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Articles and Writings re: Carter

Carter v Rafferty 631 F Supp 533

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## **Carter Files a Request for Clemency With Byrne, (New York Times)**

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day that a broad-based transportation tax plus the placing of tolls on bridges over the East and Harlem Rivers that are now free would permit sharp cuts in transit fares and save New York City \$190-million annually in subsidies.

Mr. Yunich, chairman of the Metropolitan Transportation Authority, described legislative approval of a tax for public transportation — either statewide or regional—as necessary and inescapable. Such a tax, he said, would be inflation-proof.

"With the proper level of financial support," Mr. Yunich said, subway and bus fares could be cut in half and commuter fares substantially reduced. But it is up to the Legislature and the Governor, he added, to decide on the precise level and type of taxes as well as the geographic area.

Mr. Yunich also urged an immediate go-ahead on linking downtown Manhattan and Kennedy International Airport by rail. But he would make the rail link far simpler in its initial stage than the complex \$469-million project planned by the Port Authority of New York and New Jersey. That project is virtually stalled for lack of financial agreements.

Mr. Yunich proposes extending the rail connection—in its first phase—to a rail station to be built at the edge of the airport and not in the midst

planned by the Port Authority. Both Mr. Yunich and William J. Ronan, Port Authority chairman, were speakers yesterday—but at different times of the day—at the fifth annual Legislative Conference on Transportation at the St. Moritz Hotel. The conference was sponsored by the Select Legislative Committee on Transportation headed by Senator John D. Casmerer, Republican of East Williston, L.I.

#### New York "Behind The Times"

Mr. Yunich argues that his simplified first-stage plan involving transfer from rail to buses at the airport would be very popular for air travelers because it would still be a demonstrably faster trip than by cab or car from Manhattan.

The projected running time by train from Penn Station is 20 minutes. But Dr. Ronan says that a rail line would have little appeal if riders had to transfer to buses. In an interview, Mr. Yunich said that he would "try to influence" the Port Authority to see it his way and he added: "We're negotiating."

Mr. Yunich in his talk said that Atlanta, Boston and Chicago all had transit-supporting special taxes, Atlanta's allowing a 15-cent fare. New York City subsidies totaling \$190-million include \$100-million to pay transit police and \$70-million to meet transit operating deficits, the M.T.A. reported.

respirator. Mr. Quinlan said that at one conference after efforts to "wean" his daughter from the respirator had failed he expressed his loss of hope for his daughter and he said "Dr. Javed advised me to turn the machine off."

He said Dr. Morse "didn't advise me one way or the other," but at a subsequent meeting Dr. Javed again agreed with the family's request to withdraw the respirator and Dr. Morse said he would do whatever the family wanted.

#### Never Heard Ultimatum

"We thought it would be done the next day or the same night," Mr. Quinlan declared, but the following day, he said, he received a telephone call at work from Dr. Morse who told him he was having "moral problems" with the decision and wanted a few days to consult other physicians.

Dr. Morse testified yesterday that he sought some medical precedent for complying with the family's request and finding none, told the family he would not withdraw any medical procedures he deemed necessary even if ordered to do so by the court.

Mr. Quinlan said today he never heard Dr. Morse deliver this ultimatum and this disagreement in the testimony proved most difficult for him.

Mr. Quinlan said that he and the two physicians shared a

Miss Quinlan by Mr. Armstrong and to testify as a medical expert.

Dr. Korein described the young woman's "emaciated condition" and the rigid "flexion" of her upper arms, wrist and fingers into her chest, the pulling up of her knees to her chest and the turning down of her feet into a "ballet" position.

All of these signs indicate severe higher brain dysfunction, he testified, and they began to manifest themselves as soon as she was taken to the hospital in April, according to his reading of hospital records.

## Carter Files a Request for Clemency With Byrne

By SELWYN RAAB

Asserting that Rubin (Hurricane) Carter was innocent of a triple-murder conviction, defense lawyers yesterday formally petitioned Governor Byrne for "executive clemency."

In urging the Governor to release the former middle-weight boxer from life imprisonment, the lawyers said that Mr. Carter and his co-defendant, John Artis, "did not receive a fair trial" in Passaic County in 1967.

They also said they would continue to press a court battle for full vindication of Mr. Carter, 38 years old, and Mr. Artis

in some cases, radically—on behalf of special-interest groups.

The group blamed the Legislative Commissioners Office, headed by the two men, one Republican and one Democrat, who are appointed by the General Assembly to examine bills and the legislative process for accuracy and consistency with existing statutes, and for constitutionality.

The Civil Liberties Union singled out the Democratic Commissioner, Arthur N. Lewis, saying that he had altered bills, apparently to the advantage of organizations repre-

30. Both were found guilty of the fatal shootings of three persons in a Paterson tavern in 1966 and each was sentenced to a life term.

Mr. Carter's petition was filed at the Governor's office in Trenton by Myron Beldock and Lewis Steel, the chief defense counsels. A similar application for Mr. Artis will be entered today, according to the lawyers.

As requested by the Governor, Mr. Carter's petition failed to specify whether he was requesting a pardon or a commutation of sentence. In a joint statement, Mr. Beldock and Mr. Steel said the "application al-

Even when the legislative commissioners are acting properly they may on occasion assume a greater power than the Governor, the Rights Organization contended, since the Governor's vetoes are visible to the public, more generally known to legislators and perhaps more easily overridden by them.

In its accusation, the group listed specifically changes sought by the Connecticut Pharmaceutical Association in legislation requiring the listing of prescription prices, by the Connecticut Optometric Society on a bill permitting civil remedies for violations of the law.

lows the Governor a full range of options" that are available to him under New Jersey law.

Governor Byrne could grant a limited clemency or pardons or commutations of sentences to the nine years already served by Mr. Carter and Mr. Artis. Under a limited-clemency plan, the defendants could be temporarily released, possibly on bail or parole, until their appeals for a new trial were decided by the courts.

Lewis B. Kaden, the Governor's counsel, said Mr. Byrne had promised to "look at the full record" and would give "prompt consideration" to the clemency petitions. But, he said, there was no way of determining how long the process would take.

A pardon or a commutation would not automatically clear Mr. Carter or Mr. Artis of the murder convictions. There is a legal question on whether they could continue their appeals if a pardon or commutation was granted.

#### Review Proposed

Mr. Kaden, who met with the two defense lawyers, said they had requested that Governor Byrne review Mr. Carter's role in the 1971 riot at Rahway State Prison. At that time witnesses said Mr. Carter had tried to stop the disorders.

One prison guard also reportedly credited Mr. Carter, who once fought for the middle-weight championship of the world, with having saved his life during the prison turmoil.

In a related matter, the New Jersey chapter of the National Conference of Black Lawyers yesterday called for pardons or a new trial. The group said that after having reviewed the case it believed that the prosecutor had withheld evidence favorable to the defendants.

The group also criticized Superior Court Judge Samuel A. Lerner, who presided at the 1967 trial and who denied a motion for a new trial last December. "Judge Lerner has usurped the jury function, which is the very cornerstone of the criminal-justice system," the chapter said in a statement.

ed to know about them, but only so I wouldn't handle them."

Gov. Ella T. Grasso was not available for comment tonight on the charges. She was in Quebec City, the guest of the New England Whalers hockey team.

LOTTERY NUMBERS  
Oct. 21, 1975

N. J. Daily—68658  
N. J. Pick-It Lottery—695

## Metropolitan Briefs

### Byrne Signs 'Sunshine Law'

Governor Byrne signed the New Jersey Sunshine Law, which requires almost every government body in the state to open nearly all its meetings to the public. Mr. Byrne, who supported the bill and hailed its passage by the Legislature but then held up signing it for about two months because he had some doubts about it, issued a two-page statement of his reservations about the measure.

But he said, "On balance, I believe that the idea of open government deserves a chance in New Jersey. The public's business can and should be carried out in public. Public bodies exist for the public's convenience, not their own."

### 3 Meat Union Aides Guilty in Tax Case

Three leaders of a meat-cutters union pleaded guilty to tax-evasion charges in Federal District Court after the Government agreed to drop a union-racketeering charge against them. The men are Irving Stern, Nicholas Abondolo and Moe Fliss. Mr. Stern is an international vice president of the Amalgamated Meat Cutters and Butcher Workmen of North America, director of organization of Local 342 and president of the Greater New York Labor Food Council, consisting of 22 retail food unions in the metropolitan area. Mr. Abondolo is president of Local 342 and Mr. Fliss is vice president.

### State Workers Told to Vote on Union

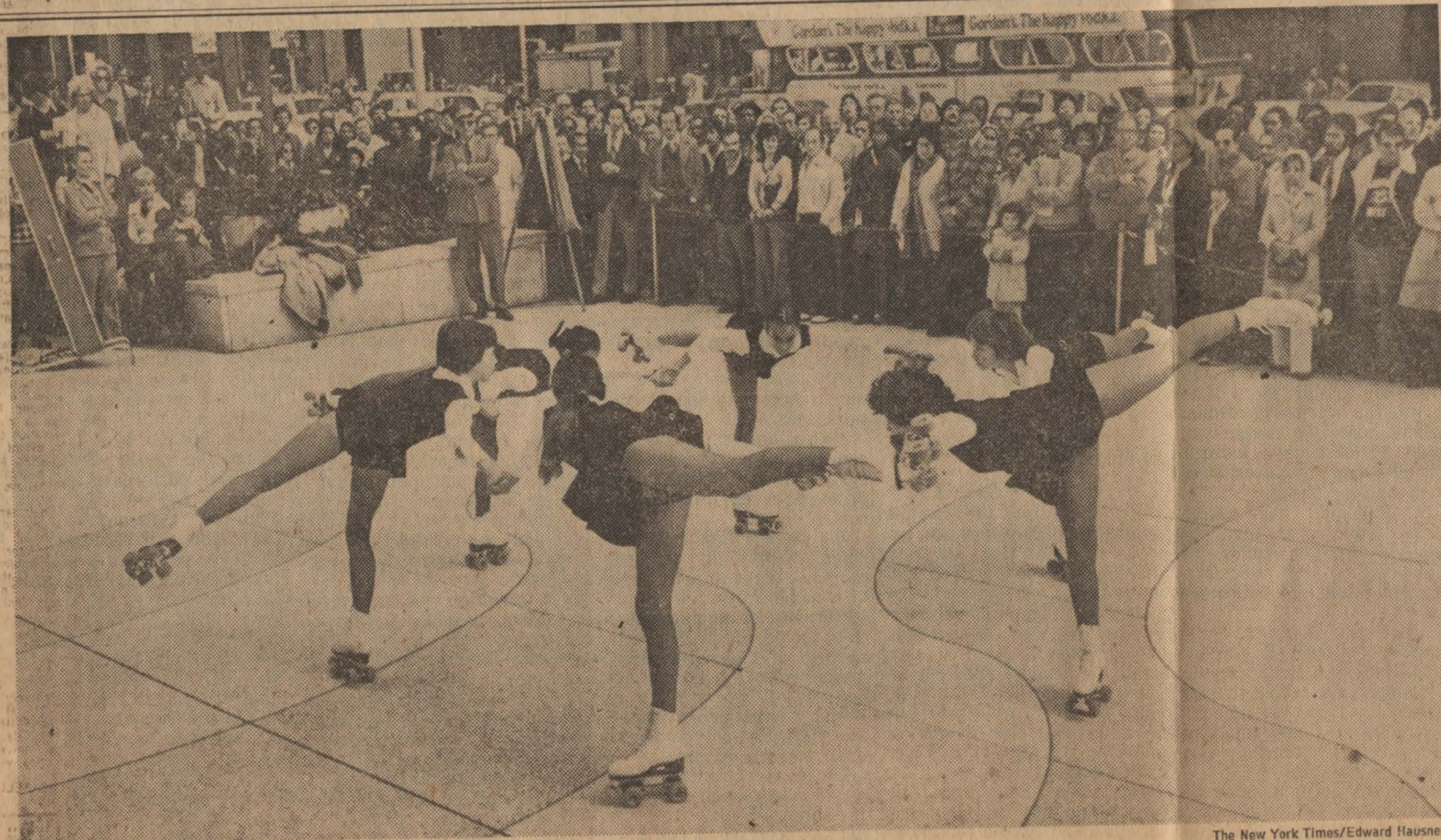
A state labor-relations official ordered an election among 40,000 state workers to determine whether they want to keep their present union representative, the Civil Service Employees Association, or join a new coalition of five unions. Paul Klein, director of public-employee practices for the Public Employment Relations Board, ordered the election between the C.S.E.A. and the newly organized Public Employees Federation for representation of the professional, scientific and technical unit of the state work force. A pre-election conference will be held on Oct. 27.

### Taylor Law Invoked Against L.I. Police

Nassau County Executive Ralph G. Caso is notifying 262 county policemen that he is invoking the penalty provisions of the Taylor Law against them for "engaging in a strike" last Sept. 20. Mr. Caso said he had made the determination on the basis of information given to him by Louis J. Frank, the Police Commissioner. The Taylor Law provides for a fine equal to twice the daily rate of pay for each day on strike and a one-year probation period with loss of tenure.

### From the Police Blotter:

An employe of the United Parcel Service reportedly shot and killed his wife and himself in a second-floor bedroom of their home at 97-22 97th Street, Woodhaven, Queens. The police identified the couple as Raymond Tanon, 33 years old, and Carol Ann, 32. Mr. Tanon was reported to have been under medical treatment for depression. They leave two children, 6 and 9 years old. . . . A man and woman were found shot to death in the woman's ground-floor apartment at 297 Quincy Street, in Brooklyn's Bedford-Stuyvesant section. They were identified as Norman Jones, 25, and Alberta Evans, 30. The police said there was no known motive for the slaying. . . . A man identified as Frank Asiel, 30, jumped or fell to his death from a 12th-floor room at the Martinique Hotel, 49 West 32d Street.



WHIRLING WHEELS: The Rollerettes of Levittown, L.I., performing at an exhibition yesterday in Rockefeller Center. Half of the team that

competed in the world championships last month in Brisbane, Australia, also demonstrated their skills for the lunch-hour crowd at 50th Street.

The New York Times/Edward Hausner