

Maham, Gordon
Cincinnati, OH
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Judges overrule murder finding

Killer in '78 case
wins death-row appeal

By Dan Horn

The Cincinnati Enquirer
After spending 22 years on Kentucky's death row for the slaying of a Cincinnati child, Eugene W. Gall Jr. was told Monday he really belongs in a mental hospital.

A federal appeals court threw out Mr. Gall's murder conviction after concluding that evidence about his mental condition was not properly considered at his 1978 trial.

Mr. Gall was convicted of abducting 12-year-old Lisa Jansen as she walked to her Columbia Township school April 5, 1978. He then raped and shot the girl, dumping her body in Northern Kentucky.

In a 2-1 decision, the U.S. Sixth Circuit Court of Appeals ruled that the former Hillsboro, Ohio, man did not get a fair trial.

"There is little doubt that Gall committed the acts in question," wrote Judge Nathaniel R. Jones. "Unfortunately ... the trial and appellate courts failed in their duty to administer justice."

Judge Jones, along with fellow Judge Boyce F. Martin, found that the trial did not address the issue of whether Mr. Gall suffered



Gall could have been declared legally insane.

The decision stunned prosecutors.

"It's unfortunate," said Linda Tally Smith, the commonwealth's attorney for Boone and Gallatin counties.

"It's just fascinating the court of appeals could buy into this argument."

Ms. Smith said Mr. Gall's mental state was thoroughly addressed during the trial. She said Mr. Gall refused to accept an insanity defense and claimed he could not remember the murder.

The Kentucky attorney general's office may appeal to the full appellate court or to the U.S. Supreme Court. Mr. Gall, who has been on Kentucky's death row longer than any other prisoner, will remain there for now.

Judge Jones said his ruling is conditional on Kentucky granting Mr. Gall a hearing for "involuntary hospitalization."

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TO WHOM IT MAY CONCERN

I recently read about the DOE plans to build a new \$4 billion dollar nuclear bomb plant at Oak Ridge, Tenn. I would like for someone to explain to me the purpose of spending ONE DOLLAR for more bombs - anywhere in the world!

A recent Associated Press statement reported "An estimated 280,200 mentally ill inmates were in U.S. prisons or jails in 1998, but more than four out of 10 received no treatment at all, the Justice Department says." (G.M. note: They did receive treatment - cruel and unusual treatment - by the guards, other inmates, etc.; and, eventually, sometimes killed with the approval of State Governors)

Would not the \$4 billion dollars be better spent to treat the mentally ill more humanely? There might also be money left to finish the clean-up of the old nuclear bomb production sites instead of creating a new one.

Sincerely,
Gordon Maham

P.S. Attn. MR HARTMAN
Please send me a copy of the Y-12 EIS Summary

Comment No. 1

Issue Code: 16

Comment noted. There is no plan or proposal in the Y-12 SWEIS to build new nuclear weapons or to increase the size of the Nation's nuclear weapon arsenal. In accordance with Section 91 of the Atomic Energy Act, DOE carries out its mission (i.e., atomic weapons activities) consistent with the consent of and direction from the President and Congress. This consent and direction are contained in the Nuclear Weapons Stockpile Memorandum, which is updated annually. The issue of whether DOE should produce nuclear weapons, and alternative uses of the Nation's funds are beyond the scope of the Y-12 SWEIS.

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Millions of kids