they do not want to voluntarily come in and give that information to the authorities.

Commenting on a point brought out by Mr. Ross, Mr. Manley stated that there should be an addition made that the subpoena issued by the judge should state what is to be done with the witness.

In answer to a question from Mrs. Wagner, Mr. Manley stated that there should be documentation or recording of the subpoenaed person's testimony and he would not have any objection to making it mandatory that there be a court reporter present to take down the testimony.

Mike Fondi was next to address this bill. He said that he wanted to point out that this subpoena might be used for a third party, such as a bank, in one of these investigations. This gives them a method by which they can go ahead and proceed to get the information necessary to found a prosecution. And, again the reason for requesting this is the lack of a Grand Jury in many cases,

A lengthy discussion followed concerning the need for a deposition and whether an attorney should be present for the person who had been subpoenaed. It was finally commented by Mr. Manley that these sections could be worked into the bill without their objecting to it. He said the one point that had to be recognized was that it would make it more expensive. It was also pointed out that this type of subpoena would only be for felony investigations and there are safeguards in this bill.

In response to a question from Mr. Ross, Mr. Fondi stated that in many of the smaller counties the investigations are already being combined with the prosecution factor, because it may be being done by one person now. Mr. Manley also pointed out that very few of the complicated investigations go forward now in the rural counties without the total involvement of the local District Attorney. Mr. Fondi stated also that the cooperation within the District Attorneys Association is very, very good.

Gino Menchetti spoke on this bill next and stated that this bill was supported by the law enforcement community and that he would like to answer some of the questions that had been asked on this bill earlier. First, in answer to Mrs. Wagner's question he stated that there were 22 or 23 states which have similar bills to this one. And this bill is modeled after the federal bill in this area. Secondly, with regard to who the Grand Jury can't be used in certain instances, he stated that the time problem in these investigations is critical and in the smaller counties it would probably take over three months to empanel a jury, as it took over two months to empanel the Grand Jury in Carson City. Last, in regard to the deposition question versus the simple keeping of a complete record of the meeting, he stated that in about 85% of these cases this procedure would not be necessary.

Mr. Jim Brown, Reno defense attorney, was next to speak. He said that the reason he was here was to point out that this bill offended a great many people and to clear up a few points that he wanted the committee to consider before voting on this measure. First he stated that, contrary to the testimony which had been given on this bill, there was a great potential for abuse of this bill. Secondly, he stated he felt this violated the separation of powers doctrine. Thirdly, he stated that if this bill is passed there should be added some procedural and protective standards.

Mr. Brown then explained to the committee a case which developed in Reno last October when a District Attorney was questioning a person and according to him misused his power in doing so and said that if this bill was passed this sort of abuse would be more common.

He also pointed out that he did not believe that the check and balance system which exists between the courts and the law enforcement branches now would continue if the separation were not maintained.

Finally, with regard to the procedural and protective problems of the bill, he stated that there is no provision in this bill for the witness to challenge the subpoena in a court hearing. There is no provision for the witness to have his attorney present. There is no provision for the recordation of the testimony. There is not provision for warning that his testimony can be used against him. There is no time limitation on the length of the statement that can be taken. There is no definition of what a felony investigation is. He stated he felt the bill is totally one-sided.

Chairman Barengo stated that since session would convene this morning at 9:30, the meeting would be recessed and the committee would meet back here upon adjournment to hear the balance of the testimony on these bills. The meeting recessed at 9:25 a.m.

The meeting was called to order, after the recess, at 11:35 a.m.

Mr. Larry Hicks, Washoe County District Attorney, addressed the the committee next on the balance of the bills in the package.

AB 381: Mr. Hicks stated that this bill imposed penalties for possession of a weapon in the commission of a crime and was needed because of the many crimes that are committed where firearms are used as an aggravating factor to the crime and the people in possession of these weapons were certainly in a position to have used them.

In response to a question from Mrs. Wagner, Mr. Hicks stated that the penalty for this possession during the commission of a crime was up to the discretion of the judge who was sentencing the defendant. It would not be an automatic penalty. He did state that he would suggest one amendment to the bill as it is written, and that is, on line four, and anyother place where it says "crime" it should be changed to read "felony".

He stated this bill is supported by both the State District Attorneys Association and the state law enforcement officers.

AB 382: Mr. Hicks stated that this bill is also supported by the State District Attorneys Association and the state law enforcement officers. He stated that currently it is not a crime to possess a stolen credit card unless it can be proven that that person received the card from somebody. And, that can't be done. The reason this bill proposes to make possession of a stolen card a felony is that the people who are using these credit cards can run up tremendous bills until these cards expire, and that can run into the thousands of dollars and they can avoid putting their own signature on it by having their friends sign the receipts.

In response to a question by Mr. Sena, Mr. Hicks stated that if someone notifies the credit card company when his card is stolen, they are only liable up to \$50. However, in cases with the professional card thieves, they sometimes only remove one card and the person is never aware it has been taken until he receives his

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statement and then it's too late to protect himself. Discussion followed briefly.

In answer to a question from Mrs. Wagner, Mr. Hicks stated that the reason for treating this as a felony was that this usually runs into the thousand of dollars and it is not an effective tool if all you can charge these people with is a gross misdemeanor.

He stated that some of these organizations are run on a large scale. And he pointed out that the Check Writers Association also supports this bill (Mastercharge and BankAmericard) because their losses run into the billions of dollars each year throughout the United States. This problem is especially important in Nevada, since it is involved so heavily in the tourist trade, and there is a real need for the felony provision.

AB 383: Mr. Hicks stated that this another of the bills supported by the District Attorneys Association and the law enforcement people. He explained that this bill is intended for use with the habitual criminal who has been able to be paroled very, very quickly because there is no provision in Nevada law for sentencing the habitual criminal to life without the possibility of parole.

He stated that if a habitual criminal were to be sentenced to prison there should be some meaningful time limit set to the minimum sentence and also there should be distinctions drawn between with and without possibility of parole. This bill would put a ten year minimum sentence on the habitual criminal and Mr. Hicks said this was about the common standard used in cases where life with the possibility of parole is given.

AB 384: He stated the same agencies support this bill especially in the rural counties where the type of reckless driving goes on which is extremely dangerous, such as the drag racing problem where someone is head-on'd. He said that in this type of case, if the person who is injured is not killed, there is no crime greater than reckless driving which can be used for the person responsible for the damage. And, what this bill does is provide for aggravated reckless driving. He stated that he felt on line 9, paragraph two it should say "is guilty of aggravated reckless driving".

In answer to a question from Mrs. Wagner, Mr. Hicks stated that currently the penalty for reckless driving, a misdemeanor, is a maximum of up to six months in the county jail and a fine of up to \$500. He said usually this is a fine of \$150 - \$300 and he is not aware of any cases which have resulted in jail time.

Mr. Manley pointed out that this bill has long been asked for by the Nevada Highway Patrol for especially the rural districts. And, this would be consistent with the laws on felony drunk driving which it is a parallel to.

In answer to another question from Mrs. Wagner, Mr. Hicks explained that proximately, in this case, means that the wreck and the re-

sulting injury was due to the reckless driving.

AB 386: Mr. Hicks stated that this is due to a problem which has been especially bad in Clark County and is supported by Tom Beatty. However, there is a proposed amendment which would read "willful failure of a person to attend at the time and place specified in the subpoena, is a misdemeanor." This would be in place of the "adequate excuse" language on line 14 which is vague and they don't feel strong enough to prosecute on.

Mr. Hicks stated that it is cumbersome to pursue a contempt citation on these people as it is now. And, he felt that it would be much more effective in assuring that witnesses are going to appear in the courtroom, since they will know that failure to attend is a misdemeanor offense.

AB 387: He said he felt this is an important housekeeping matter. As the law is now interpreted there cannot be an arrest made at night, unless the arresting officer sees it committed or he has a warrant. This poses a problem in stores which are open all night and also in casinos that are open all night. The law now does not provide for citizen's arrests during the night hours. Mr. Fondi and Mr. Hicks gave example of this problem to the committee. This pointed up the problem that if someone is arrested for a misdemeanor at night the city can end up with a large law suit based on that arrest being illegal.

Mike Fondi stated that the problem lays in the interpretation of the term arresting officer, whether that only included police or sheriff's personnel or if it includes a private person, and how the court interprets that term. He also pointed out that the reason this bill includes gross misdemeanors is that that has never been clear before. Discussion followed briefly.

AB 380: Mr. Hicks stated that he would like to comment on this bill which was covered earlier concerning subpoenas. He pointed out that in almost all other communities than Carson City, Reno, and Las Vegas there is no continual Grand Jury in session and therefore no power to conduct a criminal investigation. He then reiterated the points which had been brought out earlier. He also stated that is quite similar to the procedure which is gone through for search warrants in these counties with the exception that the person issuing the subpoena must be a district judge and a search warrant can be issued by a justice of the peace.

Mr. Manley pointed out that it would be all right with them if there were a provision built into this bill to allow for service of these subpoenas only in the day time as Mr. Brown had brought up. And, Mr. Hicks stated that it could also be included that the person must be given an inventory of the items recovered.

AB 381: Gino Menchetti stated, additionally, that the language on line 13 should be changed from "a primary offense" to either "such primary offense" or "the primary offense".

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Mr. Nick Harkins, Nevada Peace Officers Association, spoke briefly to the committee and stated that they were in support of AB 381 as written and AB 387 with some changes. He stated he did not feel that AB 387 made it clear that the person who makes the arrest must also be the same person who witnesses the crime.

Chairman Barengo also presented for the record a letter from the Las Vegas Metropolitan Police Department stating their views on some of the various bills heard today. This is attached and marked Exhibit B (with attachments).

Also, submitted and attached as Exhibit C, is a teletype from UPI concerning the marijuana issue in California.

The meeting was adjourned at 12:25 p.m.

Respectfully submitted,

Linda Chandler
ap

Linda Chandler, Secretary

GUEST LIST

NAME

REPRESENTING

WISH TO SPEAK

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Bob Best

New State School Boards Assoc

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Photo by Terrebonne



SUNDOWNER QUEEN Pamela Harris, defense attorney Eugene Walt Jr., and defendants Paul Hollis and Gary Johnson celebrate at the Little Waldorf.

OCT 29

'Downers jubilant after verdict

Rick Schindler

At about 10:40 p.m. Wednesday the word went out; the jury in the Sundowner trial had reached a verdict.

At Washoe County Courthouse, the nine defendants milled about nervously in the hall, waiting for the judge to come in, expecting the worst. The Davies family, solemn, sat by themselves.

Just before 11 p.m., the jury filed in. The bailiff called the roll.

"Ladies and gentlemen of the jury, have you reached a verdict?" District Court Judge William Forman asked. Unsure of the procedure, the jurors looked confused for several seconds. Several answered in unison: "Yes, we have."

Sixty seconds later the defendants were in tears, hugging each other tightly. The jury had returned two verdicts, one against John Davies' parents, John and Billie, and one against his sister Pamela. The Davies family sat stonily, expressionless.

Six of the eight jurors had decided that the preponderance of evidence favored the defendants. Two firmly disagreed. However, since the trial was a civil case, only a 75 per cent consensus was required to carry the verdict.

As the exuberant Sundowners and their supporters hugged each other tearfully in the hall, the Davies family and their attorney, Peter Chase Neumann, hurried quietly out a side door.

John T. Davies refused to comment except to thank the jury. Neumann had a press release prepared, expressing disappointment at the verdict. He refused to comment on whether the Davies family would appeal the decision.

Meanwhile, the jubilant Sundowners celebrated victory with their attorney, Eugene Walt Jr., at the Little Waldorf Saloon. Most expressed surprise at the verdict. "I thought we were fucked (before the verdict came

in)," said defendant Charles Butler, "and you can quote me on that."

Wait, however, said he was not surprised. "The evidence supported our case," he said. Regarding his opponent Neumann, he said, "He didn't know his case."

At that point Wait was helped atop a table amid loud cheers and applause. There were calls for a speech. "Let's all get drunk!" Wait yelled.

Later, as he was being photographed, Wait asked if he should pose with a bottle down someone's throat.

The jury had heard instructions from Forman and closing arguments from Neumann and Wait that day. After testimony from more than 30 witnesses during the previous three weeks, the central question before them had remained the same; who was in control of Davies' actions in drinking a lethal amount of alcohol during last October—Davies or the Sundowners?

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The trial arose from a civil suit by the family charging nine Sundowners and the organization as a whole with negligence in Davies' death. The suit also included charges by Davies' sister Pamela, against the defendants on grounds that her brother's death caused emotional stress for her.

In his instructions, Forman discussed the legal definition of negligence (in essence, failure to do what a "prudent man" might reasonably be expected to do under the same or similar circumstances) and explained that the law holds an intoxicated person to the same responsibilities as a sober one.

The judge instructed the jury to find in favor of Mr. and Mrs. Davies if they decided that one or more of the defendants were negligent and that their negligence caused Davies' death, and to find in favor of the Sundowners if they decided that Davies' own negligence caused his own death. In order to find for Pamela Davies, the judge explained, the jury would have to establish that "outrageous behavior" and "reckless disregard" of possible consequences by the defendants caused her emotional stress. The jury had a choice of seven different verdicts.

"No one intended to kill John Davies," Neumann said in his closing argument, describing Davies' death as an accident caused by the defendants' negligence rather than a willful act. He stressed that the jury only had to decide which side has a "preponderance of evidence," not determine guilt beyond a reasonable doubt as in a criminal case.

Davies, who lived in Stockton and Lake Tahoe before coming to Reno, "was not a member of the community," according to Neumann. Portraying him as missing the camaraderie of the football team, Neumann said that Davies was approached by Sundowners Steve Rahbeck and Dave Clapham and "of course he was interested in joining them."

During testimony from witnesses Mitchell Unger, Lynn Gilmore and Diane Schwall, Neumann contended that the Sundowners were in complete control during the initiation. "It was their game, their rules, they were in control." He said the defendants "failed in a hundred ways" to take reasonable precautions during the initiation rites. Neumann discounted the defense's contention of contributory negligence on Davies' part, referring to it as a "smokescreen" and a "red herring" to make the jury reduce the amount of damages awarded.

Regarding compensatory damages, Neumann displayed charts showing how much money Davies' parents, John and Billie Davies, would receive at the rates of \$25, \$35, \$50, \$75 and \$100 per day for the rest of their lives, based on standard life expectancies. The figures ranged from \$201,000 to over \$1 million.

Neumann emphasized the emotional effect of Davies' death on his parents, saying that Billie Davies had lost 29 pounds, aged physically and consulted a psychiatrist for the first time in her life.

He also suggested that \$100,000 in damages be

awarded to Pamela Davies and that \$1 million would be "a reasonable amount" of punitive or exemplary damages.

Neumann concluded his argument by asking what he called "unanswered questions" about the case: Why was Davies' body wet, burnt, bruised and dirty; why were Davies and Faulstich the only initiates to become comatose from alcohol; why did the Sundowners try to prevent Faulstich from being taken into custody by police earlier in the initiation period; and why did the Sundowners use Everclear (95 per cent pure grain alcohol) in their initiation?

"John Davies was there because he wanted to be," Sundowner defense attorney Wait said in his closing argument. He reviewed the last three days of Davies' life, alleging that Davies had voluntarily drunk too much throughout the initiation period, and repeatedly denying Neumann's contention that the Sundowners had control over Davies.

Discounting claims that Davies was physically compelled to drink, Wait said, "No one was big enough or strong enough to force Davies to drink involuntarily. He would have punched out anyone who tried to hurt him."

"John Davies knew how much he was drinking, but the others present did not," Wait argued. "He must have known better than anyone in the world how drunk he was becoming."

Wait also attacked the testimony of Pamela Davies, who had testified that she had witnessed part of the final initiation rite at the Little Waldorf the night of Oct. 12, 1975, and had heard her brother say, "Stop it. I can't take any more." Wait claimed that she hadn't gone for help because she had known her brother was there voluntarily and didn't see any danger for him.

Regarding Neumann's charts suggesting possible amounts of damages to be awarded to Mr. and Mrs. Davies, Wait called them "an inflated lawyer's trick to put big numbers before the jury." He suggested that if any damages were awarded, they could be in the form of a "John Davies memorial scholarship fund" for football players. "Sorrow and grief are not dollars and cents," he said.

He also attacked Neumann's case as inconsistent, saying that after accusing the defendants of killing Davies for three weeks, Neumann was now calling the death an accident.

Wait's main contention was that Davies' own negligence and "reckless disregard" caused his death. "Mere words don't make anyone swallow, and that's the crux of this case. A determined John Davies wanted to go through the initiation."

Addressing himself to several of Neumann's "unanswered questions," Wait dismissed Davies' wetness as a "false issue," and said Davies and Faulstich themselves were at fault for drinking more than the other three initiates. He said Everclear was just another drink "about twice as strong as bourbon," and said a campus sorority also used it as part of initiation.

Concluding his argument, Wait suggested the two verdicts the jury were to turn in later that night; Verdict A, for the defendants and against Davies' parents, and Verdict B, for the defendants and against Pamela Davies.

In his rebuttal, Neumann said he disagreed with Wait on all points and accused him of "trying the lawyer instead of the case." He said all the defendants should be held liable for Davies' death and that "evidence does indeed point to substantial monetary damages."

However, when the jury returned about six hours later, it was to exonerate the defendants. Those who voted in favor of the Sundowners were jurors Harriet Fenton, Fredrick Scoble, Bette Smith, Gillian Stovack, Pauline Thimman and Duane Nelson (jury foreman). The other two jurors, Joyce Hammill and Donna Tellgren, dissented.

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The University of Nevada-Reno
Newspaper

October 29, 1976

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Handwritten signatures and scribbles at the bottom of the page.

Women's organizations, Ann Scott, a vice president of the National Organization for Women, told NEWSWEEK she thinks the amendment will probably be ratified. But Pat Keefer, ERA specialist of Common Cause, warned that protracted delays could kill the amendment's momentum. "If it's going to be ratified this year," she concluded, "I think it's going to be done by the first of July."

MYSTERIES:

Fat Freddy

When young Fred Bronner first pledged the Chi Chi Chi fraternity at Los Angeles Pierce Junior College, he was as welcome as rain at the homecoming game. For 20-year-old Fred Bronner hardly looked like fraternity material. He had no social life, weighed 270 pounds, suffered from poor eyesight, was hard of hearing, and, worst of all,

house treasurer. But then one of the boys sold Bronner a car for \$600—a 1964 Pontiac with 120,000 miles on it. "Fred was so proud of his frat," said his own younger brother, Jerry. "When I asked him how he could be so stupid to buy that piece of junk he just answered, 'It's OK. My fraternity brothers sold it to me.'" Predictably enough, the car was a money-gulping lemon whose repair bills kept Bronner broke. He moved home again, regained his lost pounds, lost his new popularity and became saddled with the sobriquet of "Fat Freddy."

Heavily in debt and with his marks plummeting, Bronner dropped out of Pierce for a six-month tour with the California National Guard. He wanted to go to officers' training school, but was turned down because of his weight; and last September he was back on Pierce's 450-acre campus, playing the pinball machines in the student center, boisterous as ever. On a campus where apathy

Late one evening in Christmas week, a group of his fraternity brothers called at his home, and Bronner left with them. As his father watched, a fraternity brother looked up and yelled, "Hey, aren't you glad we're getting rid of him?"

Dumped: As his fraternity brothers drove up into the mountains, Freddy was introspective. He talked about his personality problems, his nagging obesity. Finally, he asked: "You guys are gonna dump me, aren't you?" Some 3,000 feet above sea level and 10 miles into the hills of the Angeles National Forest, they left him to find his way home. And in the darkness, with a cold Santa Ana wind whipping through his thin sweatshirt, Fat Freddy stumbled off the road and over a 500-foot cliff.

Despite frantic daily calls from Bronner's parents, his fraternity brothers waited a week before reporting him missing and telling the police what had happened. It was another two days before a



Lester Sloan—Newsweek



Hazing: Bronner's mourning family and the recovery of his body

was considered by his classmates to be stubborn, aggressive, and "thoroughly obnoxious." He was also very much the mama's boy. And when she heard he had pledged a fraternity, his mother, a middle-aged emigrant from Poland, fretted: "I just hope that they don't make him swallow goldfish."

She was assured that such hazing was far out of date, and ultimately the tri-Chis yielded to Fred's pleas for full membership. "He was so persistent, in the end we couldn't deny it to him. So we let him in," one brother recalls. But a blackball would have been kinder: Bronner's year of fraternity life ended last week with the burial of his broken body after another kind of hazing prank went hideously wrong.

At first, fraternity life was everything Bronner had hoped. His new brothers put him on a diet and made him run 2 to 3 miles a day; living away from his mother's refrigerator, he shed 64 pounds, started going out with girls and became

seems somehow implanted in the 16,000 commuting students, Fred Bronner was quite likely the most interested and active man around—but it won him few friends. "He was just so frenetic, single-minded and stubborn," says Joe Shinn, city editor of the weekly newspaper. "He was obnoxious."

He got himself elected a student senator. "But he began to use all the senate meetings to push all his petty programs," recalled one senate colleague, "and it really got out of hand." Bronner would speak out of order and, according to associates, often in bad taste. "He couldn't accept being wrong, and the others couldn't stand him." Finally, after the student senate voted to censure him for his "obnoxiousness," he resigned. In the fraternity, where he was the only Jew, some of his fraternity brothers began calling him "Jew Boy." His few friends advised him to leave the fraternity, but he laughed it off. "They're just kidding, that's all," he said.

helicopter crew found his body; he had died of exposure, multiple fractures and severe head injuries. The president of Pierce College, Dr. J.R. Nicklin, immediately suspended the fraternity but denied any responsibility for Bronner's death. "I just don't think we're liable," he said. "These were the acts of adults on vacation, off campus, unauthorized and unplanned." Police said nothing more than that stupidity seemed to be involved. But the Bronner family filed million-dollar claims against the people and institutions involved in the case. "He wasn't an athlete," said Fred's father, Leon, a 52-year-old Pole who emigrated to the U.S. in 1949. "He was a coward like me. He was fat and he was raised like a mama's boy all his life. He never walked. We always drove him. There was no way he could have survived that night."

Back on campus, darker rumors began to spread: Fred Bronner, students said, had been threatening to tip off police

that some Pierce College students were involved in drug sales and weekend prostitution. Still, the whole tragic affair inspired more shrugs than regrets. "He was such a wise-ass," one of his fraternity brothers told NEWSWEEK's Peter Greenberg. "It was his pompous self-righteousness that ticked me off."

PUERTO RICO:

'Era of Good Hope'

It was a day of triumph stained with tragedy. High on a bluff overlooking the Atlantic, Puerto Rico's bright new political hero, Rafael Hernández Colón, stood before his people on the steps of the Capitol to be sworn in as the island's fourth elected (and youngest) governor. Offshore, a Coast Guard cutter pressed the search for traces of a downed airplane and the body of another Puerto Rican hero, superstar Roberto Clemente of the Pittsburgh Pirates (page 75), lost on a mercy mission to aid victims of the Managua earthquake. The mourning for Clemente prompted cancellation of much of the planned celebration of Hernández's triumph, and shadowed the rest. The new governor was subdued as he implored a cheering crowd: "I ask you all once more: Help me. Give me your hands. I cannot do it alone . . . The era of Good Hope begins today."

Hernández will need all the help he can get. From the start, the 36-year-old governor will have to begin picking his way through a mass of difficult economic problems complicated by Puerto Rico's unique Commonwealth relationship with the U.S. The mainland recession of 1970-71 hit the island like a tropical storm, boosting the already high unemployment level—now officially 12 per cent and unofficially closer to 30 per cent. The U.S. job slowdown caused a disastrous reversal of Puerto Rico's usual outward migration, sending tens of thousands back home in fiscal '72. With fewer Americans feeling flush enough to take a midwinter Caribbean trip, the government was forced deeper into debt by buying out some of the island's failing hotels to keep them from closing forever. And American manufacturing plants enticed to Puerto Rico by special tax incentives in the booming '60s were closing down under pressure of rising wages and declining orders.

Assets: Still, if anyone can rally Puerto Rico to a new era of economic growth, it may well be Hernández. Though young and untried as an administrator, he has assets beyond his good looks, his attractive wife, Lila, and his four children. He rode in on a wave of popular support that carried him from a law practice in Ponce to the presidency of the Senate, the top of his party and the Governor's mansion in just four years. His 93,000-vote margin, a decisive mandate for his and the Popular Democratic Party's economic-development and po-



Hernández and family: A new look for the Commonwealth

litical programs, came as a complete surprise to political insiders. They had expected either a close race or a victory by Hernández's hard-running New Progressive Party opponent, one-term governor Luis Ferré, who spent close to \$3 million on an elaborate media campaign.

Hernández's triumph was also something of a political homecoming for Puerto Ricans. For the new governor is the protégé and political heir of Puerto Rico's grand old man, Luis Muñoz Marín, the 74-year-old founder of the Commonwealth and first elected governor of the island. Symbolically, one of Hernández's first acts in office was to reappoint Teodoro Moscoso, Muñoz's original director of the powerful Economic Development Administration and the architect of the enormously successful "Operation Bootstrap" that pulled the island up the development ladder in the late 1950s. What's more, the election was a vigorous reaffirmation of popular support for Commonwealth status. Hernández himself underlined that message for NEWSWEEK's Barbara L. Davidson as he discussed a 1967 plebiscite: "A mandate was issued to develop the Commonwealth to a maximum of self-government within the confines of a permanent union [with the U.S.] . . . I intend to fulfill it."

The line between "maximum self-government" and "permanent union" won't be an easy one to tread. Nevertheless, Hernández has already committed himself to maximizing the benefits of union (he says he will ask the Administration for Federal development funds) while at the same time trying to avoid some of the more onerous burdens that statehood would entail (such as Federal minimum-wage laws). But even before he took office, Hernández was reminded that when it comes to affecting U.S. policy, the Commonwealth of Puerto Rico speaks softly and carries a very small stick. Hernández had made a prime campaign issue of the unpopular use of the tiny isle of Culebra, just off the Puerto Rican coast, as a target range for

American and NATO ships and planes. But just days before the new governor's inauguration, Defense Secretary Melvin Laird sent a message to Hernández making clear that the U.S. Navy would not pull Culebra under the guns.

DETROIT:

The Biggest Manhunt

It all began routinely enough. Detroit policemen staked out near a suspected dope pad in the Near North west ghetto tried to stop a Volkswagen pulling away from the house. But a car swerved to a stop, a young man leaped out and dropped to a crouching marksman's crouch, a .357 magnum revolver braced in both hands. "I'm thinking to myself, 'He's not really going to shoot,'" recalls Patrolman Billy Price. The ensuing hail of bullets and shotgun pellets left all four cops wounded—and touched off what has become the biggest manhunt in Detroit's history, a grim new chapter in the interminable tale of violence and fear in the ghetto (NEWSWEEK, Jan. 1).

The Volkswagen, police theorized, was guarding a shipment of dope in a sedan. Following the shooting incident, warrants went out for the arrest of three young blacks: Mark Clyde Brown, 22; John P. Boyd Jr., 23, and Edward Brown, 18.

Three days after Christmas, two Detroit patrolmen on another stakeout recognized Boyd and Brown on the street. As the cops approached, the two boys whipped out a pistol and a sawed-off rifle and opened fire. Both officers were then, says a witness, the youths fired three more shots into Patrolman William Dooley and several more at Patrolman Robert Bradford. "I could see the flash of their guns," private security guard Ronald Bryant told authorities. "They were right over the man . . . pumped into him." Bradford, a father of two, died on the street—the eighth D-

...the charges.
Under California state law, a defendant cannot be held in custody for more than three years, after which the person must be discharged and the patient freed, unless further detention of the defendant should be recommended.
Among the enhancements of punishment that have been a 10-year-old newspaper, before are batteries of psychol-

Oct. 14, 1975

Sundowners

Forced Liquor Intake Probed In Death Case

Reno police said Monday there is some indication that liquor might have been forced into the mouths of initiates to the Sundowners Club—and the investigation into the Sunday death of one of the initiates is continuing.

Chief Criminal Deputy Dist. Atty. Cal Dunlap said he asked for information on the case but "I decided to make no arrests until the matter has been thoroughly investigated."

He said the case will be discussed today with Dist. Atty. Larry Hicks and a decision about possible legal action will be made then.

Police Capt. Don McKillop said Monday there is evidence the initiates were physically forced to consume liquor. But he added that the initiates were not forced to drink 190 proof "Everclear," a grain alcohol. Investigators said the group had also been drinking

(See related story on Page 1B)

John Davies, a 21-year-old senior physical education major, died Sunday of acute intoxication, according to the county coroner's report. A second student, Gary Faulstich, 23, was hospitalized in serious condition, the apparent result of a heavy ingestion of alcohol.

McKillop said members of the Sundowners, a social club comprised largely of University of Nevada, Reno students, had begun drinking at a beer bust in a local park last Thursday, and had apparently continued drinking at a dance and other

activities associated with the university's Homecoming week.

Five initiates, including Davies and Faulstich, were accompanied to Pyramid Lake by three members of the Sundowners, McKillop said, and while at the lake it was observed that Davies appeared ill.

Faulstich became sick on the way back to Reno, and by the time the two were delivered to a local hospital, Davies was dead and Faulstich was admitted to the intensive care unit.

Faulstich remained in serious condition Monday, still under intensive care, but reportedly "alert and stable."

Police reported Monday that the official blood alcohol content of Davies was .071, and that Faulstich's blood alcohol content was .108. In Nevada a reading of .10 is sufficiently high to prosecute a motorist for driving under the influence of liquor.

The diagnostic (unofficial) blood alcohol reports on Davies and Faulstich were inadvertently misstated by police Sunday as being .040 and .030—a misplacement of the decimal point.

Six other youths were taken into civil protective custody by police Sunday and questioned about the circumstances leading to Davies' death.

McKillop, chief of detectives in the Reno police department, said one of the initial problems was that (See SUNDOWNERS, Page 2, Col. 6)

Dangerous Drinking Patterns Analyzed

By EARL HUETHERMAN

The pattern of drinking which Reno police say killed a university student Sunday morning is the most dangerous possible, according to a physician queried Monday.

The doctor, who was approached by a reporter on the basis of anonymity, said two methods of imbibing alcohol will lead to almost certain medical problems.

One road to trouble is to swallow a big slug of alcoholic beverage such as a pint or more—all at once, he said.

The other, probably more certain method, is to cap a long period of steady drinking with a quick large intake.

Usually the body has a defense mechanism—the physician said—that is vomiting. The stomach lining gets irritated by the heavy dose of alcohol and the resultant vomiting saves most people.

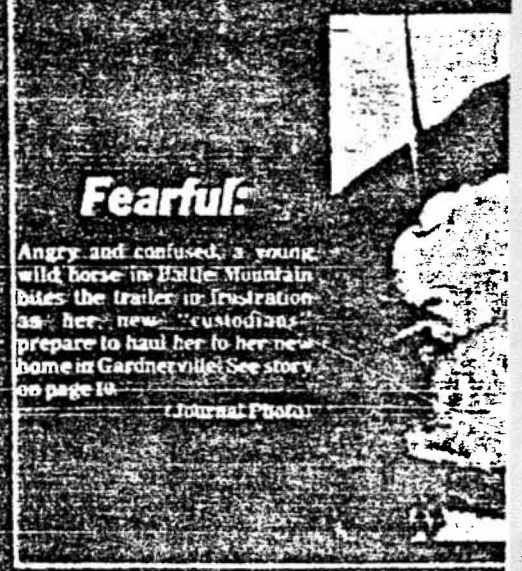
He said young persons have died from taking down a quick pint—ingesting it too rapidly for the defense mechanism to function and too quick for the body to metabolize the alcohol.

"If you sort of sneak up on a high blood alcohol level you are not medically in as much trouble," the doctor said.

(See DRINKING PATTERN, Page 2, Col. 4)

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105th Year - No. 325 - 11th



Fearful:

Angry and confused, a young wild horse in BLUE Mountain bites the trailer in frustration as her new "custodian" prepare to haul her to her new home in Gardnerville. See story on page 10.

(Journal Photo)

Nevada Dairy Probe Reports Two Commission

By MYRAM BORDERS

LAS VEGAS (UPI) — Two members of the Nevada Dairy Commission are executives of milk distributing firms which gave thousands of dollars in illegal kickbacks to prime customers, a state investigative report showed Monday.

The report detailed kickbacks of "discounts" granted customers of Anderson Dairy and Model Dairy in the Reno area, as well as other dairy distributors throughout the state.

Dairy Commissioner Glenn A. Coon of Las Vegas is general manager and vice president of Anderson Dairy. The Model Dairy is owned and operated by Nevada Dairy Commissioner Barry Brooks.

Dairy Commissioner Muriel Stevens said Monday that the commission itself did not institute disciplinary action for whatever reason; the entire matter should be turned over to the Nevada attorney general.

"I have been saving from the beginning we want some disciplinary action. I am not for sweeping it under the rug," said Ms. Stevens.

Assemblyman Lloyd Mann, D-Las Vegas, demanded the resignation of three members of the commission last week because he said they were involved, or had knowledge, of the

legal kickbacks. A portion of the report Monday's largest investigative member

The investigation Crescent Dairy Inc. as Anderson Dairy back 1961 to before July 31, 1965 (according to the manager and secretary of the company). He has had to purchase their times and 15 Stores. In Southwestern Dairy has 50% of the new payment to retail shelf space, their own Dairy offer

Model Dairy is Reno ranging from 100 percent to 100 percent

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Ford Agrees to Send Americans to Sinai

WASHINGTON (UPI) — President Jimmy Carter said Monday he has agreed to send American military and

360

If that is the case, she would undergo treatment until she recovers sufficiently to take an active role in helping her lawyers

"Defense strategy is not to keep her from standing trial, but just to use whatever efforts are possible to assure her a 'fair trial,'" defense attorney Albert Johnson said Monday. "In other words, to have her treated until such time as she can understand the nature of the crimes she is charged with."

The legal question to be answered by the court-appointed doctors is whether a defendant "has sufficient abilities to consult with his or her lawyer with a reasonable degree of rational understanding -- and

competent, he or she would undergo mental treatment for up to a year. If by then the defendant still is not improved enough to stand trial, normal procedure is to commit the defendant to a state mental hospital and drop the charges.

Under California state law, a defendant cannot be hospitalized for treatment for more than three years, after which the pending charges must be dismissed and the patient freed, unless further sanity hearings determine the defendant should be recommitted.

Among the exhaustive examinations that have been given to the 21-year-old newspaper heiress are batteries of psychological tests, a

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"If you sort of sneak up on a high blood alcohol level you are not medically in as much trouble," the doctor said.

(See DRINKING PATTERN, Page 2, Col. 4)

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105th Year No 325

FINAL

Tuesday

Fearful:

Angry and confused, a young wild horse in Battle Mountain bites the trailer in frustration as her new "custodians" prepare to haul her to her new home in Gardnerville. See story on page 10.

(Journal Photo)



Nevada Dairy Probe Report

Two Commissioners' Firm

By MYRAM BORDERS

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Dairy Commissioner Muriel Stevens said Monday if the commission itself did not institute disciplinary action for whatever reason, the entire matter should be turned over to the Nevada attorney general.

"I have been saying from the beginning we want some disciplinary action. I am not for sweeping it under the rug," said Ms. Stevens.

Assemblyman Lloyd Mann, D-Las Vegas, demanded the resignation of three members of the commission last week because he said they were involved, or had knowledge, of the

illegal kickbacks. Mann made public a portion of the report last week and Monday turned the entire investigative memorandum over to the news media.

The investigative report said Crescent Dairy Inc., doing business as Anderson Dairy in Reno, kicked back \$90,114 between Aug. 1, 1974 and July 31, 1975 to prime customers, according to Thomas Bahan, general manager and secretary-treasurer of the company. He said it included \$18,300 to Warehouse Markets during that time and \$34,000 to Mayfair Stores. In Southern Nevada, Anderson Dairy has 85 written lease agreements, most of which involve payment to retail stores for leasing shelf space, the report quoted Anderson Dairy officials as saying.

Model Dairy gave kickbacks in Reno ranging from 5 per cent to 15 per cent, according to the report, to Giant Discount (5 per cent), V and T Market (10 per cent), Save Time (10 per cent), Food King group (10 per cent), Mayfair (15 per cent), Albertson's (10 per cent), Raley's (15 per cent), and Clarkson's Market (\$80 a month).

Brooks told investigators Model Dairy did not give discounts until Anderson Dairy took over Crescent Dairy in Reno and initiated the policy

Ford Agrees to Send

Americans to Sinai

...ter:
...one person died in this plane which crashed in a fog-covered area near Davis, Calif. Monday. Officials weren't sure whether the plane had just taken off or was attempting to land when the crash occurred.
(UPI)

Drinking Pattern

(Continued from Page 1)

But a slow persistent drinking which leaves a person drunk will depress the body's systems, including the vomit reaction, and render a late big intake almost certain death, he indicated.

"But it can be just as dangerous for a young kid to take a gigantic slug any time," he added.

Reno police reported that the Sundowner club initiation which led to the death of 23-year-old John Davies began with a beer keg party on Thursday. Davies died in the wee hours Sunday as the three-day initiation reached toward a woody crescendo at Pyramid Lake.

Some reports indicated the beverages consumed late Saturday and early Sunday included Everclear, a 190-proof alcohol product.

The physician said the human body can be expected to metabolize about one-ounce highball per hour and stay sober.

Under Nevada law, he said, the drinker is considered under the influence at a blood alcohol level of one-tenth of one per cent (.10).

At two-and-a-half times that you start running into medical problems, he said.

But some persons arrive at levels of .25 per cent after long slow drinking and survive, he said.

Reno police indicated Monday that an intact level of .75 is even attainable, in rare cases, for an alcoholic.

A State of Nevada driving handbook contains a chart which describes states of intoxication at various blood-alcohol levels.

A motorist with up to .05 per cent alcohol in his blood is said to be "dry and dependable." One with up to .15 is described as "delighted and devilish."

A person whose blood shows about .20 per cent alcohol would be "dizzy and delirious" and one who reaches .30 would be "dazed and dejected."

At .40, the book says, a drinker is "dead drunk," and at .50, he is "dead."

According to a Reno police blood-alcohol chart, a larger person can consume more alcohol before his blood shows the effects.

A 160-pound person who drinks 12 one-ounce containers of 100 proof liquor would have a blood-alcohol percentage of .28. If the person weighed 240 pounds, his percentage would be .18.

At that rate, a 200-pound person would have to consume 24 highballs to reach .45. That doesn't allow for the amount of alcohol burned up over a period of hours.

Police recalled one man who died of acute intoxication several years ago had a blood-alcohol percentage of .56.

Last year, a woman motorist involved in an accident had a reading of .46. She survived.

It was the highest such level in Reno police traffic files in the three-year history of the department's files.

Police said Davis had a blood alcohol content of .47. A second Sundowner initiate—Gary Faulstich, who is hospitalized as a result of the initiation procedure—had a blood alcohol content of .46.

Prime Minister Meets With Wallace in London

LONDON, UPI — Alabama Governor George Wallace conferred with British Prime Minister Harold Wilson Monday on the first day of a European tour that many saw as a first shot in his presidential campaign.

Wallace was wheeled out of No. 10 Downing Street, Wilson's official residence, under a dark and drizzly sky. An aide held an umbrella over his head.

"My health is no problem," he told reporters. "I have been on the move all day, after not very much sleep and you see me now."

Aides then lifted the governor, who was crippled in an assassination attempt during the 1972 presidential campaign, into his rented gray Mercedes. They folded away his wheelchair in the trunk and drove him off to address the Bow Group of the opposition Conservative party.

Wallace flew into London early Monday several hours behind schedule because of mechanical problems with his chartered jet. Despite getting only four or five hours sleep, he kept to his original schedule.

"I feel good," Wallace said. "I would like to assure the people of this country and Western Europe of the great ties between them and the United States. I feel it's great to be here."

He was wheeled through the lobby of the Churenull Hotel and fielded

questions on the run from a group of American and British reporters.

"There's our next President," two American women cried and rushed forward to shake his hand.

The governor was driven to the American Embassy, 500 yards away. Ambassador Elliott Richardson briefed him for one hour on British and European political and economic facts of life.

Wallace then lunched with Embassy officials, British members of Parliament and U.S. businessmen based in England.

From there, Wallace raced to West London to record a 35-minute interview for the BBC's Panorama television program.

Despite the lights and the discomfort, he seemed to lose patience only once, when interviewer David Dumbleby asked him about the amount of U.S. federal aid pumped into the Alabama economy.

Wallace changed the subject and launched into remarks about the value of close links between the United States, Europe and Britain.

Tuesday Wallace was scheduled to confer with Conservative party leader Mrs. Margaret Thatcher before flying to Brussels to be briefed on the workings of the headquarters of the European Common Market.

He will also visit Italy, West Germany and France in his 13-day tour.

...something we haven't seen," Mr. Stevens asked.

Assemblyman Mann has demanded the resignations of dairy commissioners Coons, Brooks, and Dale Hunt, an independent distributor from Bankersville who does business almost exclusively with Anderson Dairy. Mann said Hunt had knowledge of the illegal kickbacks.

Mr. Stevens said he did not know if Mann's demands were justified, but said he questioned whether he can have people regulating an industry who themselves are guilty of illegal acts.

Ronald Averett, a former dairy commissioner, is group manager of Meadow Gold Dairies in Reno. State investigators said he listed kickbacks by Meadow Gold ranging from 8 to 15 per cent to Warehouse Markets (10 per cent), Albertson's (15 per cent), Raley's (15 per cent), Food King Group (15 per cent), Valu-Mart (15 per cent), Mayfair Stores (16-15 per cent), Washon Markets (10 per cent), Best Ray Jarman, general manager of Meadow Gold Dairies, gave investigators slightly different figures. Jarman said discounts were 11 per cent where Averett listed them as 15 per cent. Jarman's figures showed monthly discounts of \$10,000 to Warehouse Markets, \$2,800 to Food King Group, \$5,200 to Albertson's, \$1,067 to Valu-Mart, \$6,600 to Raley's and \$190 to Mayfair Stores.

Sundowners

(Continued from Page 1)

...everyone police tried to question was intoxicated.

Civil protective custody is not a criminal matter and the youths detained for detoxification were released several hours later and their identities were not released by police.

A spokesman for the Sundowners said Monday night:

"The Sundowners of UNR collectively and individually wish to express their deep regrets and sincere apologies for the events that have transpired. They offer their apologies to the school and the community for the embarrassment and grief we all feel, but more importantly, to the parents of John Davies and Gary Faulstich."

The spokesman declined to be identified.

Officials at the University of Nevada say the Sundowners are not recognized as an on-campus group or affiliated in any way with the school.

The membership of the club is largely comprised of students, however, and a review of their activities and circumstances surrounding the death case will be made, according to University of Nevada President Marc Miam.

Davies, who resided at White Pine Hall on the campus, was a native of Park Army, Calif., and had resided in Reno for three years.

He had played football here for two years and was a defensive tackle for the Wolf Pack in 1976. He was ineligible to play this season because he had played two years of junior college ball in Stockton, Calif.

He is survived by his parents, John and Billie Jean Davies, of South Lake Tahoe, and by a sister, Pamela Davies, of Reno.

A memorial Mass, requested by members of the UNR football team and other friends, was conducted Monday afternoon in St. Thomas Aquinas Cathedral.

Veneration will be from 2 a.m. to 6 p.m. today at the Walter Funeral Home in Reno.

The body will be taken to Stockton, Calif., where Presbyterian services will be conducted at 10 a.m. Thursday in the B. C. Wallace Funeral Home. Entombment will be in a Stockton mausoleum.

Terminally Ill P...

RALEIGH, N.C. (UPI) — Robert Hanson, 57, died terminally ill and in a impoverished parole allowed to return to Central Prison to spend his last days. Hanson may be able to go to a rest home.

"We did our damnedest to keep him out," said Parole Commission Chairman Jack Scism Monday, "but we felt if we didn't do something he'd lay there and die."

Ransom, 45, was in 1972 after a term of an eye for the crime of a woman. After a woman and Scism, Hanson performed very well. He was a good even after his to go bad, but yard work was the black president was for welfare. He learned, Monday, dispute with Scism.

Piggy Picked

Dennis Vandenberg, 44, told police someone entered her residence through an open window and stole a color television set valued at \$200 and a piggy bank containing about \$5.

Ship Stripped

Leslie Warner, 15, of Smithridge Park, told police thieves stripped his boat of its cover, two seats, a rowing, two water skis, two water ski jackets and some engine parts, all valued at about \$22.

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ined' er Wins ic Honors

LE, Tenn. (UPI) — John gentle singer of Rocky ighs, accepted his Country ciation Entertainer of the d from Perth, Australia Monday night.

on tour in the Far East, attend the 9th annual w at the Grand Ole Opry. singing for you, all my sic friends. I thank you Dad," the stunned blond

also won Song of the Year k Home Again."

family background, that rce brat, is not traditional However, his mellow, try-rock-pop sound has records million sellers in arkets.

alist of the Year honors aylon Jennings, a Texas of country-rock. The nings, who once toured e Buddy Holly's rock band, wledged rebel in the in-

pted his award saying, me to be nice, but I don't ey mean by that."

's co-host, Glen Campbell, l, "It's about damn time,

n of 18 years in the country blonde and buxom Dolly the surprise winner of the calist of the Year Award. sure this is going to be my said just before the show. ave a fear that I never will insecure about it, but I want the award unless I rved it."

ton added that she did not ard if it was meant only touffled feelings left in some country artists angered at award to Australian Olivia n.

l by two pillars of the o scene, Campbell and ide, the awards show is the paean to the year's top most enduring artists.

rossover artist, Freddy lked off with the Single e Year Award for his hit Next Teardrop Falls "

nger-musician Ronnie nner of last year's Male ard, won Album of the s for "A Legend In My

Twitty and Loretta Lynn Duo of the Year for the in a row.

er Brothers, who were in Dallas during the show, Vocal Group of the Year

uitarist Roy Clark and Buck Trent received the l Group of the Year accepted it in a pretaped m Las Vegas.

Johnny Gimble was his 30 years in country he Instrumentalist of the

ry Cannon, better known comedian Minnie Pearl, ears as long-time friend rnie Ford announced her o the Country Music Hall

Drinking Pattern

(Continued from Page 1)

But a slow persistent drinking which leaves a person drunk will depress the body's systems, including the vomit reaction, and render a late big intake almost certain death, he indicated.

"But it can be just as dangerous for a young kid to take a gigantic slug any time," he added.

Reno police reported that the Sundowner club initiation which led to the death of 23-year-old John Davies began with a beer keg party on Thursday. Davies died in the wee hours Sunday as the three-day initiation reached toward a wozy crescendo at Pyramid Lake.

Some reports indicated the beverages consumed late Saturday and early Sunday included Everclear, a 190-proof alcohol product.

The physician said the human body can be expected to metabolize about one one-ounce highball per hour and stay sober.

Under Nevada law, he said, the drinker is considered under the influence at a blood alcohol level of one-tenth of one per cent (.10).

At two-and-a-half times that you start running into medical problems, he said.

But some persons arrive at levels of .25 per cent after long, slow drinking and survive, he said.

Reno police indicated Monday that an intact level of .75 is even attainable, in rare cases, for an alcoholic.

A State of Nevada driving handbook contains a chart which describes states of intoxication at various blood-alcohol levels.

A motorist with up to .05 per cent alcohol in his blood is said to be "dry and dependable." One with up to .15 is described as "delighted and devilish."

A person whose blood shows about .20 per cent alcohol would be "dizzy and delirious" and one who reaches .30 would be "dazed and dejected."

At .40, the book says, a drinker is "dead drunk" and at .50, he is "dead."

According to a Reno police blood-alcohol chart, a larger person can consume more alcohol before his blood shows the effects.

A 160-pound person who drinks 12 one-ounce containers of 100 proof liquor would have a blood-alcohol percentage of .281. If the person weighed 240 pounds, his percentage would be .188.

At that rate, a 200-pound person would have to consume 24 highballs to reach .45. That doesn't allow for the amount of alcohol burned up over a period of hours.

Police recalled one man who died of acute intoxication several years ago had a blood-alcohol percentage of .56.

Last year, a woman motorist involved in an accident had a reading of .46. She survived.

It was the highest such level in Reno police traffic files in the three-year history of the department's files.

Police said Davis had a blood alcohol content of .421. A second Sundowner initiate — Gary Faulstich, who is hospitalized as a result of the initiation procedure — had a blood alcohol content of .456.

Prime Minister Meets With Wallace in London

LONDON (UPI) — Alabama Governor George Wallace conferred with British Prime Minister Harold Wilson Monday on the first day of a European tour that many saw as a first shot in his presidential campaign.

Wallace was wheeled out of No. 10 Downing Street, Wilson's official residence, under a dark and drizzly sky. An aide held an umbrella over his head.

"My health is no problem," he told reporters. "I have been on the move all day, after not very much sleep and you see me now."

Aides then lifted the governor, who was crippled in an assassination attempt during the 1972 presidential campaign, into his rented gray Mercedes. They folded away his wheelchair in the trunk and drove him off to address the Bow Group of the opposition Conservative party.

Wallace flew into London early Monday several hours behind schedule because of mechanical problems with his chartered jet. Despite getting only four or five hours sleep, he kept to his original schedule.

"I feel good," Wallace said. "I would like to assure the people of this country and Western Europe of the great ties between them and the United States. I feel it's great to be here."

He was wheeled through the lobby of the Churchill Hotel and fielded

questions on the run from a group of American and British reporters.

"There's our next President," two American women cried and rushed forward to shake his hand.

The governor was driven to the American Embassy 500 yards away. Ambassador Elliott Richardson briefed him for one hour on British and European political and economic facts of life.

Wallace then lunched with Embassy officials, British members of Parliament and U.S. businessmen based in England.

From there, Wallace raced to West London to record a 35-minute interview for the BBC's Panorama television program.

Despite the lights and the discomfort, he seemed to lose patience only once, when interviewer David Dimpleby asked him about the amount of U.S. federal aid pumped into the Alabama economy.

Wallace changed the subject and launched into remarks about the value of close links between the United States, Europe and Britain.

Tuesday Wallace was scheduled to confer with Conservative party leader Mrs. Margaret Thatcher before flying to Brussels to be briefed on the workings of the headquarters of the European Common Market.

He will also visit Italy, West Germany and France in his 13-day tour.

the resignations of dairy commissioners Coons, Brooks, and Dale Hunt, an independent distributor from Bunkerville who does business almost exclusively with Anderson Dairy. Mann said Hunt had knowledge of the illegal kickbacks.

Ms. Stevens said she did not know if Mann's demands were justified but said she questioned whether "we can have people regulating an industry who themselves are guilty of illegal acts."

Ronald Averett, a former dairy commissioner, is group manager of Meadow Gold Dairies in Reno. State investigators said he listed kickbacks by Meadow Gold ranging from 8 to 15 per cent to Warehouse Markets (10 per cent), Albertson's (15 per cent), Raley's (15 per cent), Food King Group (8 per cent), Valu-Mart (15 per cent), Mayfair Stores (10-15 per cent), Washoe Markets (10 per cent). But Ray Jarman, general manager of Meadow Gold Dairies, gave investigators slightly different figures. Jarman said discounts were 11 per cent where Averett listed them as 15 per cent Jarman's figures showed monthly discounts of \$10,000 to Warehouse Markets, \$2,800 to Food King Group, \$5,280 to Albertson's, \$1,067 to Valu-Mart, \$6,600 to Raley's, and \$190 to Mayfair Stores.

Sundowners

(Continued from Page 1)

everyone police tried to question was intoxicated.

Civil protective custody is not a criminal matter, and the youths detained for "detoxification" were released several hours later and their identities were not released by police.

A spokesman for the Sundowners said Monday night:

"The Sundowners of UNR collectively and individually wish to express their deep regrets and sincere apologies for the events that have transpired. They offer their apologies to the school and the community for the embarrassment and grief we all feel, but more importantly, to the parents of John Davies and Gary Faulstich."

The spokesman declined to be identified.

Officials at the University of Nevada say the Sundowners are not recognized as an on-campus group or affiliated in any way with the school.

The membership of the club is largely comprised of students, however, and a review of their activities and circumstances surrounding the death case will be made, according to University of Nevada President Max Milam.

Davies, who resided at White Pine Hall on the campus, was a native of Palo Alto, Calif., and had resided in Reno for three years.

He had played football here for two years and was a defensive tackle for the Wolf Pack in 1974. He was ineligible for play this season because he had played two years of junior college ball in Stockton, Calif.

He is survived by his parents, John and Billie Jean Davies, of South Lake Tahoe, and by a sister, Pamela Davies, of Reno.

A memorial Mass, requested by members of the UNR football team and other friends, was conducted Monday afternoon in St. Thomas Aquinas Cathedral.

Visitation will be from 9 a.m. to 4 p.m. today at the Walton Funeral Home in Reno.

The body will be taken to Stockton, Calif., where Presbyterian service will be conducted at 10 a.m. Thursday in the B. C. Wallace Funeral Home. Entombment will be in a Stockton mausoleum.



Las Vegas Metropolitan Police Department

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE 702/385-4711

REFERENCE

March 15, 1977

Honorable Robert Barengo, Chairman
Assembly Judiciary Committee
Nevada State Legislature
Carson City, Nevada 89701

Dear Bob:

This Officer will be unable to attend the hearing scheduled before your Committee, on March 18, 1977, involving several pieces of legislation. This correspondence is being directed to you to outline this Department's position in regard to specific bills.

AB 349 - Prohibits trafficking in property from which identification number is removed.

Enclosed please find a copy of comments from this Department, which are appropriate.

AB 382 - Provides penalty for possession of certain credit cards.

This Department generally supports this legislation, as it would assist in credit card investigations.

AB 384 - Increases penalty for reckless driving when substantial bodily harm results to another person.

Enclosed please find comments from Deputy Chief Paul Ray to this Officer, which might be considered by your Committee.

AB 385 - Prohibits possession, custody or control of dangerous weapons by prisoners under specified circumstances.

Information received from this Department's Detention Bureau indicates a beneficial result if this legislation is passed.



Assemblyman Robert Barengo


AB 387 - Extends permissibility for arrests at night.

This particular legislation would generally clarify the existing procedure, particularly in the area of specific arrests by private citizens. You can well imagine the problems created by the inability to arrest by private persons at night. The Attorney General's Office pointed out the conflict in the existing Statute. The pending legislation needs to be adopted to provide the support for which most private persons are already doing, in an effort to curtail such crimes as shoplifting.

Please accept this Officer's apologies for not being able to appear before your Committee in person. Your consideration of this Department's comments are appreciated.

Very truly yours,

RALPH LAMB, SHERIFF


By: Barton Jacka
Assistant Sheriff

RL/BJ/gm

Enclosures: 2

ASSEMBLY BILL 349

OPINION:

The intent of A. B. 349 is probably good, but the practical application is not reasonable.

Section #1 - Would automatically make anyone presently in possession of such an article guilty of a Misdemeanor.

Would require extensive knowledge, on the part of anyone purchasing a used article, as to which manufacturers place serial numbers, name plates or other distinguishing numbers on their product, where such plates and numbers are located, if they are made of paper or metal, and whether said plates or numbers have been defaced.

Would extremely hamper legitimate businesses dealing in used merchandise ie; pawnshops, secondhand dealers, auctions and etc.

Section #2 (b) - Would make it potentially impossible for a person to sell his personal property and cause everyone caught in possession of an illegal item to say "I bought it new, but I lost the receipt".

Not an acceptable Bill.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office

MEMORANDUM

To : ASSISTANT SHERIFF JACKA
From : DEPUTY CHIEF PAUL RAY
Subject : AB NO. 384

Date: 03-09-77

I foresee many problems with this particular bill inasmuch as it has been difficult to obtain convictions on charges relating to traffic deaths. Due to the felony status, people are very reluctant to convict a person who is normally a law abiding citizen if the charge is a felony and they feel he may go to prison.

Even those who have been convicted, to my knowledge, not one has ever served time at the State prison. A recent example is the two little girls who were killed on a bicycle on East Stewart by a vehicle that was going 100 miles per hour plus. The driver received six (6) months probation.

It is felt that this will bring about an additional cost factor as well as a backlog in court. A gross misdemeanor should be the maximum penalty.

Paul Ray

Paul Ray, Deputy Chief
Uniform Field Services Division

PR/el

RECEIVED

MAR 9 1977

Assistant Sheriff
Line Operations L.V.M.P.D.

965

THE SALARY OF A SUPREME COURT JUSTICE IS \$62,000 THE CHIEF JUSTICE RECEIVES \$66,369.
UPI 03-13 03:29 PPS

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AM-POT 3-13

SACRAMENTO (UPI) -- CALIFORNIA'S MORE LENIENT MARIJUANA LAWS CUT POT ARRESTS BY HALF LAST YEAR, BUT BUSTS FOR HEROIN USE AND OTHER DRUG OFFENSES INCREASED SIGNIFICANTLY, A STATE REPORT SAID.

THE STUDY FROM THE STATE OFFICE OF NARCOTICS AND DRUG ABUSE AND FIGURES FROM THE JUSTICE AND HEALTH DEPARTMENTS AND OTHER STATE AGENCIES ALSO SHOWED THAT THE LIBERALIZATION OF MARIJUANA LAWS CUT ENFORCEMENT COSTS ABOUT 74 PER CENT AND HAD LITTLE EFFECT IN INCREASING THE NUMBER OF POT SMOKERS.

THE STUDY SHOWED THERE WERE 24,000 POT POSSESSION ARRESTS IN THE FIRST HALF OF 1975 -- BEFORE INSTITUTION OF THE NEW LAW -- AND 12,913 FOR THE SAME PERIOD IN 1976 -- WHEN THE MARIJUANA LIBERALIZATION LAW WENT INTO EFFECT.

THE LIBERALIZATION, WHICH BECAME LAW, JAN. 1, 1976, MAKES POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA A MISDEMEANOR WITH A MAXIMUM PENALTY OF A \$100 FINE. POSSESSION OF MORE THAN ONE OUNCE FOR PERSONAL USE IS A MISDEMEANOR BUT CAN BRING A SIX-MONTH JAIL TERM.

BUT WHILE POT POSSESSION ARRESTS DECREASED 47 PER CENT IN THE FIRST HALF OF 1976, ARRESTS FOR POSSESSION AND USE OF FELONY DRUGS SUCH AS HEROIN AND COCAINE WERE UP 13 PER CENT, FROM 15,736 TO 18,621, THE REPORT SAID.

THE STUDY INDICATED THE MORE LENIENT LAW HAD LITTLE BEARING ON AN INDIVIDUAL'S DECISION TO SMOKE THE WEED.

"LESS THAN THREE PER CENT OF THE PEOPLE SURVEYED HAD FIRST TRIED MARIJUANA WITHIN THE PAST YEAR, SINCE THE NEW LAW BECAME EFFECTIVE," THE REPORT SAID. "BUT ONLY ONE IN EIGHT OF THESE NEW EXPERIMENTERS OR USERS INDICATED MORE WILLINGNESS TO TRY MARIJUANA BECAUSE LEGAL PENALTIES HAVE BEEN REDUCED."

"IN THE TOTAL ADULT POPULATION, THIS REPRESENTS THREE PEOPLE OUT OF A THOUSAND."

THE COST SAVINGS WERE SUBSTANTIAL, SAID DR. KENNETH B. BUDMAN, DIRECTOR OF THE OFFICE OF NARCOTICS AND DRUG ABUSE. "IT IS ESTIMATED THAT POLICE AGENCY COSTS TO ENFORCE THE MARIJUANA POSSESSION LAWS FOR ADULTS IN THE FIRST HALF OF 1975 WERE \$7.6 MILLION, COMPARED TO \$2.3 MILLION IN THE SAME PERIOD OF 1976."

"BEFORE 1976, MARIJUANA OFFENDERS WERE ARRESTED AS FELONS, TRANSPORTED TO JAIL FOR BOOKING AND INCARCERATED FOR ONE OR TWO DAYS PENDING POSSIBLE RELEASE ON THEIR OWN RECOGNIZANCE OR UPON THE POSTING OF BAIL."

HE ESTIMATED THAT COURT COSTS ALSO DECREASED FROM \$9.4 MILLION IN THE FIRST HALF OF 1975 TO \$2 MILLION IN THE FIRST HALF OF 1976.

OVERALL, THE DATA INDICATE SUBSTANTIAL COST SAVINGS IN THE CRIMINAL JUSTICE SYSTEM. IF WE ADD THE ESTIMATED LAW ENFORCEMENT COSTS TO THE KNOWN JUDICIAL COSTS, OUR TOTAL OF \$17 MILLION FOR HALF OF 1975 COMPARED TO \$4.4 MILLION FOR HALF OF 1976 REPRESENTS A 74 PER CENT REDUCTION IN COSTS."

UPI 03-13 03:29 PPS