



A Mandate for Punishment

As America gets tougher on criminals, the rehabilitative role of prisons is diminishing

• BY JAKE BATSELL •

For months after he had been committed to prison for the execution-style murder of a Tucson man, James Hamm says he tried to dissect internally what had driven him to commit such a malevolent, brutal act.

When he was 26, Hamm had dropped from taking divinity classes at a Kansas Bible college to selling marijuana on the streets of Tucson. In 1974, Hamm and co-defendant Garland Wells each pleaded guilty to one count of murder for their part in an aborted drug deal that left two people dead. Hamm reportedly fired two bullets into the head of Willard Morley Jr.

"The first several years in prison were consumed in trying to deal with my own psychological problems, without any assistance from the prison system," said Hamm, a paroled felon who served 17 years and now, at 46, has become the ASU College of Law's most famous student.

"Completely apart from whether anyone else ever understood, or whether they were really interested, it was a burning thing that drove me: Why had I committed this crime? How had I come to that?"

But Hamm said those questions were never asked of him by any counselor, psychologist or other state official during the entirety of his sentence. They were asked only by a visiting judge from Flagstaff whom he met in prison and eventually married — Donna Leone Hamm.

James Hamm said he began to piece his life back together, meeting with Donna regularly and graduating *summa cum laude* from a special Northern Arizona University college degree program then offered at the prison. Twenty years after his crime, he has the appearance and composure of a completely rehabilitated criminal.

But the college degree program Hamm benefited from has since been eliminated. As violent crimes have increased, public sympathy for offenders has plummeted. Americans are sick of the crime wave across the United States, and voters have called for greater degrees of punishment.



Photo by Craig Macaughon

Volunteer Barry Wiles (left), Donna Leone Hamm (center) and ASU law student James Hamm look over letters from prisoners during a meeting at Middle Ground, the Hams' Tempe-based organization that advocates prison reform. Middle Ground favors a prison system centered around rehabilitation. James Hamm, who served 17 years in prison for first-degree murder, drew fire last year upon his admission to the law school.

While some contend the prison system is in place to help turn felons into useful members of society, a rising majority says they've had enough of prisoners being coddled at taxpayer expense. Prisons are locking up record-high numbers of inmates, keeping them away from the public, while rehabilitation programming becomes less extensive and more rudimentary.

It is the route that most Americans have prescribed for the war against crime. It also is a path some think will lead to a worsening of the problem.

Corrections system 'tragic'

With the paradoxical background of administering justice as a judge and being married to a convicted killer, Donna Hamm has seen both sides of the criminal justice system.

"You can't know what goes on inside those walls in one tour," she said. "And yet, most of these people who are sort of spouting philosophies about it have only the most superficial context."

"They do not understand that the prison doesn't get real until the visitors are gone, until the lights are out, until it's nighttime, and someone is sitting in his or her cell completely isolated. Labeled, isolated, in despair, humiliated by their own acts and humiliated by what is happening to them ... they just are incredible kinds of things that cannot be seen on a tour of a prison."

"If it were not so tragic, it would

be humorous that it's still even called the Department of Corrections."

By sending people to prison, the state already has gotten pretty tough on them, said Donna Hamm, who left her post as a Flagstaff justice of the peace and now runs Middle Ground, an organization that advocates prison reform.

Rather than ensuring that inmates receive hardened treatment, the Hams said the state should concentrate on rehabilitating prisoners to become more productive citizens.

In contrast to the "get-tough" trend, the Hams favor a prison system that employs professionally trained corrections administrators — "not law enforcement people" — who would oversee programs providing incentives for inmates to shorten their sentences, such as completing treatment programs or obtaining graduate equivalency degrees. This method would reduce the number of repeat offenders and hence lower the number of inmates, Donna Hamm said.

But rehabilitation is not much of a priority for those fed up with violent crimes.

"My view of this is very simple,

and I have no problem with my opinion. It's like, 'Tough!' said State Senate President John Greene, R-Phoenix, who presided over the Senate last year as the Legislature passed several new reforms making it tougher on criminals.

"He (Hamm) was convicted of the very worst crime known to man — first-degree murder," Greene said. "He intended to end that person's life. I don't care what he does after that — wins a medal of honor! He (the victim) is dead! And I think 85 to 90 percent of the people in this country feel the same way."

Greene's reading of the citizenry is on target. In a November ABC News/Nightline poll, 95 percent of Americans said crime could effectively be reduced by making sure criminals know that, if convicted, they will be fully punished without exception. Seventy-three percent said they would approve of building more prisons so inmates can serve longer sentences.

Such fervent discontent with crime has translated into a slew of legislation imposing tougher penalties on criminals. Sentences are getting longer, and the chance for parole is diminishing.

TURN TO PRISONS, PAGE B.

A costly deterrent

Would you approve of building more prisons so criminals could serve longer sentences?

YES
73%
NO
25%

Based on random telephone interviews with 537 adults on Nov. 36. The margin of error is plus or minus 5 percentage points. Source: ABC News/Nightline.



THE BULLDOG

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Four in-depth articles written by ASU journalism students are featured in today's first edition of THE BULLDOG, which will be published periodically by the Cronkite School of Journalism and Telecommunication and ASU's Student Publications.

The goal of THE BULLDOG is to serve as an outlet for journalism students who always are looking for places to publish. The articles will range from feature stories to hard-hitting investigative articles. Afterward, we are THE BULLDOG.

Today's newspaper was produced electronically by journalism students who volunteered their time to work in one of the Cronkite School's computer labs. Special thanks go to Jake Batzell for his design skills and Jason Owsley for his copy editing work.

We hope you enjoy THE BULLDOG. Look for us again next semester.

FAIR PAY FOR THEIR PLAY?

Some college athletes feel they deserve more than a free education for their labor

• BY DAVID STROW •

In the world of the university, student-athletes reign far above anyone else in visibility, in fame.

At a Division I institution they are the representative image of a school for thousands of sports fans.

Some big-time college athletes contend that for racing out on the freshly mowed green grass of a football field, the sparkling hardwood of a basketball court or the white-chalked lines of a baseball field, they deserve more than free schooling and adoration.

They say they are not merely playing games to entertain crowds. Instead, they claim they are being used as pawns by universities, coaches, television networks and the National Collegiate Athletic Association—and they want a share of the money being generated.

"When you make the commitment to make a football player, you're giving up five years of your life, when you could be using those years to develop skills that would help you later in life," said Sun Devil fullback Parnell Charles. "I don't think I have been (fully) compensated for the service I provided."

Former Florida State cornerback Corey Sawyer put it more bluntly.

"The most you can get out of college is a trip to the NFL," he told *Sports Illustrated* shortly after seven Seminole football players had been caught participating in a Foot Locker shopping spree paid for by agents. "I felt I was entitled to money . . . why couldn't I have it?"

A gateway out

Is a full scholarship fair payment for the services of a student-athlete?

It was for ASU Athletic Director Charles Harris.

For a young Harris, college was a way out of a life on the farm.

He grew up in southern Virginia, the son of a sharecropper, and life after high school held few options.

"At this time—the mid- to late-'60s, you basically did one of two things," he said. "You could go to the Vietnam War, make a career out of the military, and not be a farmer. The other was simply to stay in rural southern Virginia and farm."

For Harris, there was a third option. As an accomplished high school baseball and football player, he found that colleges were interested in his talents. Virginia's Hampton University offered him an athletic scholarship, which he accepted.

Multiple injuries ended his dreams of advancing any farther in athletics beyond college. Yet Harris found out quickly that there were other benefits from attending school.

"Had I not been offered an athletic scholarship, I would never have had the opportunity to go to col-



Sun Devil quarterback Jake Plummer hands off during a game against the University of Arizona. Plummer said he would like to receive some payment to help get by but added that "a college education is priceless."

Photo by Jim Poulton

lege," he said. "Had I not taken advantage of that athletic scholarship, I would not have graduated from college."

Harris did graduate and quickly capitalized on his education. More than 20 years later, he finds himself athletic director at ASU—in charge of one of the nation's biggest collegiate sports programs, commanding a salary near \$100,000.

The dollars add up

With college expenses rising quickly, a college degree is becoming more and more difficult for many students to finance.

ASU, for example, is one of the "cheapest" Pacific-10 Conference schools in terms of total educational costs—tuition, fees, room, board and books.

Four years at ASU add up to \$27,200 for Arizona residents, said Bill Kennedy, financial aid and housing coordinator in ASU's athletic department. For an out-of-state student, an ASU degree costs \$50,000.

At most other Pac-10 schools, the costs are higher.

According to the 1995 *Peterson's Guide to Four-Year Colleges*, here are the costs of a four-year education for out-of-state students at the other nine Pac-10 institutions:

- University of Washington, \$49,448
- Washington State University, \$56,128
- Oregon State University, \$60,344
- University of Arizona, \$63,948
- University of Oregon, \$65,600
- University of California-Los Angeles, \$74,632
- University of California-Berkeley, \$84,544
- University of Southern California, \$106,400
- Stanford University, \$113,136.

Although Kennedy said ASU's degree cost for an out-of-state student was \$50,000, *Peterson's* put it at \$56,252, but that number included expenses not in ASU's tally.

Kennedy said athletic scholarships are examined closely by the NCAA.

"The NCAA is pretty stringent in what we are allowed to offer," he said. "We've got to justify the numbers we come up with. Student Financial Assistance provides us with our figures."

The practice of "redshirting" increases the length of a college education, and the scholarship, to five years, effectively increasing its value by 20 percent. This extra year tacks on about \$12,500 to the ASU student-athlete's education, bumping up the final bill to \$62,500.

Redshirting at Stanford, the most expensive of the Pac-10 schools, brings the total value of an athletic scholarship to \$141,420.

Athletic scholarships are offered in two different ways: "equivalency" and "head count."

Equivalency sports, such as baseball, golf, softball and swimming, take the number of scholarship slots available and allow them to be split between students. Rather than offering one student a full scholarship, for example, the program may split the scholarship between two students, offering each a half.

In contrast, the NCAA mandates that in "head count" sports, such as football and basketball, each student who is given a scholarship uses a scholarship slot, despite how little or how much he or she receives.

"What happens then, 99.999 percent of the time, is that the prospective student-athlete is simply offered a full scholarship," Kennedy said.

Here's what is offered by an athletic scholarship at ASU:

- Tuition and fees. Currently, all ASU students pay a registration fee of \$889 per semester, or \$1,778 per year. In addition, out-of-state students must cough up \$5,506 in tuition each academic year.
- Room and board, \$2,345 per semester, or \$4,690 per year. We can pay for any on-campus double occupancy room," Kennedy said.

"Off-campus room and board is determined by the average cost of all the dormitories on campus."

• Books for all required courses. ASU currently estimates books and supplies at \$480 per year.

• Tutoring. Student-athletes are provided with special tutors available during the evenings in study halls, Kennedy said. In addition, athletes have access to all tutoring services offered to regular students.

• Insurance. An athlete's insurance is limited to injuries sustained while participating in his or her scholarship sport. "If someone gets hit by a car while riding a bike, that's not covered," Kennedy said.

After the degree

The Rev. William Beauchamp, executive vice president at the University of Notre Dame, said in a telephone interview that relative costs at universities are not a factor in determining benefits to student-athletes because "afterwards, a student from Notre Dame isn't going to have any more money left over than a student from Arizona State."

In Beauchamp's eyes, the demands of many student-athletes for money in school are ludicrous because a college degree means more earnings for a student during his or her lifetime.

"It means quite a bit in terms of earning potential, later in life, after college sports," he said. "One has to look at the difference between someone who attends college in this country versus someone who doesn't. We have become a society where college is more and more the norm."

A study released earlier this year by the U.S. Census Bureau reported that American workers with a bachelor's degree will earn an estimated \$1.42 million over a 43-year career.

In contrast, a high school graduate can only expect a lifetime earning potential of \$821,000, the study said. A college degree, in effect, amounts to a \$600,000 bonus in lifetime earnings.

That increased earnings potential

TURN TO ATHLETES, PAGE 3.

Athletes

Continued from Page 2.

is something that many athletes would never have without an athletic scholarship, said Bill Frieder, men's basketball coach at ASU.

"Even if there's a kid who's not a good student, coming out of the tough areas of L.A., we bring them here and give them a chance," he said. "It's going to make them productive members of society."

It certainly is a chance that athletic director Harris never could have afforded. At current rates, a four-year trip to Hampton University, termed "one of the most picturesque (campuses) in the South" by *Peterson's Guide*, costs \$50,824.

And as for Sawyer's comment that "all you can get out of college is a trip to the NFL?"

"You can't control whether or not you get a shot at the NFL," ASU's Parnell Charles said. "You can control only one thing: whether or not you succeed in getting your degree."

Harris agreed. "The reason that colleges exist is to get a degree," he said. "Even if you want to go to the pros, you don't need college for that."

Advancing to the pros is a daunting task anyway.

The 300 Division I basketball schools each are allowed to have 13 players on full scholarship. NBA teams, limited to a two-round draft, can draft only 54 players in any given year.

Translation: only 1.38 percent of Division I basketball players in any given year can expect to be drafted. And, as many college players know, being drafted is not a guarantee of making an NBA team.

Football players face slightly better odds. Nearly 8,000 Division I-A scholarship football players must compete for 196 NFL draft slots each year. That's a 2.46 percent chance at being drafted.

Harris pointed out that two well-known athletes, Arizona Cardinals defensive end Eric Swann and Hall of Fame pitcher Nolan Ryan, never attended college.

"If it's all about being an athlete, then go be an athlete!" he said. "Here, it's about getting a sense of balance, a sense of perspective that affords you a longer-term set of opportunities and exposures."

However, Charles said that many athletes ignore this and still focus solely on the prize of professional athletics.

"A lot of players wouldn't admit it, that they want to go on to the NFL, but that's why they play," Charles said. "I think there are very few players now that play purely for the love of the game."

"If someone told me that they didn't want a shot at the NFL, I wouldn't believe a word they were saying. Everyone wants the opportunity, because there's so much money playing in the NFL."

Frieder said that student-athletes focused solely on the big leagues should not waste their time with college.

"If college basketball players want to be paid, they should go into the NBA," he said bluntly. "They have that option."

Seeking a share

For many college athletes, that answer is not enough. Seeing stadiums full of fans—fans pay-

ing high ticket prices—they feel that somehow they deserve a cut of the profits.

Many reason along the lines of former Miami Hurricane cornerback Randy Bethel, who told *Sports Illustrated*: "They want us to be like regular students ... but regular students don't generate revenue the way we do. I don't remember the last time 70,000 people packed into the Orange Bowl to watch a chemistry experiment."

Harris said that this attitude is "a very sad and unfortunate statement on society today, one that says, 'The only good thing about this is what's good for me.'"

"That young man fails to realize that he is a part of a very large and dynamic enterprise, one that brought the team to the level of prowess so that 70,000 people will be in the stands to watch it. If that particular person isn't there, life is going to go on."

While college athletics may be a dynamic enterprise, it is also not nearly as profitable as most people think.

ASU's three sports that are designated as "revenue sports": football, men's basketball and baseball. These three sports, by themselves, could be considered profitable, especially football, with some games having turnouts exceeding 65,000.

The revenues generated from ticket sales do not go directly back into the football program, but rather into a general operating fund.

"In (ASU's) case, there are 17 other intercollegiate varsity athletic sports programs that also participate in the Pac-10 Conference and have no chance of generating any revenue," Harris said. "The operating fund is where all of the other sports draw their expenses, including football and basketball."

Harris said that ASU's sports program is "break even."

"We have a deficit that we've accumulated over some time, but a lot of that had to do with construction," he said. "The last three years have been break even."

The cause for this may lie in a piece of legislation known as Title IX.

Title IX, included in the educational amendments passed by Congress in 1972, was the first federal law to mandate equal treatment of students regardless of gender.

As a branch of the university, an athletic program falls under the umbrella of Title IX. The legislation falls university athletic programs to ensure that women's sports are given the same funding as men's programs.

It is gender equality that makes the thought of paying athletes impossible, Frieder said.

"How could you pay men's basketball players, and not pay women's basketball players?" he asked.

If programs started doing that, then, he said, "we'd have to cut half of the sports, since we could never afford it."

Affording programs is difficult anyway because of Title IX legislation, said Bruce Snyder, ASU head football coach.

"Very few people are meeting budget," he said. "Gender equity forces are saying that for every male athlete participating in intercollegiate athletics, regardless of sport, there shall be a female athlete. There's no corresponding sport to football, but they're still saying that the funding has to be 50-50."

Another type of funding

Snyder added that there are people in athletics who support another type of athletic funding known as proportionality. This system would distribute funding along the percentages of each gender in a university's population. In other words, at a university where women outnumber men, women's sports would be required to receive more funding than men's sports.

"My prediction ... is that by the year 2000, 50 percent of the football-playing schools will not be playing football," Snyder said. "They can't make budget."

Despite his belief that athletes are benefiting greatly from their college experience, Snyder knows from experience that there is little money allotted for social considerations.

"A lot of them don't have any money," he said. "You're taking them and putting them in an environment where most people have some money, and some have quite a bit of money, because their parents are sending them and giving them allowances and stuff."

"There should be a way to help a kid get two nickels to rub together."

However, students on full athletic scholarship

find their options for earning spending money limited. NCAA policy prohibits students on full athletic scholarships from holding part-time jobs while school is in session.

This wasn't always the policy. As a student-athlete at the University of Oregon, Snyder was able to earn spending money working in the equipment room, folding socks and towels. He earned \$20 to \$30 a month, "which was big money to me, because I was flat broke."

The employment rules were changed because too many people took advantage of the system.

"Some schools would say to a Herschel Walker or a Lew Alcindor (Kareem Abdul-Jabbar), 'Look, you come here, wind the clock once a month, and we'll pay you \$5,000,'" Snyder said.

"It became a bidding war as to who got the best jobs."

Right now, a student-athlete's only recourse is to save money from summer jobs.

"I do believe that the summer and vacation programs need to be very strong," Snyder said.

Sun Devil quarterback Jake Plummer said that many student-athletes often feel

the pinch.

"It's kind of tough to get by," Plummer said. "I wouldn't mind having a little extra cash, but I don't think that the other students would accept us getting paid."

Frieder said that a possible monthly stipend might help, but he said that such stipends "should be very minimal."

He added, though, that "the cheaters are always going to find a way to cheat."

What this ignores, Notre Dame's Beauchamp said, is the federal Pell Grant.

The Pell Grant is awarded to needy college students. Students from low-income families, including those on athletic scholarship, are eligible to receive up to \$2,300 a year with this tax-free grant, according to ASU's Kennedy.

"There's really no restrictions on how (student-athletes) spend their Pell Grant," Kennedy said.

That grant provides student-athletes on scholarship with extra money, Beauchamp said.

"That's a considerable sum of money, several hundred dollars a month," he said.

The real value of a college education, however, may be impossible to calculate in monetary terms. For many poor urban youths, it means an escape from a cycle of poverty to a life of productivity.

"I can't think of one guy in my program that hasn't benefited from college," said Frieder. "I've got all success stories out there. I've had a lot of kids who have graduated and gone on to be engineers and attorneys."

Harris agreed. "The benefits that you gain in the long run—getting a college degree and having all or part of those costs offset—far and away exceed any contemplation of pay-for-play," he said.

As an example, he pointed out Sun Devil linebacker Justin Drago. Injured numerous times, Drago was unable to fulfill much of his potential on the football field. Yet he will graduate in December with a business degree.

"He may or may not play football again. I hope he does," Harris said. "In his case, (whether athletes get paid) really doesn't matter. He's going to get his degree, live his life and be a great contributor."

Snyder, who coached Drago, agreed, adding that the life lessons and experience may extend even into the athletic department itself.

"When you have a healthy program where you learn values, then I'm not sure that there's a better classroom to teach principles of loyalty, courage and discipline, things that will serve them later on in life," Snyder said. "If I focus on winning so hard that I don't focus on or nurture those other things, then I think that the player is probably being exploited."

"But if they learn things like courage, discipline, loyalty, crisis management, how to overcome failure, then I think they're getting one hell of an education."



ASU ATHLETIC DIRECTOR CHARLES HARRIS

"If it's all about being an athlete, then go be an athlete! Here, it's about getting a sense of balance, a sense of perspective that affords you a longer-term set of opportunities and exposures."



Photo by Jim Poulain

ASU senior flyback Parnell Charles races out onto the field at Sun Devil Stadium at the beginning of a game. Charles said he doesn't feel he's been fully compensated for his service and suggested that the NCAA allow players to receive some form of payments to help them through college.

HAIL, ALMA MATER?

As athletic departments' budgets shrink, few professional alumni are coming to the rescue with donations for their old schools

• BY LISA GONDERINGER •

In the 1980s, ASU's athletic department was a massive success, both on the scoreboard and in the accounting ledger. The football team battled in four bowl games, the basketball program headed twice for the NCAA tournament and a handful of other sports claimed national supremacy.

Today, ASU's football program struggles in a half-empty Sun Devil Stadium. Men's gymnastics, badminton and archery — once national models of success — have been eliminated because of funding problems. Instead of relying on the whirring of the turnstile, the athletic department has been forced to become more creative in its fund-raising methods.

Far from an isolated case, ASU joins most universities in having to seek alternative sources of revenue to fuel their athletic departments.

And guess where some of them are turning?

Back to the very athletes who used to fill the stadiums in their college years, some of whom are now millionaires in the professional ranks.

There are recent examples of former collegiate stars who have shared their wealth with the schools that served as their training grounds for the pros.

Minnesota Vikings star quarterback Warren Moon returned to his alma mater, the University of Washington, in August with a \$150,000 check to benefit the Huskies' football scholarship fund. A month earlier, Viking lineman Todd Steussie donated \$20,000 to help upgrade the University of California-Berkeley's weight room in Memorial Stadium. In the late 1980s Tom Rathman, now with the Los Angeles Raiders, endowed a \$50,000 scholarship for future fullbacks, his position as former ASU golfer and LPGA star Heather Farr, who died of cancer last year. The statue stands in the player facility at Karsten Golf Course.

The philanthropy is not limited to the football world. Last month, ASU All-American golfer Phil Mickelson, now a PGA professional, donated \$25,000 for a life-size statue of former ASU golfer and LPGA star Heather Farr, who died of cancer last year. The statue stands in the player facility at Karsten Golf Course.

But these examples of generosity — and even they represent relatively modest contributions — are the exception rather than the rule. More often than not, athletic directors are finding that alumni in the best financial positions to help them simply don't.

That still does not stop universities from try-



AP photo

Tom Rathman, a three-time Super Bowl champion with the San Francisco 49ers and now a fullback with the Los Angeles Raiders, endowed a \$50,000 athletic scholarship at his alma mater, the University of Nebraska. Rathman is one of only a handful of pro athletes who decide to share their wealth with the school that was their training ground for their lucrative professions.

ing to change former athletes' minds.

Differing opinions

Because the University of Southern California is a private school, it receives no state funding for its athletic program.

Its tuition is also much higher than at publicly funded Pacific-10 Conference schools, and Donald Winston, senior associate director of athletics, said former athletes have a responsibility to give USC a return on the school's investment in them.

"Yes, I do think athletes have an obligation to help us out once they make it big," Winston said in a telephone interview. "They're going to have to pay Uncle Sam anyway, so they might as well put the money to better use and help pass on the heritage that got them where they are."

Besides, they got a free USC education, which will take them a lot of places once their sports careers are over. I don't think it's unreasonable to expect them to realize that."

Not everyone shares Winston's philosophy. Although ASU athletic director Charles Harris does keep the "all-donations welcome" mat out for former athletes, he said he thinks the trade-off between the student-athlete and the school is a fair one.

"It is not fair to expect our former athletes to owe us because we don't ask that of them," Harris said. "We tell them, 'We'd like to provide you with room, board, books, tuition and fees. In return, we'd like to have you come here and be a good student and a good athlete.'"

"It seems to me that if we say on the front end we'll give you room, board, books, tuition and fees, and we want you to give us money if you later make it to the pros, then, yes, it would be fair to expect them to give back. But we don't say that, so we can't expect it."

It isn't hard to find an ASU athlete who shares Harris' feelings.

Former star wide receiver Eric Guliford, who is second on ASU's list of all-time career receptions, began his Sun Devil career as a walk-on. After earning a starting position, the small but determined Guliford, who grew up in a poor neighborhood in the west Valley suburb of Peoria, was offered a scholarship and got to spend his remaining three years at ASU on a free ride.

Well, it wasn't exactly free, according to the athlete.

"I worked hard for that scholarship," said Guliford, who went undrafted but made the Minnesota Vikings in 1993 as a free agent. "It takes a tremendous amount of discipline to go to school for five or six hours a day and then go to practice in the heat for four hours after that. And every time you go onto the field, you risk serious injury. You are really expected to lay it on the line."

Guliford said if ASU were ever to approach him in an effort to raise funds, he would have to

think twice before any money left his hands.

"If they were going to do something charitable with it to help younger kids, like buy tickets for YMCA kids to go to an ASU game, then I would probably give my money," he said. "But as far as me just writing a check, I think the money could be spent in better, more profitable ways."

In regards to his time at ASU, Guliford said he feels both he and the athletic department benefited equally.

"I know some schools are hurting now, but I don't see why that makes athletes owe them," Guliford said. "No, I don't feel I owe anybody anything. I did a job I was asked to do and I was compensated for it at the time."

"We're even. Simple as that."

No obligations

As development director for ASU's athletic department, Vic Cegles is responsible for finding new sources of income. He said Sun Devil athletes now in the pros contribute only a small fraction to the athletic department's budget and doesn't see that trend changing any time soon, no matter how aggressively those athletes are targeted by fund-raising efforts.

"Let's just say they are not the ones who notoriously give back," Cegles said. "I think it is because a lot of them believe that they made a tremendous contribution to the school when they were here, and I can't disagree with that."

"If you have a star athlete, and because of him you went to the Rose Bowl and filled the stadium all season, you can't say that athlete has not made a contribution."

Still, new funding sources are needed to keep up the pace at ASU. After years of increasing budgetary problems, the athletic department was forced in 1992 to cut three varsity sports — an action that was met with a deluge of protests.

Cegles said turning to former ASU athletes in professional sports was one option considered before taking the cost-saving measure of discontinuing the three programs. But approaching big-name athletes is a difficult business that rarely pays off.

"When you become professionally successful and have money, there is no shortage of non-profit organizations soliciting your help," Cegles said. "Everyone wants a piece of your time, and all of a sudden, we are just one of many voices asking for money."

Another problem is being forced to deal with agents instead of the athletes themselves.

"The agents certainly don't have any loyalty to ASU," Cegles said. "Barry Bonds (former Sun Devil baseball star) lives in San Francisco, and his agent probably feels that it would be better PR to give money to the AIDS Foundation in San Francisco than to ASU. They (agents) see looking good in the community where the athlete lives as more beneficial for them than looking good at a university hundreds of miles away."

Motives of self-interest

Cegles is right. And even if athletes do donate money back to their alma maters, often it is not because of the good experience they had there, but to enhance their image in their communities.

Tom Rathman grew up in Grand Island, Neb., and earned letters as a bruising fullback for the Cornhuskers in the early 1980s. He said without a doubt, he sees his time at Nebraska as the

TURN TO GIVING BACK, PAGE 5.



Photo by Jim Poulton

Last month, ASU All-American golfer Phil Mickelson, now a PGA professional, donated \$25,000 to fund this life-size statue of former ASU golfer and LPGA star Heather Farr, who died last year of cancer. The statue sits in the players facility at Karsten Golf Course.

Giving back

CONTINUED FROM PAGE 4.

training ground that got him to the pros, where he was a three-time Super Bowl champion with the San Francisco 49ers before going to the Raiders.

"Being a local boy and making it, well, that helps your reputation," Rathman said in a telephone interview. "You have to remember what you got where."

Rathman hasn't forgotten. Just a few years after graduating, he endowed a \$50,000 scholarship in his name for those who will follow in his footsteps as fullbacks at Nebraska. But when asked what motivated him to give money to his alma mater, Rathman had to think for a while.

"I guess it just looks good in the public eye," he said finally.

Harris agreed that self-interest often is at the heart of the matter when pro athletes donate money to the schools they attended. He pointed to Chicago White Sox star pitcher Jack McDowell, one of the highest paid pitchers in major-league baseball, who recently donated a portion of his multimillion dollar salary to improve lighting at the baseball stadium at Stanford, his alma mater.

"When you go from making \$2 million a year to \$7 million a year, you probably need something to advance you from a tax standpoint," Harris said. "For Jack, I'm glad he did it for Stanford, but I would be fairly confident that the main substance of his motives would not be that he had such a good experience there."

Even with the motives of good PR and tax breaks, most athletes still find something else to do with their cash.

Mark Carrier, a two-time All-American defensive back who played at USC from 1986-1990, signed a multimillion dollar contract as a first-round draft pick of the Chicago Bears. Despite being a four-year recipient of a \$26,000-a-year USC scholarship, Carrier said he feels his school already got a return on its investment.

"I don't mind helping my school, but you have to remember I already did that," Carrier said in a telephone interview. "A lot of revenue was generated while I was at USC, and the players didn't get any of it. Well, OK, maybe we did in the form of a scholarship. So I guess we're even."

Carrier said he feels more indebted to his family and his hometown of Long Beach, Calif., where he lived for 18 years before his four-year stint at USC.

"There's a bond with my hometown that I don't have with SC," Carrier said. "It's all about where you started. I was supported back when I was getting started by family and friends who had no money, so I want to take care of my home base first. I never would have gotten to SC or where I am today without them."

Carrier supports a track team in Long Beach and gives money to the Red Cross and other non-profit organizations. But he said he feels they need the money more than USC. Nevertheless, he realizes his alma mater relies on private donations to fund athletics and said he might consider helping the school at some point.

Create the feeling

Most university officials who must raise money do not fault athletes who have attitudes like Carrier, but they hope to create the same feeling about their schools that Carrier has about his family and hometown.

Lonnie Ostrom has spent years analyzing what makes people open their wallets for ASU. As director of development, he is not directly involved with athletic department fund-raising, but he said coaxing athletes to give is just like any other business — it's easier if the alumni have good memories of their stay in Tempe.

If an athlete felt used at school, Ostrom said fund-raisers can expect a chilly reception to their calls.

"Some athletes think, 'Look at all the money the institution is making off of me,'" Ostrom said. "There is the whole issue that some people think college athletes should be paid. If athletes think they should be paid and weren't, they may feel used and abused for what the institution wants. These athletes will most likely not give back."

Harris said ASU and other universities — including ASU — are doing a better job of providing support services for athletes, something that wasn't a high priority earlier in his 25-year career in athletic administration.

"In the last decade, universities as a whole, including ASU, have made a broader commitment to helping student athletes get their degrees," Harris said. "We also work hard at encouraging and, in some cases, forcing students who are athletes to be part of the regular student population. They live in student housing, get involved with activities on campus, and

they don't go through the university with their eyes closed, not knowing who other students are besides the ones they play with."

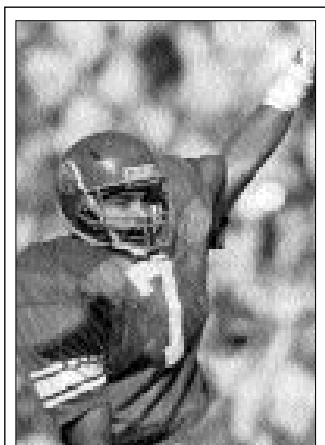
As a result, Harris said athletes should have a more keen sense of their athletic and academic experience at ASU.

"It doesn't guarantee they will donate back, but I think what it does is create an environment where we can ask them," he said.

Cegles said people often ask him why one of ASU's most famous alumni, baseball Hall of Famer Reggie Jackson, does not support Sun Devil athletics financially. Jackson, who played one season at ASU, made a rare return to campus in 1992 for ceremonies retiring his number "44" at Packard Stadium. He has not had a close relationship with the school since he left to sign an \$85,000 contract with the Kansas City Athletics in 1966.

Cegles said he thinks Jackson's refusal to respond results from a lack of the "mutually beneficial experience" Harris is talking about.

"We have sent proposals to Reggie, but I guess he's not quite ready to do it," Cegles said. "Maybe his experience wasn't as good here as he



"I don't mind helping my school, but you have to remember I already did that."

CHICAGO BEARS SAFETY MARK CARRIER, FORMERLY OF USC

would have liked — that was long ago and times were different."

Harris said he understands why many athletes particularly women who went to ASU decades ago, feel no desire to give money back to the school. He said female athletes at ASU between the 1950s and the early 1970s did not have the same kind of opportunities and experiences as their male counterparts.

"We saw it as almost foolish of us to go back to those women and say 'help us pay for this' when they didn't have the kind of experience they would want someone else to have," Harris said. "But we're particularly proud of where women's athletics have gone in the last few years. We no longer have to apologize to them for what we haven't done."

Harris said this upgrade has led to the formation of a program called Wings of Gold, which asks former female student-athletes for help in funding the current women's athletic programs.

Harris said some athletes at ASU, especially golfers, have always had a history of good experiences.

He said the success of the golf program has led to the adoption of a program called the "One Percent Club," where professional golfers who once played at ASU can agree to donate one percent of their winnings to the University.

"What becomes important is to delineate your cause or your issue is important, not only for you, but for the athletes who follow," Harris said. "One percent of someone's winnings in golf is a lot. But it works because golfers are a group who had a good experience here and the thought of seeing that experience perpetuate into another generation is what gets them involved."

Although the shift toward improving athletes' experiences has stretched beyond ASU, Harris said it is far from becoming a national trend.

"I cannot tell you that it has become a ground swell on a national basis yet, but I can say with

a great deal of confidence it is going to have to be done," he said. "It is necessary not only to create well-rounded individuals who can function in today's society, but if anyone ever sees the potential of having really large, high-profile groups of individuals willing to support the institution, they're going to have to make sure they give them the best experience they can."

Harris is right. Other Pac-10 officials also hope to tap more extensively into the pockets of their former athletes, but not all of them are focusing on improving athletes' experiences.

USC's Winston said only a third of his athletic department's budget comes from alumni donations — and most of those are not pro athletes. He said he believes the best way to instill a sense of obligation in athletes is to make them aware of all the benefits they receive.

"We are trying to educate athletes while they're in school to let them know someone who came before them gave up the money for their scholarship," Winston said. "So when they become successful, hopefully they will want to do for someone else what was once done for them."

He said USC also started an endowment program in 1984 that allows alumni to fund scholarships for student athletes. Winston said the school has enticed 35 alumni to fund scholarships, with about seven of those being former football players.

While Winston agreed that athletes have an obligation to remember their school, he also said he realizes that it is a gamble to count on them for funds.

"It is a very insecure profession," he said. "There are very few who make \$5 million a year. But I would hope those who do would remember how much we gave them."

All considered major prospects

Like Winston, Jon Denney, assistant athletic director for development at Stanford, also gets no state funding for his program and said any graduate of the private school, athlete or not, is considered in the major gift pipeline.

Stanford's athletic department pays \$6 million a year out of its \$25 million budget for athletic scholarships, compared to the \$2 million ASU pays. This gap is mainly because of the difference in tuition, which runs about \$27,700 a year at Stanford, compared to the \$12,500 a year for out-of-state at ASU. So not only does Stanford get no money from the state, it also must spend more funds on athletic scholarships.

Denney said Stanford has been fairly successful in its aggressive plan to raise funds from former athletes. He said a pro football player who did not want to be identified recently donated \$50,000 to upgrade a recreational complex on campus called the Ford Center. Jack McDowell's \$100,000 helped put better lighting on the baseball field.

Denney also said the athletic department is changing the way it approaches athletes in an effort to entice even more of them to donate.

"In the past, basically we told athletes 'we gave you a scholarship. You owe us. It is your obligation to help us as a thank you for the scholarship,'" Denney said. "Over the past two to three years, we have come to realize we were doing this without showing them why we needed their help."

Like Winston, Denney said that Stanford's athletic department is now focusing on making current students aware of the good that someone donated the money for their scholarships.

Not all athletic departments in the Pac-10 are strapped with as much fund-raising responsibility as USC and Stanford. Consequently, they don't hold their former athletes as responsible.

Scott Spiegelberg, associate athletic director for development at Oregon State University, said that of his department's \$12 million budget, about one-third comes from private donations, and little of that comes from pro athletes. An OSU athletic scholarship runs about \$16,400 a year.

"Salaries of professional athletes are growing exponentially, but just because you happen to make a large amount of money doesn't make you any more or less obligated than anyone else," Spiegelberg said in a telephone interview. "But I think anyone who benefits from the university does have some sort of obligation."

Spiegelberg said that to date, OSU has not received any major gifts from athletes. But he added that many of the school's stars who have gone on to the pros, such as Phoenix Suns forward A.C. Green and Seattle SuperSonics point guard Gary Payton, have become annual sustaining members, meaning they give anywhere from \$100 to \$10,000.

Rapport is important

Spiegelberg said he still hopes that some day OSU will land a major donation

TURN TO GIVING BACK, PAGE 7.

DEAF EARS TURNED TO THE CALL OF DUTY

*Some of her neighbors
watched as Ana Romero
was beaten, but they won't
have to answer to the law*



Photo by Samantha Feldman

Ana Romero stands next to the pool fence at her apartment complex in east Phoenix. The 23-year-old student nurse says her attacker jumped over the 6-foot fence and came after her.

• BY MONIQUE BROUZES •

Ana Romero is a 5-foot, 100-pound, 23-year-old student nurse with nerve damage to her face.

Six metal anchors are embedded in her gums.

She has lost 30 pounds. She rarely goes out, and she now carries a gun.

Romero sat on the edge of her overstuffed couch with her two young daughters by her side as she began recalling the terror of Aug. 29 outside her east Phoenix apartment.

"A bunch of people saw what happened but nobody helped me," Romero said in a quiet and slightly slurred voice. Her large brown eyes filled with tears.

"He was like a lion or something. I was not a girl to him."

At least five people from the apartment complex where she lives saw her attacker beat her and break her jaw.

Someone did call the police, but no one rushed to her side.

Two of the witnesses, one man who owned a gun, the other a single mother of one child, were less than six feet from the attack.

Only four states have "duty to aid" laws that compel the public to physically intervene in helping those in jeopardy. That means 48 states, including Arizona, have no such laws.

Only six states have "duty to report" laws that require people to report a crime. Arizona is not one of them.

A violation of the "duty to report" laws in Florida, Ohio, Massachusetts, Rhode Island, Washington and Wisconsin can result in fines of \$250 to \$5,000 or up to one year in jail or both.

The "duty to rescue" laws in Minnesota, Rhode Island, Vermont and Wisconsin require actual intervention by a witness or bystander.

Failure to render help can result in a fine of \$100 to \$500 or up to six months in jail or both.

However, the duty to rescue laws clearly state, "...Reasonable assistance ... without danger or peril to himself or without interference with important duties owed to others."

Daniel Yeager, a law professor at the California Western School of Law in San Diego, said it is difficult to understand what "without danger or peril" means.

Last year, the *Washington University Law Quarterly* published Yeager's 58-page report, "A Radical Community of Aid: A Rejoinder to Opponents of Affirmative Duties to Help Strangers."

"There has been so little enforcement and therefore litigation, that it is difficult to distin-

guish between an act of help without danger (duty to rescue) and making a phone call (duty to report)," Yeager said in a telephone interview. "Almost any act of intervention could be perceived as dangerous or interfering with duties other than duty to report."

"For instance, to swim after somebody who is drowning, even if you're a strong swimmer, you wouldn't do it if you weren't a strong enough swimmer. Or, you have your own child on the shore who might drown if you try to save the other person."

"On the fringes of it (the law) there is no expectation that a mother throw herself in front of a train to save her child."

"But somewhere between acting like a hero and acting minimally decent, the answer lies."

Some opponents contend duty laws are too difficult to enforce. Others have said the laws threaten the public's autonomy or would be self-incriminating.

Yeager said it is difficult to tell why eight states have adopted some type of affirmative duty laws and others have not.

"I think, with the exception of Vermont, they (states with duty laws) did it after the New Bedford rape, or heard about it, and wanted to say they wouldn't accept that type of behavior anymore," he said.

In 1983, six men in a New Bedford, Mass., bar raped and sodomized a 23-year-old mother of two while onlookers cheered. In Yeager's report the victim said, "My head was hanging off the pool table ... I was screaming, pleading, begging ... One man held my head and pulled my hair. The more I screamed, the harder he pulled."

Of the rape, Yeager wrote, "In the substantial majority of states where law is content to punish only active assailants, rape is a [lawful] spectator sport."

In the beating of Romero, one witness, David Pruitt, a 21-year-old groundskeeper, said he did not come out to help, even though he owns a gun. He said he lives with his grandmother and feared for her safety.

"I got woken up by this lady (Romero) just screaming her head off," Pruitt said.

"I heard some guy, he was roaring like a bear. I looked out the window and saw her (Romero) running and screaming around the pillar and he (her attacker) caught her right there by my apartment."

Pruitt gestured toward a cement pillar about 5 feet from his front door.

He said he did not actually see the man's face because the pillar was blocking his view.

Pruitt said he started to get dressed, but the animal-like grunts of the man stopped him.

"I knew he was crazy," Pruitt said. "I didn't want to come out because I have an 87-year-old grandma in there."

He said that he called the police after a few more minutes of contemplation.

Cindy Bailey, a prosecutor for the Maricopa County Attorney's Office, said Romero's assailant was arrested later that same night but was released two days later because Romero was not well enough to identify him in a photo line-up.

"He had been admitted into the Maricopa County Hospital by his family (earlier) that night for seizures or some sort of problems," Bailey said.

"He broke out of a third-story window from the hospital and stole a car before he got to Ana."

While Romero sat on the edge of her couch, she watched her youngest daughter, Amy, 1, walk around the living room. Diana, her 7-year-old, lay next to her.

She recounted the events that led to her attack.

She and her husband, Juan, came home about 2 a.m. on Aug. 29 with their daughters, her brother-in-law and a cousin.

They had been celebrating Amy's combined first birthday party and christening.

Romero said they had been drinking. Her brother-in-law left as soon as they got home. Her cousin stayed.

Gifts had been left in the truck and Romero decided to go get them.

"Something told me 'Don't go,' but I was stubborn and I went," she said.

While she was at the truck, she said she noticed someone swinging furiously on the playground swings and then moving to the merry-go-round.

"(Then) he jumped over the pool fence (6 feet) like nothing," she said.

Romero said the man did not appear to be using his hands or feet to help him scale the fence.

She said when the man spotted her walking toward her apartment (about 100 yards), "He jumped the fence again and started coming toward me."

"At first I thought he knew me or lived here," Romero said the man somehow made it seem like he would walk past her, but as soon as he got a few feet behind her, he started after her.

"I could hear his feet running in the grass," she said.

"I dropped everything and started running and screaming."

"I just remember the terror. It was like a nightmare of being chased and

TURN TO ATTACK, PAGE 7.

Attack

CONTINUED FROM PAGE 6.

knowing I would get caught."

She said her husband and cousin were listening to the stereo and did not hear her at first.

"I just remember the first punch," Romero said. "He knocked me out."

"My cousin said she heard me scream and told Juan. He ran outside with Amy still in his arms."

Pruitt said he saw the attacker chase Juan back into the apartment.

"He (the attacker) came back over here (by Pruitt's, where Romero lay unconscious) and I heard beating again," Pruitt said. "It was literally beating. I heard nothing but fists hitting her face, nothing but."

Romero said Juan put the baby down, came back outside and chased the man away.

The police were on their way.

"To this day I feel guilty," Pruitt said. "I could have helped that lady."

"I turn my head when I see her."

Romero said her temporary assignment as a nurse's aide for Cigna Healthplan of Arizona had just ended and she had gone back to school full time at Phoenix College.

"I had to drop my nursing courses," she said. "I would have been going to ASU in the spring (1995)."

Deborah Newsome, who lives in Romero's complex, said she and her sister Mary saw what happened but they thought Romero and the man were playing.

"She didn't sound like she really needed help," Newsome said.

Even though Newsome said she did not leave her apartment to help, the Phoenix police report of the incident said Newsome reported yelling at the attacker several times. The report also said Newsome told officers the man ran off after she yelled at him. Later in the report, the investigating officer said even though residents of the complex will admit they were awakened by the noise and looked out their windows, "they will not get involved nor will they testify in court or identify the assailant."

Pruitt did not remember the event the way Newsome did. "That lady was screaming her head off," he said.

Whatever happened that night, it is clear that no one came to Romero's rescue. What is not clear is, would Romero have been rescued sooner if Arizona had duty to rescue or duty to report laws?

Spiegelberg, special assistant to the Maricopa County attorney, said he is not familiar with duty to rescue or report laws but can see some problems with adopting such laws. He also said his opinions do not reflect that of the county attorney's office.

"Philosophically, there is a significant difference between having a moral obligation to do something in someone's opinion and legally imposing a duty on an individual with intended penalties," he said.

"With regard to the laws obligating a person to aid another, that presents, in my opinion, significant legal issues which cannot be discounted."

Giving back

CONTINUED FROM PAGE 5.

from a successful former athlete.

"The most important thing is to keep up a rapport with former student athletes," Spiegelberg said. "After they graduate, we like for them to come back to Corvallis and see what the new generation of athletes are doing, what our plans for facilities are. If you keep them involved with what is going on, they will remember you."

Nevertheless, Spiegelberg said he never would consider taking the aggressive approach that other schools like Stanford have taken because he feels athletes earn their scholarships by bringing their skills to OSU.

"Plus, when they sign a big professional contract, that bestows recognition on the university," he said. "We're very proud of them to make it, and if they don't directly give us money, they

do benefit us indirectly by their presence in the pros."

Spiegelberg, who has said that the experience athletes had in school is the No. 1 factor that will affect whether or not they will consider donating to their alma mater.

Most athletic fund-raisers realize that even with the big salaries pro athletes earn, the possibility of a former player walking up to them and handing them a large check is slim.

Harris said the business of development tends to be between a five- and 20-year project.

"The first set of priorities is always the same regardless of who you are, and that is to make sure that you take care of yourself," Harris said. "If an athlete just left school and signed his pro contract last spring, the first thing he's going to want to do is probably take care of his family."

"In terms of a safe aid law (without danger or peril, that is almost a subjective determination. What does that really mean? Maybe to one person it may mean the circumstance may seem safe and to another person it may not."

Lotstein added he believes these types of laws are difficult to enforce.

"When you write a statute that says you have to do something except in certain circumstances (without danger, well if you choose not to do it, then who's to determine (the value) of your excuse," he said.

"Also I think they (the laws) try to legislate moral activity, and legislating morality or the obligation of someone to come to the rescue of someone else is a very difficult situation."

Yeager said he believes the laws to act or report should be enacted in all states if for nothing else than "purely aspirational value."

"So I don't really agree with the enforcement problem," he said.

"And the self-incrimination problem is only present when there is a third-party threat, which is not present when there's just danger."

Yeager explained: "When you see a crime like the New Bedford rape, one of the reasons you might not come forth is that your story might raise suspicion that you actually caused the harm."

"But not all harm is caused by somebody else. Someone could just fall off a bridge. If you don't report the drowning beneath the bridge because you say you were afraid the police might think you pushed the person off, then your reasons for not reporting would be much weaker."

"So I think the biggest fear of the bystander is being perceived as an accomplice. But if there's nothing criminal going on it seems less reasonable to say you were afraid you might be called a criminal."

Yeager said he does not believe either of these reasons is sufficient to invalidate the laws.

"Also, I think you could give rewards for people who do help and penalize those who don't," he added. There are systems of reward in certain communities.

A 31-year-old San Diego man was recommended for a citizen's commendation in 1991 by the San Diego police for intervening on behalf of a nun who was struggling with a man trying to steal her purse.

Two Phoenix boys, Sean Stoddard, 12, and Andrew Hillman, 11, were presented with plaques in November by Maricopa County Attorney Rick Romley for their heroism. The boys went for help when they heard the cries of Charlene Thompson, who had been pistol-whipped, robbed and locked in the trunk of her car.

Andrew Carnegie, a private philanthropist, established the Carnegie Hero Fund commission in 1904. It is reported that Carnegie established the fund two months after an engineer and a miner lost their lives trying to rescue 176 victims in a mine disaster near Pittsburgh.

The fund provided death or disability benefits to the dependents of heroes who are injured or die in the heroic effort to save lives.

Yeager reported that as of 1990, the commission had reviewed 65,479 rescue acts. The

"Once that is done, you want to make sure you manage your investments wisely, and an athlete's career can end very quickly with an injury. So the probability that someone who has just signed a multimillion dollar contract will turn around and give us a check right away is not very high."

Ostrom agreed, adding that most major gifts the university receives are from people over age 55.

"To expect someone to make a major gift when they're still young is expecting a lot," Ostrom said. "You've got to be pretty mature financially to make a \$100,000 to \$200,000 gift."

Budget troubles to persist

Nevertheless, Harris said budget problems are going to persist at universities.

Carnegie Medal for Heroism had been presented to 7,511 persons (about 20 percent posthumously), and the commission had awarded grants totaling close to \$19 million, he reported.

Of the opponents to rescue laws who believe such laws would threaten a citizen's autonomy, Yeager said, "If you believe that the professional rescue mechanism (the police or fire) is insufficient to protect us as much as we need to be protected, to be truly free, we sometimes have to have our liberty limited in order to have it enhanced."

"We need to have other people call on our labor so that those people and ourselves will be more free by not having to worry that we would be stranded in our true hour of need."

"I think if you penalize failure to do this, you're showing what you think is the minimally decent level of behavior between people who are otherwise disconnected."

Romero said she is having a hard time understanding why people didn't help her.

She was heavily drugged in the hospital for one full week before her doctor could operate, she said.

"They couldn't do surgery on me until the swelling went down," Romero added.

She said her surgeon put a metal plate in her jaw. The anchors were put in her gums to prevent her from moving her jaw until it heals.

"My baby (Amy) couldn't recognize me," she added.

Romero walked onto her front steps as she continued talking. Her eyes widened when she saw a man walking by with a beer in his hands.

"It could be him. He was dark like that, his hair was like that, his body nice like that," she said.

Bailey said that after Romero identified the man in a photo, he was arrested and a bond was set.

"Something happened, it's very confusing, but I think because these charges (car theft and assault) were sent to the judge separately, something got confused and he never had to put up the bond."

"When Amy called me and told me she'd seen him around, I made a motion to the court and the judge re-set the \$4,000 bond."

Bailey said authorities are now waiting for a psychiatric evaluation of the man to determine if he can stand trial.

Romero said she still can't open her mouth and has to exercise it with a tongue depressor by gently forcing her jaw open.

"The doctor said my jaw will be fine, but the upper right side of my face is going to be paralyzed permanently," she said.

Romero said she is looking forward to going back to school in the spring at Glendale Community College.

She has also taken a part-time position as a medical assistant for a private doctor.

"It's just a matter of fact now," she said. "Reality starts to hit you when the bills start coming in. It's like, OK, this happened to me. You're OK, go on now."

"I have changed. I can't stand to have anybody walk behind me. When I walk alone, I have this insecurity like somebody's going to come up from behind."

"But not everybody is bad. This man was mentally ill."

Romero said she still carries her gun and will never be without one again.

She has given notice where she lives and hopes to be out of her apartment by Jan. 1.

"I'll be fine," she said. "I just need to move."

"I think most schools in the country are and have been in denial, he said. "Budget problems are endemic at colleges across the country and have been for the last decade. There is an absolute tug-of-war between financial expectation and financial ability."

Ostrom agreed that athletic department finances will continue to tighten, but he said former athletes who have gone on to the pros probably won't play much of a part in easing those budget woes.

"We do not have to look far to see who would be helpful to us down the road," he said. "But we don't just identify meat and go after it. It is much more productive to work with someone who has made the decision to give to us than to keep asking a multimillion dollar athlete who simply doesn't want to give."

Prisons

CONTINUED FROM PAGE 1.

And more inmates are being booked each day. Arizona's prison population is now at a whopping 10,760, totaling capacity by some 1,500. That's up from about 18,000 in December 1993, and more than doubles the 8,000 inmates that populated Arizona prisons in 1984.

"Given the limited options that us humans have, we have to opt in favor of protecting people," Greene said. "And if that means executing first-degree murderers and putting people behind bars for the rest of their natural lives for heinous crimes, I think that's right. For better or worse, (the people's) reaction seems to be more accountability, more of the punitive. And we've responded in this state."

Arizona reflects "get-tough" trend

Indeed, Arizona is viewed by many as a national leader in passing anti-crime legislation. The state's symposium has spearheaded efforts that have included beefing up the criminal code and passing a "truth in sentencing" law, which virtually eliminated parole.

And the Legislature, long regarded as stingy when it came to funding prisons, has begun to back the new laws with record levels of cash. In less than a decade, the Arizona Department of Corrections' budget has more than doubled, receiving \$354 million for fiscal year 1994-95. More than 2,000 new employees have been hired by the department during that same period.

Victims, often perceived as being lost in the shuffle of the crime debate, are generally supportive of the latest crackdown on criminals, said Kathy Colobong, an assistant administrator for the victim's assistance program in the Los Angeles County Attorney's Office.

"They do want justice," Colobong said. "They feel like they don't have enough input in the system, and they feel often that the system fails them."

"Most of the time, they don't really talk about (inmate rehabilitation) because they're so busy trying to recover. But after the fact ... they feel satisfied sometimes that justice was done, the person was convicted and he's gotten a (fair) sentence."

Still, some feel the new wave of anti-crime sentiment is missing its mark, concentrating on short-term "warehousing" of criminals but evading long-term rehabilitation.

"The right-wing view of crime is that a person is responsible for all of his acts and that's the end of the subject," Hamm said. "There's no discussion. We don't want to hear about his crime. We don't want to hear about if he himself was abused as a kid. We don't want to hear if he did it as a result of bad education. We don't want to hear if he was broke."

"We don't want to hear any of that. We want to know, did you take this person? If you did, were we able to slam him in your state's very simplistic view of the world."

But Michael Arra, spokesman for the Arizona Department of Corrections, said those who hold that outlook are passing the buck.

"If you listen to the way anyone in America, you're going to always hear say something to the effect that the onus of their rehabilitation is on the prison that they're in," Arra said. "I think that is a real misnomer."

Arra agreed that there are societal and environmental factors associated with crime, but added: "This department cannot rehabilitate anyone. It is up to the individual to take advantage of those opportunities, to take advantage of those opportunities and to turn his or her life around."

Some prison officials aren't thrilled with the latest move toward "getting tough" on crime.

"That's kind of the trend at the present time — lock 'em' up, throw the key away, if you give him 10 years, make him serve 10," said Robert Lee, deputy director of Central Prison in Raleigh, N.C., the state's maximum security division.

"All the politicians run on: Do away with the TV, do away with the weights, do away with XYZ," Lee said in a telephone interview. "The bottom line is, someone has got to manage these prisons."

Just can't lock up 2,000 people in one spot and say, "Buddy, sit there for 10 years." You've got to give him something meaningful to do ... I think it's a much bigger picture than politicians look at, in that somebody's got to staff these prisons."

Cost is indeed a concern for all who want to reform the prison system. But those leading the charge for "getting tough" — which, in effect,

would send even more inmates to overcrowded prisons, requiring more funding — say the expense is necessary.

"Prison beds are expensive, not only to construct but also to operate," Georgia's Republican Gov. Zell Miller said in a 1993 press conference. "At the same time, however, we are faced with a rising tide of crime that threatens public safety."

"On the one hand, we must make judicious use of our prison beds for violent criminals who need to be kept away from society for a long time. On the other hand, however, we need forceful alternatives to prison that have teeth in them, if sentences are to mean anything and enhance the safety of our communities."

Greene said the increased costs associated with cracking down on crime carry the voters' stamp of approval.

"There is a tremendous expense to this, and sometimes we in America have a habit of wanting things and not paying for them," he said. "But if it's the will of the people, then that's the way we're going to attack this problem. Because where I come from, there isn't any more important role of government than to protect citizens."

Alternative solutions tout rehabilitation

Some who work within prison systems say increased incarceration will serve only as a short-term remedy against crime. They contend that long-term rehabilitative efforts are necessary to win the war.

"We are doing a great job of short-term public safety, because the state would lock someone up and spend \$25,000 a year to keep them there, that's an expensive but effective deterrent to crime," Donna Hamm said. "But that doesn't do anything for long-term public safety."

James Walker, who directs a correctional options program for young offenders under the Washington Department of Corrections, said denying criminals the chance to improve themselves while in prison is excessively Draconian.

"If we are not equipping offenders for a better experience when they get out, what is the other choice?" Walker asked in a telephone interview. "Ninety percent of the persons who are in prison are going to get out of prison. These folks are coming back to the community."

"How do you want them to come back? Do you want them to come back still skill-deficient, still deficient in their education needs? Do you want them to come back ticked off? We can do that."

James Hamm added: "Education is not coddling criminals. It's because these people don't have the skills that they need to function in society."

Terry Baumgardner, administrator for educational programs in Arizona's prison system, said there has been much sentiment against prison degree programs like the one Hamm graduated from.

"We were finding objections to spending taxpayer dollars to fund degree programs for inmates," Baumgardner said. "It's like, I can't afford to send my son to college, but yet my tax dollars are paying for inmates to go to college."

Baumgardner said the department has decided to place more emphasis on the high school graduate equivalency degree program and providing inmates with vocational training. Inmates can enroll in college prep programs by correspondence, but must pay for it themselves, Baumgardner said.

Though definitely in the minority and certainly receiving of less fanfare, other anti-crime plans have been presented that veer from the punitive approach.

Mark Roosevelt, a Democratic Massachusetts gubernatorial candidate who was defeated in the November election, proposed moving 650 nonviolent inmates from prisons into drug and alcohol treatment centers, a plan he said would rehabilitate the criminals, free up cells for violent offenders and save money.

"Hundreds of inmates each year are released back onto our streets — inmates we know have serious drug and alcohol problems — all because we don't provide necessary treatment to them before they are released," Roosevelt said in a statement outlining his plan. "Treating inmates for drug and alcohol addictions lowers their repeat crime rate, which translates to fewer crimes committed by offenders once they are released from prison."

The Tlingit natives of southeastern Alaska, meanwhile, employ a system that combines offender rehabilitation and compensation for their victims.

"Given the limited options that us humans have, we have to opt in favor of protecting people. And if that means executing first-degree murderers and putting people behind bars for the rest of their natural lives for heinous crimes, I think that's right."



STATE SENATE PRESIDENT JOHN GREENE

In July, two Tlingit natives faced three to five and one-half years in prison after they pleaded guilty to the robbery and beating of a pizza-delivery man in Everett, Wash. But with the cooperation of a Washington judge, Tlingit officials prescribed a sentence more indicative of the natives' tradition: Both youths were banished to separate, deserted islands in the Gulf of Alaska for one year, equipped only with some basic hand tools and two weeks' worth of food.

The Tlingits also pledged to construct a new duplex for the victim and to pay for the victim's medical expenses.

Once rehabilitated, criminals still face ire

Even paroled convicts who have successfully completed rehabilitation programs have faced the ire of an unrepentant community.

Paroled felon Harvey Prager, who was convicted of smuggling a total of 20 tons of marijuana into the United States in the late 1980s, attended the University of Maine law school from 1990-93 as a relative unknown. But chance erupted once he was selected for a chaperv position as a law clerk for the Maine State Supreme Court.

And, of course, there was the case of Hamm, whose admission to ASU's law school in 1993 sparked Symington, Greene and other state officials to suggest that funding be pulled from the school unless it re-evaluated its admissions criteria.

"I wish I could tell you how many phone calls and letters I got from people whose kids didn't get accepted who could have been very productive and competent lawyers," Greene said. "That was one seat that could have gone to an Eagle Scout or to a young lady who worked at the soup kitchen on weekends or something like that."

Donna Hamm said her husband, who scored in the 96th percentile of his law-school admissions test and was one of 161 first-year students chosen from a pool of more than 2,000 applicants, has earned a second chance in life through his years of genuine rehabilitation.

"Given the nature of his particular crime, he can never compensate the victim," she said. "And so, there has to be something else that he does. And if he becomes a person that he can be proud of, and that other people can even role model, I think he has done everything fathomable that a person could do to recover from the serious type of crime he committed."

Greene, however, said Hamm's metamorphosis simply doesn't matter.

"I am willing to accept the fact that he is a changed person," Greene said. "But my value system dictates that when you execute somebody with two bullets to the back of the head, you have forfeited your right to live, or at very least have forfeited your right to live as a free citizen for the rest of your life. Whether he's capable of rehabilitation or not, to me, is irrelevant."

'I need to lead a meaningful life'

Despite resentment from the public and political leaders, the Hamm's said they'll continue to work toward the goal of prisons becoming more rehabilitation-oriented.

James Hamm said he has to, for his own peace of mind.

"I need, for psychological and for social reasons, I need an opportunity to lead a meaningful life," he said. "Burs then, those deaths will not have happened in vain. There will have been something productive come from it, and hopefully that productivity will be the kind of thing that goes out to other people."

"To attempt to do something honorable, for the right reason and in the right way under the circumstances that are permitted, seems to me to be something that no one has to justify."