

The Daily Tar Heel

76 Years of Editorial Freedom

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Unfair Arrest At Fort Bragg



Mike Cozza

DTH columnist Mike Cozza writes his account of the "Fort Bragg Incident" which resulted in the conviction of four UNC students, including himself, for engaging in prohibited political activity. Cozza went to Fort Bragg to cover the story for the Daily Tar Heel.

Book Ex Study Needed

Student members of the Student Stores Committee will meet with Chancellor Sitterson Monday to discuss with him the possibility of the committee making a major study of the Book Exchange.

The purpose of the study would be to clear up all the questions that students are continually asking about the Book Exchange, particularly as to why such high prices are charged there when it is supposed to be run at the benefit of the students.

We consider it imperative that the chancellor listen to the suggestions of the student members of the committee and authorize that a total investigation be made in order to quiet the concerns over the operations of the stores.

This year, more than any other such an investigation is a necessity. This year has seen the increase of

the price of sandwiches with a decline in quality that caused considerable concern among students; likewise, there has been a refusal by the management of the Book Exchange to allow the Student Stores committee to see the wholesale costs of the goods retailed at the Book Exchange. In addition, the new Book Store has been completed (with the students footing the costs) and the new store seems only to be a place in which students are fleeced in nicer surroundings than they formerly were.

All these add up to a strong need for a total investigation of the operations of the Book Exchange. We hope that the chancellor, after meeting with the members of the Student Stores Committee tomorrow, will authorize such an investigation so the concerns of the students can be quieted.

'The Little Yellow Book' Of Revisionist Swine Liu

Revisionism, or Right Opportunism, is a bourgeois trend of thought that is even more dangerous than dogmatism. The revisionists, the Right opportunists, pay lip service to Marxism; they too attack 'dogmatism'! But what they are really attacking is the quintessence of Marxism. They oppose or distort materialism and dialectics, oppose or try to weaken the people's democratic dictatorship, and the leading role of the Communist Party, and oppose or try to weaken the socialist transformation and socialist construction. After the basic victory of the socialist revolution in our country, there are still a number of people who vainly hope to restore the capitalist system and fight the working class on every front, including the ideological one. And their very right hand, men in the struggle are the revisionists.

—Chairman Mao Tse-tung, "On The Correct Handling of Contradictions Among the People."

The number one enemy of the working man and the socialist state, Liu Shao-ch'i, president of the People's Republic of China, has struck a low blow at the struggle against capitalism with the publication of a "little yellow book" of his quotes that reveals him as a true revisionist dog (that's one step lower than fascist pig) and a true enemy of the people.

The book, "The Quotations of President Liu Shao-ch'i," published by, of all things, a fascist oriented capitalist dog press, Walker & Co., can be taken only as a direct hit at the honorable Mao's wonderful and enlightening publication, "The



"When tigers fight there may be no winner," says Bill in the Nebelspalter of Switzerland, of the struggle between the true hero of the workers, Chairman Mao, and that revisionist dog, Liu-Shao-ch'i. However, we know who will win, Don't we comrade?

Quotations of Chairman Mao-Tse-tung," which we have always offered to you with the honorable Lin Pia's encouragement to "study Chairman Mao's writings, follow his teachings, and act according to his instructions."

We offer honorable Mao's works to you for study, because, as it is so correctly spoken by Lin Pia, "Comrade Mao Tse-tung is the greatest Marxist-Leninist of our era. He has inherited, defended, and developed Marxism-Leninism with genius, creatively, and comprehensively and has brought it to a higher and completely new stage."

"Mao-Tse-tung's thought is Marxism-Leninism of the era in which imperialism is heading for

total collapse and socialism is advancing to world-wide victory. It is a powerful ideological weapon for opposing imperialism and for opposing revisionism and dogmatism (the DTH suggest you read and memorize Chairman Mao before casting a glance on the revisionist writings of Liu). "Mao Tse-tung's thought is the guiding principle for all the work of the Party, the army, and the country."

Therefore, the most fundamental task in our party's political and ideological work is at all times to hold high the great red banner of Mao Tse-tung's thought, to arm the minds of the people throughout the country with it and to persist in using it to command every field of activity."

The honorable Lin's advice is excellent, considering the perfidiousness of that dog Liu's work. Not only was he so brazen as to have his own thoughts published in a capitalist press and with an introduction by a western imperialist, but he even said in his little yellow book that to stop at Mao's thought in the Marxist-Leninist progression of ideas is "mechanical materialism."

To make things even worse, the lowly swine dares to say that "exaggerating one's own importance and prestige, believing oneself to be the first and foremost in the world, caring only for flattery and words of praise and nothing of criticism and supervision, resorting to suppression of critics and taking revenge on them... is to help the enemy undermine the Party." As if he were one to speak of undermining the party.

We at the DTH office offer these thoughts to you so that you may not be misled by that dog of an imperialist Liu, who is worse even than Mayor Daley. We were extremely concerned when the head of the DTH's China Bureau received a copy of Liu's capitalists lies that the readers would become misled; in the hope of averting that we have tried to expose Liu for the capitalist criminal that he is.

Yours in the Revolution, the Staff of Daily Tar Heel.

On Saturday, Nov. 16, 1968, it was announced in the Daily Tar Heel that a group of UNC students was going to Fort Bragg, North Carolina that afternoon to leaflet soldiers with anti-war material. The group was operating under the auspices of the United Anti-War Mobilization Front (UAWMF), a coalition of leftist campus political groups including SSOC.

I decided to cover the trip for my column in the Tar Heel, and went to the Morehead Planetarium Parking lot where the group was to assemble for the trip. It was there that I asked SSOC leader Sam Austell if I could come along as an observer.

I am not a member of UAWMF or SSOC or any other leftist organization. In fact, of the eleven students who went to Bragg that day, I only knew two personally. And that was the result of my function as a reporter in previous stories.

'Across the lot was a compact car with strange antennae... government agents there to spy on the group's activity.'

While in the parking lot, one of the anti-war students, Adolph Reid, pointed across the lot to a compact car with a strange antenna. He said the two occupants of the car—who seemed to be reading newspapers—were government agents there to spy on the group's activity. I told Reid I thought he was a little paranoid.

When the anti-war students left for Bragg, however, the "agent" car proceeded to follow. The UAWMF group travelled in two cars, and I was in one of them by my own request. I do not have a car of my own.

A few miles outside Chapel Hill, the two cars pulled off the road and were followed by the mysterious observers. Several students went back to the car, shook hands with its two occupants, and asked who they were. I identified myself to the men as a reporter. They declined to identify themselves, although they admitted they did "sort of" work for the government, and suggested the students to the Provost Marshal's office at Bragg for clarification on regulations governing leafleting.

The group arrived at Bragg at approximately 4 p.m. and proceeded to the Provost Marshal's office as suggested. At that office three of them—Reid, Scott Bradley, and Charles Mann—and this reporter, talked with the head of the Military Police, a Major Keller.

Each person introduced himself to the Major, and I informed him I was a reporter for the Tar Heel. Keller asked why the group had come to Bragg, and he was told that the students wanted to leaflet soldiers.

Keller then read from a photostated copy, a base regulation under Title 18, U.S. Code, Section 1382, which provides that "picketing, demonstrations, sit-ins, political speeches, protest marches, or similar activities" are prohibited on military reservations unless approved in writing by the commanding officer.

It should be explained here that Bragg is an "open" fort. Two highways run right through the middle of the base. There are no fences, no guard houses, no sentries. It is not illegal to be on the base. It is only illegal to engage in prohibited activities.

One of the students asked Keller if leafleting was a prohibited "similar

activity." He said he wasn't sure, and called the Judge Advocate General's office for clarification. He was unable to reach anyone in that office, so he volunteered his opinion that it was.

"I will arrest you if you hand out leaflets," the Major said. I copied the quote in my notebook.

Upon leaving that office, the students got back in their cars and drove to the downtown Fayetteville bus station. They were followed into Fayetteville by several cars with those strange antennae. At the bus station the group talked with local reporters and with a sergeant (Badge 3) of the Fayetteville police. I informed the other reporters and the sergeant that I was a newsman, not a war protester.

The students then went across the street to a drive-in restaurant. It was now 5:30 or 6:00.

While at the restaurant, I went around to the cars which had been following us and told the occupants of each that I was a reporter. I inquired at each car if the men were agents and was given brush-off answers by all. I also informed a man who was not in a car, but who had been asking questions, that I was a reporter. I asked the man if he worked for the government, and he replied, "something like that," but declined to identify himself.

After dinner the group went back to Bragg, where two of its members—Charles Mann and Andy Rose—decided they would hand out leaflets and see what happened. They did so at a base movie theater while the rest of the group sat in parked cars and while I sat on the theater steps taking notes on soldiers' reactions.

At approximately 7:00 several jeep loads of Military Policemen arrived on the scene with flashing blue lights. The MP's were armed with automatic pistols, shining helmets, and clubs. They confiscated the leaflets Mann and Rose were handing out and placed them in custody.

One MP, who was not in uniform, asked me who I was and I told him my name and status as a reporter, and that his CO, Major Keller, knew who I was. The MP did not arrest me, nor did he place me in any kind of custody. He asked if I would accompany him to the two cars, where the other students were pulled out and frisked. I continued to take notes the whole time. I was not frisked.

One of the MP's then ordered that the group be taken to the Provost Marshal's office, and that they be loaded into the jeeps for that purpose. I was not ordered into any jeep. But I naturally wanted to stay with the story, so asked one of the drivers if I could ride with him. He said I could. That, I suppose, was a big mistake.

At the Provost Marshal's office each member of the protest group was taken into the back room and questioned by FBI agents. After all had been questioned, one of the agents came into the lobby where we were all sitting and asked if anyone else had been on the scene. I said I had and informed him I was a reporter. He asked if I would come back and talk with him, and I said I would since I was going to write a news account anyway. I told him the same story I have related here so far.

I asked the FBI agent if I was under arrest or charged with any crime. He said I was not, but that I was in "protective custody." I suggested he call my editor and verify my status, but he did not.

Shortly thereafter I was approached by a Col. Morgan, who identified himself as the base Public Information Officer. He asked if I needed any help in filing my

story. It was now past 11 p.m., and since the DTH had gone to press around 7:00, I said there was no real rush.

After discussing the situation with Col. Morgan and showing him the news story I had written, the FBI agent came out and said the entire group was being charged with engaging in prohibited political

'At about 7 p.m. several jeep loads of Military Policemen arrived with flashing blue lights, automatic pistols, shining helmets and clubs.'

activity. He cited the law Major Keller read earlier in the day. I asked him if I were being charged and he said he guessed I was.

Each of us was then taken into the back room for fingerprinting and photographs—front and side. During this activity several of the unidentified agents I had talked with in the restaurant parking lot walked through the lobby.

I grabbed one and asked if he would please give me his name because I would need him as a witness to testify that I made it perfectly clear, before the arrests, that I was a reporter, not a protester. The man declined any identification, but said he worked for Major Keller. I asked him to approach the major for permission to identify himself, and he went into a back room for a few minutes.

He returned, again refused identification, and said he "was only following orders."

At this point I asked Col. Morgan if he knew the man. Morgan said he did not. I asked the man if he was higher than a colonel. He said he was not. I asked the colonel to order the man to give me his name. He said he could not. The man then left and I never saw him again.

By now it was around 1 a.m. Sunday morning, and we were all taken into another back room where U.S. Commissioner C. Wallace Jackson had set up court. Jackson explained his position—one notch under a federal judge—and that he was empowered to rule in non-jury trials.

He stated the charge and then called each student to the bench to enter a plea and stand trial. Everyone pleaded not guilty and requested a continuance.

I figured I would explain my position to the Commissioner and the whole thing would be dropped.

Jackson called four MP's to the stand—Blasingame, Haye, Weiss, and Levine. Each testified under oath about the circumstances when they came to the theater. Weiss also testified that I had one of the leaflets in my pocket.

On cross examination I asked each MP if I had handed out any leaflets. Each testified that I had not, that I was simply sitting on the steps taking notes.

I then took the stand and testified to the same story I have told here, and I told the Commissioner I would be glad to call Major Keller or any of the protest group to corroborate my story. I also said I would like to put the "secret agents" on the stand, but since they refused identification, I could not. I said that one

of the cars of agents, however, had NC license B-5586.

I also gave the Commissioner the copy of the protest letter which had been handed out. The letter was folded in my breast pocket for use in writing the story. The Commissioner read it and said if I had been handing such things out, it was a "most damaging piece of evidence."

I repeated that I had not handed it, or any letters out, that I just had it for writing the story.

After hearing my testimony, Jackson suspended judgment until Nov. 24, when he would hear the other cases. We were all released on our own recognizance of \$200 bond.

Upon returning to Chapel Hill, I wrote the news story which appeared in the Nov. 19 issue of the Tar Heel.

I also contacted a Fayetteville attorney to see exactly what my legal status was. The attorney said he would call the Commissioner and let me know what the problem was.

After talking to Jackson, the attorney said the Commissioner wanted a signed, notarized affidavit from the editor of the Tar Heel explaining my status, or that I should bring the editor to court. I asked the attorney if I needed legal counsel in court, and he said I did not, that I needed the signed affidavit.

The following Monday, Nov. 24, I went to Fayetteville for the other trials and my sentencing. SSOC had offered me money for my defense, but I declined because I am not a member of SSOC and not a protester. I had the affidavit and editor Wayne Hurder with me as requested.

In hearing the prosecution case against the other 11 students, it was agreed there would be one set of witnesses for the entire group. The four MP's testified the same circumstances at the theater as they had in my case. Also testifying were the FBI agent and Major Keller, who corroborated what I said earlier.

The only statement I would question that anyone made was Major Keller's remark that "someone told me they were all with SSOC." I don't know if he meant to include me or not, but since I was not on trial at that time I couldn't refute it.

After the prosecution rested, one of the defense attorneys moved that charges against eight students be dropped because their names had not even been mentioned in the prosecution case. And he was right, they had simply been referred to as "the other guys."

Commissioner Jackson said that didn't matter because he knew they were at the base—he had seen them. The attorney pointed out that was irrelevant, that there was just no evidence presented in court.

The prosecuting attorney, the Commissioner, and the defense attorneys then huddled at the bench and charges were dropped against the eight for lack of evidence. The Commissioner was plainly unhappy. The attorney for the three still on trial—Mann, Rose and Bradley—then made a constitutional argument against the law.

After the attorney finished, the Commissioner picked up a sheet of paper and said without any warning, "Michael A. Cozza—Guilty." He did ask for the affidavit he had requested, nor did he allow Hurder to testify. He just sentenced me to 60 days in jail or \$100 fine. He said my covering the story was like "getting a phone call about a murder about to be committed and riding in the car with the murderers."

He then sentenced Mann and Rose to six months in prison, suspended with probation for handing out the leaflets, and Bradley to 90 days with the same stipulation for driving one of the cars.

After court was dismissed, the Fayetteville attorney and I approached the bench and the attorney asked Jackson why he had not even allowed me to present the affidavit or the editor as requested. Jackson said it "didn't make any difference." The attorney asked why the \$100 fine, and Jackson said he wanted to teach me a lesson.

Later the attorney conferred in private with Jackson, and the fine was reduced to \$50. I went to the bank, charged the money on a credit card, and paid the Commissioner in his office.

All this is in the public record. It can't be disputed, can't be denied. It should, in my opinion, have had some effect on the outcome, but it didn't. The case is over, the sentence stands, and the time for filing appeal is gone.

I would have liked to appeal for the principle and to clear my name of a federal offense, but I just do not have the time or money. I have been advised that an appeal to the next level would cost several hundred dollars. It just isn't worth it to get fifty back. And Tar Heel Editor Wayne Hurder says he's going to raise that fifty.

The mark is on my record, however and my only chance now is to find someone in Washington with a strong desire for justice, a lot of influence, and an eraser.

