

President's clemency powers ruled unlimited

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WASHINGTON (AP) — The Supreme Court ruled Monday that the clemency powers of the President may not be limited by law.

In a 6-3 decision the court upheld a conditional commutation of sentence granted by the late President Dwight D. Eisenhower.

The case was that of an Army master sergeant convicted 20 years ago of killing an eight-year-old girl while stationed in Japan.

The soldier, Maurice Schick, was sentenced to death. Eisenhower commuted the sentence to life imprisonment with no possibility of parole.

Schick's attorneys told the court this was illegal because the President lacks the power to impose a condition not authorized by law.

But Chief Justice Warren E. Burger, speaking for the court, said the President's clemency power "flows from the Constitution alone, not from any legislative enactments, and ... cannot be modified, abridged or diminished by the Congress."

In another 6-3 decision, the court ruled that the Constitution does not guarantee a person any notice or hearing before a power company cuts off his electricity for non-payment. The majority rejected an argument that the state is so involved in the operation of power companies that such procedural steps are required by the "due process" clause.

The dissenters in both cases were Justices William O. Douglas, William J. Brennan Jr. and Thurgood Marshall.

The court agreed to hear two cases

involving freedom of the press issues.

In one, the justices will review a decision striking down a Texas law requiring identification of the printers of political advertising. More than 30 states have such laws.

In the other, the court will hear the arguments of Jack Roland "Murph the Surf" Murphy that he was denied a fair trial on robbery charges because of publicity in the news media. The news stories concerned prior conviction for murder and for stealing the "Star of India" sapphire from the New York Museum of Natural History.

The court declined to hear two other cases raising freedom of expression issues.

In one of them, U.S. District Judge William J. Ditter of Philadelphia was seeking to overturn a federal appeals court order curbing his power to restrict newspaper reporting of a trial.

In the other case, conservative commentators William F. Buckley Jr., M. Stanton Evans and Fulton Lewis III challenged a requirement that they join a broadcasters' union.

Government attorneys told the court its decision in the Schick case would affect a number of other federal prisoners.