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ROBESON COUNTY

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—AN EDITORIAL INQUIRY, PART 2—

PEMBROKE OFFICIALS CALL FOR EXPANDED SBI PROBE IN PEMBROKE BONDING CO. MATTER

Attorney General Rufus Edmisten says: "Town Manager not in violation of 15-541"

In a letter to District Attorney Joe Freeman Britt, Pembroke Mayor James A. "Pete" Jacobs has called for an expanded probe of the on going probe concerning Pembroke Bonding Company.

Mayor Jacob's letter follows a motion articulated at a recent meeting of the Pembroke Town Council whereby Councilman Rod Locklear called for the district attorney to, in addition to probing Pembroke Bonding Company, "investigate those bondsmen or their assigned runners who have written bonds in the town of Pembroke without securing a privilege license from the town of Pembroke." Said an amused observer, "It's called the tit for tat law...if Pembroke Bonding Company buys privilege licenses from Lumberton then those Lumberton based bondsmen and their runners must buy privilege licenses from Pembroke..."

ATTORNEY GENERAL ABSOLVES McDUFFIE CUMMINGS...

To confuse the matter further the North Carolina Attorney General, in a letter to Pembroke attorneys, has absolved McDuffie Cummings of any wrong doing in his involvement with Pembroke Bonding Company. The SBI (State Bureau of Investigation) is under the jurisdiction of the attorney general.

Attorney General Rufus Edmisten said,

Mr. Dexter Brooks
Attorney at Law
Post Office Box 1015
Pembroke, N.C. 28372

Re: Bail Bondsman; Town Manager.

Dear Mr. Brooks:

By letter received on March 10, you state the following facts: The governing body of the Town of Pembroke, at its regular meeting on March 3, directed you to solicit an opinion from this office concerning the town manager's interest in bail bondmen's activities in Robeson County.

The town manager has on deposit, with the Clerk of Court, certain certificates of deposits as required by the special act relating to bondsmen in Robeson County. (See Chapter 659, Session Laws of 1979). We assume these funds are private funds in which the town has no interest.

The certificate of deposits are pledged as security for another person who writes bonds. The town manager does not write bonds and has no interest in the bonding company, but he does receive a commission on each bond written by the licensed bondsman who owns the company.

You refer to G.S. 15A-541, which provides as follows: "(a) 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, other public employee assigned to duties relating to the administration of criminal justice, or spouse of any such person may in any case become surety on a bail bond for any person other than a member of his immediate family. In addition no person covered by this section may act as agent for any bonding company or professional bondsman. No such person may have an interest, directly or indirectly, in the financial affairs of any firm or corporation whose principal business is acting as bondsman."

We note also that G.S. 85C-22 contains almost identical language as G.S. 15A-541. However, Robeson County is exempt from the provisions of Chapter 85C of the General Statutes.

You ask whether the town manager is in violation of G.S. 15A-541.

Your letter states that the town manager is not a law enforcement officer and is not associated with the Court system.

Clearly the town manager does not fall within the prohibited positions set forth in G.S. 15A-541, unless he comes within the "catch-all" "or other public employee assigned to duties relating to the administration of criminal justice."

We do not know what provisions, if any, of the town Charter may affect the question presented. G.S. 160A-148 sets forth the duties of a city manager. He appoints and removes city employees in accordance with the policy of the Council. He also must see that all laws are faithfully executed within the city.

However, we do not believe the town manager is a "public employee assigned to duties relating to the administration of criminal justice", as that phrase is used in G.S. 15A-541.

G.S. 17C-1 sets forth the public policy of the State relating to the administration of criminal justice, and G.S. 17C-2 defines criminal justice agencies and criminal justice officers. The town manager's position does not fall within these definitions.

We conclude, based upon the information contained in your letter, that the town manager is not in violation of G.S. 15A-541.

Very truly yours
Rufus L. Edmisten
Attorney General

The ROBESONIAN, in a series of articles by Harvey Burgess, suggested that McDuffie Cummings, the town manager for Pembroke, had broken the law by having made an investment in Pembroke Bonding Company, which records later revealed, is owned by Ray Hunt, Pembroke's Fire Chief.

A McDUFFIE CUMMINGS VS BEN FLOYD CONFRONTATION

On February 29, 1980, clerk of court Ben Floyd summonsed McDuffie Cummings to his office in Lumberton. According to Cummings he went to the meeting in tow with Ertle Knox Chavis, the attorney of record for Pembroke Bonding Company.

According to Cummings, Floyd said he wanted to talk to him concerning a series of articles which recently appeared in the Robesonian concerning Pembroke Bonding Company.

According to those parties present, Ben Floyd stated rather forcefully that his office had been doing business with McDuffie Cummings as Pembroke Bonding Company; that McDuffie Cummings had been before the county commissioners to secure the necessary licenses; and that McDuffie Cummings had deposited the necessary certificates of deposit.

Holding aloft a copy of Ray Hunt's privilege license (not the bail bonding license issued by the commissioners) doing business as Pembroke Bonding Company, Ben Floyd said, according to those present, that his office had been misled and that he was about to "revoke" McDuffie Cummings' "license" when Assistant Clerk of Court Dixie Barrington entered the proceedings and stopped Floyd.

Ms. Barrington, according to Cummings, quickly informed Floyd that Ray Hunt (not McDuffie Cummings) had appeared before the county commissioners and that Ray Hunt (not McDuffie Cummings) was licensed to write bail bonds and that he (Floyd) should not go through with his attempted "revocation" of Cummings' license since, in fact, he did not possess one to begin with!

The news from Ms. Barrington seemed to startle Floyd, according to Cummings. Floyd was reported to say

next, "You have been catching a lot of flack for nothing. I was just acting on what I had been reading in the papers..."

In response Cummings' attorney, Ertle Knox Chavis, stated that they should get an opinion from the attorney general.

According to a reconstruction of the meeting Floyd said, "That's just it; there is no opinion. I've been in contact with Mr. Jones of the attorney general's office and Robeson County is exempt from the state statute..."

If so, Floyd, indeed, had already gotten an opinion...but not the one apparently that he wished to hear!

According to the infamous Robeson Bonding Act, the clerk of court does not have the authority to revoke licenses anyway.

As might be assumed, the conference broke up shortly thereafter with Ray Hunt continuing to do business as Pembroke Bonding Company.

REFORM IN ROBESON...

Although the Robesonian probably did not intend for it to turn out that way, the recent series of "news articles" will make all individuals guilty of wrong doing answerable for their actions. The series of articles might turn out to be a blessing in disguise.

Too, the articles might encourage our legislators to repeal the nefarious Robeson Bonding Act and bring us under the more enlightened state statute.

For too long Robeson County has been the legal sanctuary of the few; aligning ourselves under the state statute will assure that all Robesonians (including bondsmen) will be treated fairly and equally. Enough is enough!

We call on Senator Sam Noble to undo his actions of the past and introduce legislation to repeal the faulty Robeson Bonding Act which, mostly, attempts to keep the Ray Hunts and Pembroke Bonding Company out of the bail bond business. America is for all of us: REPEAL THE ROBESON BONDING ACT, thereby bringing Robeson County into conformity with the rest of the state and out of the dark ages of the past and present.

As far as we are concerned one of the questions we will ask prospective legislators is: Will you support (or introduce) legislation, if you are elected, to repeal the Robeson Bonding Act.

The answer to that question will determine, to a large extent, who we will support as legislators. That seems fair enough.

EDITOR'S NOTE: This concludes a two part series on the ruckus surrounding McDuffie Cummings, the Pembroke Bonding Company, and related matters.

We hope the articles, coming on the heels of those in the Robesonian, will give our readers reasonable information to make reasonable decisions for themselves.

Republicans Meet March 24th

The Robeson County Republican Party will hold its annual convention Monday, March 24, at the Holiday Inn North in Lumberton. Delegates to the district and state Republican Convention will be selected at the 7 p.m. dinner meeting.

John Robert Jones, chairman of the Robeson County Republican Party, invites all registered Republicans to attend.

PEMBROKE RESPONDS TO RECENT DISRUPTION OF EXECUTIVE SESSION

EDITOR'S NOTE: This letter responds to, as we see it, outrageous conduct on the part of the Robesonian's Lynette B. Lynn, a staff writer, and WAGR's Chris Rode, the radio station's news director. We publish it for your edification.

Editor
The Robesonian
P.O. Box 1100
Lumberton, NC 28358

Dear Sir:

At the regular meeting of the Board of Commissioners of the Town of Pembroke on February 8, 1980, your reporter, Ms. Lynette B. Lynn, barged into an executive session of this body in what we feel was a most discourteous manner. From what we have been able to determine, she apparently did so on the advice of your attorney Mr. W. Osborne Lee, Jr. in that a towns person was allowed to remain in executive session during which another towns person brought what was represented to be a grievance concerning town personnel to this body. As the second towns person seemed to have a similar grievance, she was allowed to remain in the executive session. Our decision was based on the opinion of our attorney which was formulated upon the authority of the work of David M. Lawrence, "Open Meetings and Local Government in North Carolina," specifically, the following language on page 8 thereof: "The body may allow others to attend (the executive session), if their presence will be useful to the discussion involved." As you may know, Mr. Lawrence is a distinguished professor of law at Institute of Government of the

University of North Carolina and is a recognized authority on the open meetings statute. Since the meeting our attorney has been in personal communication with Mr. Lawrence who concurred with his opinion as aforesaid.

You are hereby advised that the Town of Pembroke will not tolerate outrageous disruptions of our official meetings. Under G.S. 143-318.17, "A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a misdemeanor and upon conviction thereof is punishable by imprisonment for not more than six months, by fine of not more than Two Hundred Fifty Dollars, or both." Again, it is the opinion of our attorney and Mr. Lawrence that a refusal to leave a duly called executive session upon such request constitutes a violation of the aforesaid statute thereby subjecting the perpetrator to criminal prosecution. We would strongly advise that you encourage your agents and employees to become more knowledgeable of the open meetings law as this body has every intention of using every remedy at our disposal in order to preserve a proper decorum in all of our official meetings. You should take due and proper notice of the above and conduct yourself accordingly; you are further requested to publish this letter so that all concerned will have due notice of the position of the Town of Pembroke in this regard.

Cordially,
James A. Jacobs
Mayor

GOVERNOR AND OTHER NOTABLES APPEAR AT 5TH ANNUAL INDIAN UNITY CONFERENCE

RALEIGH—Governor Jim Hunt spoke to an estimated 600 persons who gathered in Raleigh for the Fifth Annual Indian Unity Conference, March 6-8. Indian tribes and organizations across the state and nation were represented at the event which was held at the Royal Villa Hotel and Convention Center.

The purpose of the conference was to bring together Indians across the state to discuss the needs of Indian people in education, health and legislation, and to develop strategies to meet those needs. The conference also gives Indian people an opportunity to share their cultural heritage.

Featured speakers included: Billie Nave Masters, an educator from Irvine, California and member of the President's National Advisory Committee for Women, on Thursday, March 6; Gov. Hunt and A. David Lester, Commissioner of the Administration for Native Americans on Friday, March 7.

The banquet on Friday featured remarks by Secretary of Administration, Jane Smith Patterson and Robert Swan, Chairman of the National Advisory Council on Indian Education.

Other officials on hand were Lieutenant Governor James C. Green, Speaker of the House Carl J. Stewart, Commissioner of Indian Affairs Chair Jim Lowry, and Commission Director A. Bruce Jones.

Workshops were held Friday on health services, education, political awareness, women's issues and economic development.

Former Governor Bob Scott, also a candidate for governor, drew a large and responsive crowd to a workshop he

participated in on Friday evening.

Special activities included a pow wow at 9 p.m., Thursday, and a Native American art contest on Friday. Willie Lowery, well-known Lumbee musician-composer, entertained during the banquet on Friday evening. The Henry Berry Band entertained afterwards.

The conference is sponsored by the N.C. Commission of Indian Affairs, N.C. Department of Administration in cooperation with the North Carolina Indian tribal organizations.

PEOPLE AND L AND THINGS... C E S

Revival Begins at Saddletree Church of God

Revival will begin at Saddletree Church of God Sunday night, March 16. Rev. Ronald Scott and Rev. James Hunt will be guest speakers. Service begins at 7 p.m. The public is invited to attend.

No Surprises at Board of Education Meeting

by Connee Braybey

The Robeson County Board of Education met at their new time- 4:30 p.m. on Tuesday evening. The meeting was held at the Resource Center due to renovations of the Central Office.

Addressing the board were staff members of Maxton School's Graphic Arts Program and Dr. Andrew Hays, NC State University, external evaluator of the project.

Ed Ormsby, project director, introduced Dr. Hays. A slide presentation was given and staff members were introduced. In attendance was Q.B. Cummings, instructor of Graphic Arts, and Sally Covington, service coordinator.

Dr. Hays explained that the pilot program was funded by a Title IV, Part C grant. The students in the program produce a newspaper, The Maxton Community News. Dr. Hays explained that the purpose of the program is to train people in the graphic arts. "It is a language arts program," he said, "the idea is to improve the language arts in school by reading a newspaper...The basic principle is to model reading so that students develop a positive attitude towards it....The project demonstrates that people read, write and gain benefits from them....They learn to value these things. Too many times we tell students how important it is for them to learn things but we fail to show them the benefit they can gain from it."

The board considered bids for four cafeterias. Receiving the low bids were: Home Builders of Whiteville, the general construction; Gene's Electric, heating and air conditioning; Pembroke Electric, electrical work; and Coby Lewis, food service.

Assistant Superintendent Donald A. Bonner spoke to Conference assignment of the high school athletic programs.

Beginning with the 1981-82 school year the assignments are as follows: East Waccamaw; Acme-Delco, Hallsboro, Nakina, North Brunswick, Rowland-Fairgrove, South Brunswick, Taber City, Whiteville and Williams

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PLACE FIRST

Jimmy Locklear and Tommy Bledsole placed first in the egg-cookery demonstration contest held at the O.P. Owens Agricultural Building Monday, March 10, 1980. This was the closing class in a series for youth, conducted by Ann Fall, Home Economics Extension Agent of the Robeson County Agricultural Extension Service.

Girls Softball Planned by County Recreation Dept.

Robeson County Recreation Department will hold an organizational meeting for Girls Softball Leagues, ages 12 and under, 13 and 14, and 15 through rising seniors, on Monday, March 17, 1980 at 7 p.m. at the County office on Elizabethtown Road in Lumberton. Anyone interested in entering a team in any of these age groups are urged to attend. For further information, contact Eva Patterson at 738-9061 or 738- 9595.

to walk for the March of Dimes

The Saddletree Jayettes will have a March of Dimes Walk for Birth Defects on March 29, from 10 a.m. until 2 p.m. in the Saddletree community. They hope that the community will help them fight birth defects.



Secretary of Administration, Jane Smith Patterson is shown addressing the banquet crowd on Friday evening. Others at

the dinner include Jim Lowry (far right), chairman of the N.C. Commission of Indian Affairs; Louise Bevis, Jr. (far left),

vice-chairman and Jane Locklear, the widow of a deceased member. The picture is a project done by the 5th Annual Convention of the