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AN EDITORIAL INQUIRY OF THE CAROLINA INDIAN VOICE

MCDUFFIE CUMMINGS WRONGLY ACCUSED?

Should the SBI probe Osborne Lee, Jr., Ben G. Floyd 'Jr., The Robesonian?

McDuffie Cummings, Pembroke's embattled town manager, made the front page of the Robesonian on February 27, 1980. Harvey Burgess, a Robesonian staff writer, in a copyrighted news article, seemingly charged McDuffie Cummings with several serious violations of the law; so serious as to apparently warrant an S.B.I. investigation that was seemingly engineered by the Robesonian and its attorney of record, Osborne Lee, Jr., of the firm of Lee & Lee, Attorneys at Law, Lumberton.

The Carolina Indian Voice has looked into many of the allegations raised by the Burgess article against Cummings; the results of our "look see" clearly show that McDuffie Cummings, in our opinion, is not guilty of any crime nor conflict of interest.

However, we cannot make that same statement about Burgess, the Attorney for the Robesonian, W. Osborne Lee, Jr.; the management of the Robesonian; the Clerk of the Superior Court of Robeson County, Ben G. Floyd; nor others connected directly or indirectly with the bail bond business in Robeson County.

The results of our investigation are being printed so that our readers may take up their own mind.

SOME BACKGROUND....

As our readers may recall, Pembroke Town Manager McDuffie Cummings, was introduced to the public via the news media in 1977 when he spoke out against, as he saw it, a brutal beating of an Indian native, O'Neal Oxendine, by two highway patrolmen-Hubert Covington and T.J. Evelyn. The beating of the unarmed Indian, in the presence of his children, in front of his home, stirred Cummings to speak out. Since then Cummings has continued to speak out against, as he sees it, the heavy handed tactics of the highway patrol.

Cummings' support, especially by the Pembroke Town officials, has caused strained relations between the Pembroke community and the local political establishment, including the local state troopers.

Many contend that "bad feelings" exist between Pembroke, certain elements within the Indian community and Ben G. Floyd, Clerk of Court but, more than this, Governor Jim Hunt's "man" in Robeson County.

Floyd has been criticized in certain quarters for the failure of the Hunt administration to deal effectively with patrol related Indian grievances.

The ensuing controversy has led to a series of confrontations between Ben Floyd and the Indian community in particular.

As an illustration, when Ben Floyd unilaterally attempted to thwart the will of the county democratic party regarding selection of the county board of elections the present Indian county chairman, John Mark Brooks of Pembroke, refused to "go along" with Floyd and local politics. Brooks took the matter to the state board of elections to preserve the local selection of Mrs. Louise Hunt.

As a result of this and other seeming political reverses, many political observers feel that Floyd is mounting a retaliatory campaign against those democrats whom he feels has "kicked the traces."

Some Indians cite the selection of Trooper Hubert Covington to escort Gov. Jim Hunt recently into the heavily Indian Pembroke community to view the Reconstructed Old Main on the PSU campus as a classic example.

A number of Indians read Covington's selection as a political affront to

Cummings and the Indian community. Some contend that Floyd was "flexing his political muscle."

Covington was one of the troopers involved in the celebrated O'Neal Oxendine case.

MCDUFFIE CUMMINGS, A CENTER OF CONTROVERSY

McDuffie Cummings has been in the thick of many of the Indian-Ben Floyd confrontations. Because of his courage and willingness to take a stand, he has been subjected, as we see it, to a calculated campaign of harassment that would have broken a lesser man.

On July 20, 1979 McDuffie Cummings, Police Chief Vernon Oxendine, Sergeant Harvey Bullard and the Town of Pembroke were sued collectively for about five million dollars in damages for assault and battery by Alfred W. Cook, a white Lumbertonian owning some property within the Town of Pembroke.

Mr. Cook's attorney is W. Osborne Lee, Jr., the Robesonian's attorney of record.

Interestingly enough, Lee was also the attorney who secured the dismissal of the civil charges against Trooper R.L. Davis in the Terry Lockie assault case before Judge Robert L. Farmer, the same Judge who refused to dismiss similar charges in the Cook case even though attorneys for the Town of Pembroke argued that the statute of

limitations had expired on Mr. Cook's charges.

Since that hearing in Superior Court the Cook case has been strangely dormant; though the attorneys decline to comment, given the extensive coverage of the case in the Robesonian, we can only wonder out loud whether or not the Cook case was concocted merely to harass and embarrass McDuffie Cummings and the Town of Pembroke.

As an illustration, the July 20, 1979 edition of the Robesonian stated that Cook "...charges that he was plowing land on his Pembroke farm...." however, by no stretch of the imagination could the over grown vacant lot in the down town business sector of Pembroke be characterized as a "farm" and in fact the complaint of Mr. Cook, as filed in the Robeson County Courthouse, does not use the word "farm." It is more than interesting, however, that the complaint was being filed in the courthouse at approximately the same time that the Robesonian was being printed though the edition in question quotes extensively from Cook's complaint as prepared by Osborne Lee, Jr., his attorney...and the attorney of record for the Robesonian.

Again, we can only speculate out loud: Are these latest charges of the Robesonian, and, apparently, Osborne Lee, Jr., against McDuffie Cummings, another attempt to publicly embarrass and intimidate him?

The results of our "look see" should help our readers make up their own minds and formulate their own opinions.

CHARGES AGAINST CUMMINGS REFUTED...

The Robesonian charged Cummings with being in violation of North Carolina General Statute 15A-541: "No sheriff, deputy sheriff, other law enforcement officer, judicial official, attorney, parole officer, probation officer, jailer, assistant jailer, employee of the general court of justice, or other public employee assigned to duties relating to the administration of criminal justice...may in any case become surety on a bail bond..."

It is a maxim of law, according to attorneys, with the added force of common sense, that following the enumeration of particular classes "other" must be read as "other such like," and includes only others of like kind and character. In each case the specific terms used by the statute relate to law enforcement personnel and to persons associated with the court system; therefore, McDuffie Cummings, even if he were a bondsman which he is not, would not fall within the class of persons prohibited by law from writing bonds.

According to records and personal interview, we have found that Pembroke Bonding Company is owned and operated by Ray Hunt who also happens

to be the fire chief of Pembroke though, unlike the Robesonian, we fail to see the significance of Mr. Hunt's employment with regard to his bonding business.

According to records, Mr. Hunt made application in his own name doing business as Pembroke Bonding Company to the Robeson County Commissioners for his license. McDuffie Cummings, in spite of inferences to the contrary, has never applied for licenses to write bonds and has never, as far as we have been able to ascertain, written one.

Further more, our investigation has shown that Ray Hunt does not write bonds while employed by the Town of Pembroke in his capacity as fire chief.

As a matter of fact the only relationship Ray Hunt and McDuffie Cummings has is in the form of a contract; in return for posting the required bond and performing book-keeping services, Ray Hunt has agreed to give Mr. Cummings a specified percentage of the profits (if any) of Mr. Hunt's enterprise.

Similar arrangements between businessmen can be ascertained by examining general business practices in Robeson and elsewhere. It seems to us that Cummings has been tarred with the brush of inuendo for being enterprising.

In spite of the inuendo and infer-

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Larry McNeill, a member of Pembroke State University security force, gives a stranded motorist some advice.

SNOW BLANKETS ROBESON

It looked like a setting from the midwest, with up to 2 feet of snow blanketing North Carolina and Robeson County.

A National Weather Service forecaster said, "This is as close to a midwest blizzard as I have ever seen in North Carolina."

Pembroke and Robeson County was

literally closed down with every school system, Pembroke State University and Robeson Technical Institute closed down Monday and most of Tuesday. Most businesses were also closed down on Monday, too.

It was a "pretty snow" remaining firm until Wednesday when intermittent rains began to melt it finally.

Here are some snow scenes.



Pembroke is almost deserted Sunday and Monday as snow completely engulfed the town. No incidents of crime were reported with most residents staying in until the snow melted.

PEOPLE AND
LAND THINGS...
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candidates abound at Indian Unity Conference

Indian people everywhere are very excited about the Political Awareness Workshop scheduled for the N.C. Indian Indian Unity Conference March 7, 1980 to begin at 1:30 p.m. at the Royal Villa in Raleigh. Present will be the gubernatorial candidates: Bob Scott, I. Beverly Lake and Jim Hunt. Participants will ask question concerning relevant issues to then, their families and people in their respective communities.

All Indian organizations, Title IV Indian Education projects and many individuals have been contacted and asked for input for this workshop.

Today there is great apathy, political ignorance and non-participation at the voting polls by far too many Indian people in North Carolina. "Politics is a dirty game," you say. They are not for me. What difference does my one vote make, anyway?

These attitudes toward politics may have sufficed for our grandparents or even for our parents, but not for you, or for me or for our children and grandchildren. Political unity and political participation are a must for us all if we are ever to realize the goals for better education, housing, jobs, food and nutrition, health care and even continued identity- a native people.

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Evangelism Conference Scheduled

The Annual Associational Evangelism Conference is scheduled for Sunday thru Tuesday, March 9-11, 1980. The three sessions will be held each evening at Mt. Airy Baptist Church beginning at 7:30 p.m. Theme for the conference is "Bold Churches Witnessing."

Each evening Rev. Mike Cummings, pastor at Mt. Airy, will be leading in a Bible Study and Rev. Bruce Swett, pastor of Thompson, will be leading congregational music. Mr. Woodrow Dial, Evangelism Chairman, invites the associational churches and the general public to participate. The schedule is as follows:

Sunday evening--Messages: Rev. Nash Locklear and Rev. Gregg Headen (pastor of Taylors Chapel in Sanford, N.C.); Special Music: Harpers Ferry Choir and Rev. Headen.

Monday evening--Messages: Rev. Grady Cummings and Rev. Robert Mangum. Special Music: Calvary Gospel Singers from Smyrna and Mt. Airy Brotherhood.

Tuesday Evening--Messages: Rev. Elbert Chavis and Rev. Harvey Brewington. Special Music: Pee Dee Chapel and Gospel Singing Quartet from Pleasant View.

VFW TO MEET MONDAY

The regular monthly meeting of the Pembroke VFW Post 2843 will be held Monday evening, March 10 at 7 p.m. at the post home. Guest speakers will be the local veterinarians, Dr. Curt Locklear, Jr. and Dr. David E. Brooks. They will speak on preventive medicine for animals.

All members of the Pembroke VFW are urged to attend by the Post Commander Harold B. Locklear.

Pre-school Clinic Planned

There will be a pre-school clinic at Union Chapel School on Thursday, March 13 from 9 a.m. until 12 noon. Parents of children who will be entering kindergarten next fall are urged to attend and bring the child's immunization certificate and immunization records.