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Twenty Cents

Wilmington 10 Convictions Overruled

BY STAN SWOFFORD
Daily News Staff Writer

A federal appeals court Thursday overturned the convictions of the Wilmington 10, apparently ending a nine-year legal battle for the nine black men and one white woman convicted of charges stemming from racial violence in Wilmington in 1971.

A three-judge panel of the Fourth U.S. Circuit Court of Appeals in Richmond, Va., ruled unanimously that the 10 — all of whom have been freed on parole — were denied constitutional rights when the state withheld from their defense attorneys information which the court held could have been "crucial" in undermining the credibility of two key prosecution witnesses.

The leader and most prominent member of the group, the Rev. Ben Chavis, said in Washington that the decision was "a victory for all Americans."

"I'm very happy that a court somewhere in the United States agrees with the Wilmington 10," Chavis said. "We should have never been convicted. We were totally innocent of those frame-up charges and had to suffer many years unjustly."

Chavis, who is director of the Washington office of the United Church of Christ's Commission for Racial Justice, said the appeals court decision "shows that North Carolina should re-evaluate its court system. I would hope that those who run the court system in North Carolina begin to render justice more equitably and more justly, particularly when it comes to black people and other minorities," he said.

Joe Wright, another member of the 10, who also works with the Commission for Racial Justice, said he was "absolutely elated" with the decision. "But this is a decision that should have come from the first court we were in," he said.

The lone woman among the Wilmington 10, Anne Sheppard, said she was "elated" that the convictions that have sapped her health for the last 10 years have been overturned.

The 43-year-old grandmother has traveled around the country on speaking engagements and is still active in social justice activities. She is one of several sponsors of an anti-Ku Klux Klan workshop to be held in Greensboro this weekend.

Gov. Jim Hunt, who in 1978 reduced the long sentences of the 10 but refused to pardon them, would not comment on the case Thursday. His press spokesman, Brent Hackney, said the case "was over two years ago, so far as the governor is concerned."

Attorney General Rufus Edmisten said the state probably will fight to reinstate the 1972 convictions through the U.S. Supreme Court. But he refused to speculate on the possibility of a new trial.

Edmisten said he probably would ask all 14 judges of the circuit court to review the appellate court decision.

If the full appeals court and then the U.S. Supreme Court refuse to reinstate the convictions, the state must order a new trial or drop all charges.

The decision specifically orders that the case be remanded to the U.S. Eastern District Court in Raleigh, where Judge Franklin Dupree last year upheld a state court ruling denying the 10 a new trial. It also orders the district court to reverse the convictions.

The state could retry the group, but it is doubtful that it would choose to do so. The convictions and subsequent court battles focused international attention on the case.

(See Court Overturns: A-4, Col. 1)



Chavis

Carter Will Veto Busing Prohibition

WASHINGTON (AP) — President Carter said Thursday he will veto a \$9.1 billion appropriation bill because it includes an amendment that would prohibit the government from asking courts to order busing in school desegregation cases.

"I cannot allow a law to be enacted which so impairs the government's ability to enforce our Constitution and civil rights acts," Carter said in a letter to Senate Democratic Leader Robert C. Byrd of West Virginia.

"The precedent that would be established if this legislation became law is dangerous," Carter said. "It would effectively allow the Congress to tell a president that there are certain constitutional remedies that he cannot ask the courts to apply."

The amendment, which was passed easily by both the House and Senate, is attached to a funding bill for the Justice Department and several other agencies. It would have barred government lawyers from asking courts for desegregation plans that call for busing children beyond the closest school to their homes.

Carter's decision to veto the measure jeopardizes money to the departments of Justice, State and Commerce and the federal court system.

It was not clear whether Congress will attempt to override Carter's veto. Both the House and Senate are scheduled to hold their last sessions today.

Senate Republican Leader Howard Baker of Tennessee said, "The feeling I get on the Senate floor right now is not that there should be an effort to override the veto, but maybe just let the whole thing go. The essential parts of the program may be contained in the continuing resolution. If that's what the president wants to do, maybe that's what we'll do, just not pass it."

Sen. Orrin Hatch, R-Utah, commented that, "I think there would be

enough votes to override that kind of a veto, but I am not sure that the Congress will have enough time to do it." And Sen. Jesse Helms, R-N.C., another leading opponent of busing, said, "We will do our best to override, but it is going to be difficult."

Both chambers, in anticipation of a veto, provided for money to keep the federal agencies operating by including funds in a continuing resolution that would provide money until the new Congress could pass another appropriations bill in January. But the resolution, already passed by the House and pending in the Senate, also contains the anti-busing rider.

White House press secretary Jody Powell said Congress can dispose of the matter easily and without further delay simply by passing the resolution without the anti-busing rider.

(See Carter: A-10, Col. 1)

Polish Party May Seek Soviet Aid

New York Times News Service

WARSAW — A Communist Party official said Thursday that, although Polish authorities think they can handle their problems themselves, they would have "the right and the duty" to ask for military assistance from their Soviet-bloc allies if communism in Poland were threatened.

"If the threat to socialism is real — and I think this could happen when authority slips out of the hands of the democratic process — this would end in drama and tragedy," said Jozef Klasa, who is the party aide in charge of the mass media.

The same rationale was used in the invasion of Czechoslovakia by Warsaw Pact forces in 1968, when the Soviet-led alliance crushed a liberalization sponsored by the party leadership and

The U.S. assures Moscow that it accepts "the historic and geographic realities" of postwar Europe, A-14.

asserted that it was responding to appeals from orthodox party officials.

In Washington, Zbigniew Brzezinski, the president's national security adviser, seeking to discourage any Soviet military move in Poland, said the United States accepts the "historical and geographic realities" of post-World War II Europe and has no intention of taking advantage of the Polish crisis.

Klasa, who speaks for the Polish leadership, said the Soviet Union is reluctant to intervene militarily. Referring to Western concern, he said:

(See If Threat: A-11, Col. 1)

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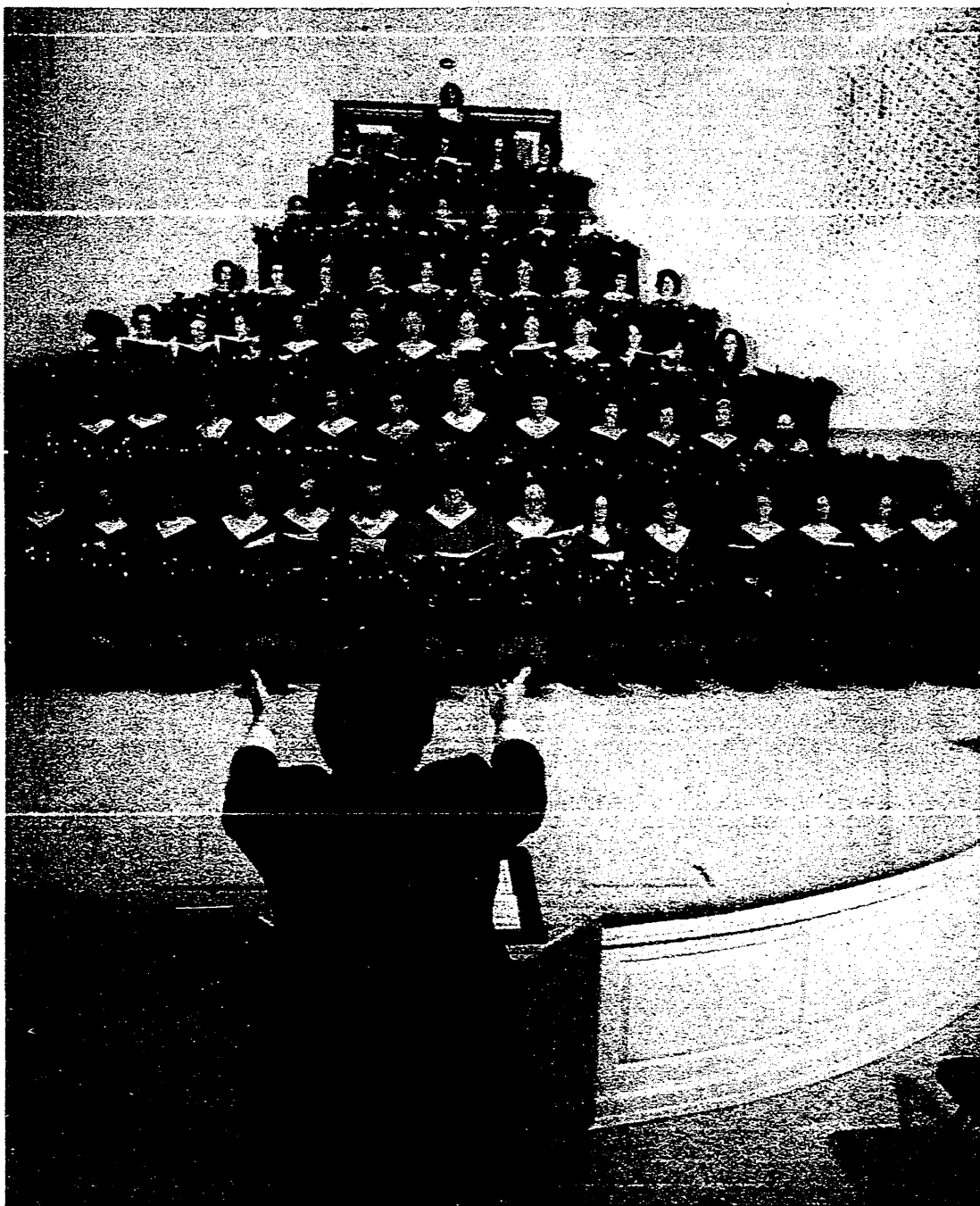
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Today's Chuckle

He who has three teen-age daughters and only one bathroom is truly a dirty old man.



Staff Photo By Don Davis

Christmas Tree Comes To Life

Greensboro's first Singing Christmas Tree, decorated with 72 singers and musicians, came to life Thursday night for a rehearsal at Friendly Avenue Baptist

Church. It measures 17 feet tall and shines with the brilliance of 1,000 lights. Performances will be given Sunday and Monday at 7:30 p.m. Story on Page A-12.

Man Held In Cheerleader's Death

WELDON (AP) — The nude body of a young Rocky Mount woman, one of three cheerleaders abducted from North Carolina Wesleyan College Wednesday night, was pulled from a gravel pit near this northeastern North Carolina town Thursday.

A Roanoke Rapids man identified by police as 23-year-old Kermit Smith was arrested at gunpoint while leaving the scene and later charged with first-degree murder, rape and robbery.

Deputies said the woman had been beaten over the head with a blunt object and her feet were jammed into the holes in a cinder-block before she was dumped in the water.

She was identified as Whelette Collins, 20, of Rocky Mount.

The Roanoke Valley rescue squad dragged the pond for her body after Halifax County Sheriff W.C. Bailey was told where to find it.

Bailey said Collins and two friends, Dawn Killen, 19, of Somerdale, N.J., and Yolanda Marie Woods, 19, of Baltimore, Md., were abducted at gunpoint from the grounds of the college at 7:30 p.m. Wednesday.

The three cheerleaders had left the gymnasium after a junior varsity basketball game and before the varsity game against Methodist College was to start, college officials said.

Bailey said Killen and Woods were forced into the trunk of a white Chevrolet Camaro and Collins rode with the kidnapper.

The three were taken to a secluded gravel pond adjacent to the Becker Industrial Park.

When the young women were released from the trunk, they fought their abductor with a tire iron and escaped, Bailey said.

Collins, separated from her companions from the beginning, remained behind.

Killen and Woods made their way northwest along the Roanoke River to Interstate 95, where they notified a highway patrolman of the abduction.

Bailey took Killen back to the area along a narrow dirt path and as they approached, the Camaro was leaving the scene.

Bailey blocked the path with his patrol car, drew his gun, and arrested the driver of the Camaro.



Clockwise from top left: Whelette Collins, Yolanda Marie Woods and Dawn Killen

Corporate Executives Among 26 Fire Victims

New York Times News Service

NEW YORK — Twenty-six people, most of them corporate executives, were killed and 40 others were injured Thursday when a flash fire raced through the conference center of a Westchester County hotel 10 miles north of New York City.

It was the worst fire in Westchester County history and the nation's second major hotel fire in two weeks.

The blaze at Stouffer's Inn, in the Town of Harrison, struck at 10:20 a.m. on the top floor of a three-story hotel wing as several meetings of corporate executives were under way.

Most of the dead were executives trapped in meeting rooms. The Arrow Electronics Corp. of Greenwich,

Conn., said 13 of its executives were missing and believed dead; and the Nestle Co. said 11 of its executives were missing and apparently lost in the fire.

Seven victims were found in a walk-in closet, which they apparently mistook for an exit. Three were found under a Christmas tree near a dead-bolted exit, fire officials said. Others were scattered through meeting rooms, hallways and a ballroom.

Fire officials said the blaze had erupted with the force of an explosion and spread with the speed and intensity of a flame-thrower, gutting a 100-foot section of the building that had been erected without sprinkler

(See 26 Die: A-16, Col. 1)