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"Building Communicative Bridges
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ZABITOSKY FAMILY ATTORNEY SAYS REAL PROBLEM WITH ADMINISTRATION OF JUSTICE

by Eddie Hatcher & Connie Brayboy

After nearly 11 hours of testimony Friday, a jury of six found Sheriff's Deputy Mark Locklear acted in self defense in the shooting death of Pembroke resident Edward "Doodlebug" Zabitosky.

The three men, three women jury also found that Pembroke Police Officer Graylin Locklear, 22, is innocent of any wrongdoing.

Testimony began shortly after 9 a. m. when District Attorney Joe Freeman Britt called his first witness, Phil Ellis Strickland of Pembroke.

Britt calmly asked Mr. Strickland if he had seen or talked with the victim, Edward Zabitosky on the night of the shooting. Mr. Strickland stated that he had seen Edward about three different times on the night of the shooting and that Edward had approached him in the parking lot of the Busy Bee, a Pembroke convenience store, and "laid a .357 pistol in his lap and asked did he (Strickland) know anybody who would be interested in buying the gun. Strickland also testified that later that evening he saw Edward and Edward stated that he was going to "f--- the law up."

Unlike the witnesses testifying on behalf of Edward Zabitosky, Britt didn't inquire into Strickland's past convictions, if any. Britt claimed proof of credibility in questioning criminal records of witnesses offering testimony contract to that of law enforcement and the State Bureau of Investigation.

Bill Ransome, the prisoner who was being transported to the county jail when the shooting occurred, was brought from the holding cell to the stand. After only a few questions by Britt and Pembroke attorneys Arnold Locklear and Ronnie Sutton who represented Deputy Mark Locklear and officer Graylin Locklear, respectively, Ransome was questioned by Barry Nakell, attorney for the Zabitosky family.

Ransome stated that several law officials came to his house and arrested him for allegedly shooting into his house. Ransome further stated that Deputy Locklear had threatened beating him with his flashlight and said he, (Deputy Locklear) was going to "knock the g--- hell out of him." Ransome also stated that Deputy Locklear "called me a punk and said he ought to beat the hell out of me."

After questioning by Nakell, Britt again questioned Ransome, only to read all of Ransome's past convictions, elaborating on each for the "jury." Attorney Nakell stood and objected only to be over ruled by Coroner Chalmers Biggs. "Before the objection is heard" questioned Nakell. After Nakell presented grounds for the objection, Biggs again over ruled the objection.

Testimony for the state concluded after Lee Allen, SBI Agent, read page after page of conversations he had had with Mac Legerton, Director of Center for Community Action, and Vernon Blackhorse, a Pembroke resident. With objection after objection being over ruled by Coroner Biggs, Britt continued to allow Allen the open forum in which to read the rumors.

Allen read a statement made by Eddie Hatcher wherein it was stated the Pembroke Police had heavily patrolled Blaine Street in Pembroke the night of the shooting. Edward Zabitosky had reportedly left a residence on Blaine Street prior to Deputy Locklear tailing him and subsequently shooting him.

During the reading of Hatcher's statement by Allen, Britt

questioned, "So, Eddie Hatcher claimed a stake-out" with Allen replying, "Well, Mr. Hatcher said he had seen more police activity that night than the entire six months he had lived on Blaine Street."

Hatcher later stated, "Allen knew he couldn't say I had claimed a stake-out. He knew that I had my statements on tape and he had better not lie about what I said." Hatcher also said, "When the SBI called me and wanted to talk with me, I met them with a tape recorder in my hand. They asked me why I wanted to record, and I told them I didn't trust them. And that I did not want my statement twisted. After what I saw Friday, I am glad I did tape my conversation."

Nakell called several witnesses for the family who were present during or immediately after the shooting.

Derena Kay Chavis testified that she asked Deputy Locklear immediately after the shooting had he shot Edward and he said no. She then asked Officer Locklear had he shot Edward and he said, "I did or yes," she couldn't remember which.

On cross examination, Britt hounded Ms. Chavis about her past convictions. "That has nothing to do with this case," replied Chavis. Britt continued to press her past convictions when Ms. Chavis stated: "Get Garth Locklear up here and ask him, if you want to know." After continuing that line of questioning, and several objections by Nakell being over ruled by Biggs, Ms. Chavis with a raised voice said, "O.K. You want to know what I was convicted for. I was convicted for taking a bag of cocaine that belonged to Garth Locklear's nephew out to a car. They took me out of school and put me in Women's State Prison in Raleigh, but they didn't take Garth Locklear's nephew out of school."

Garth Locklear, Director of Homecare for the Sheriff's Department, is seeking election to the North Carolina House of Representatives. When Nakell called Sheriff Hubert Stone to the stand, he was informed that Stone had left the courthouse. Nakell reminded Coroner Biggs that Stone was under subpoena and it may be necessary to issue a warrant for the Sheriff's arrest for failing to appear under subpoena power. Coroner Biggs ordered a recess until 7 p.m. at which time Nakell asked if Stone would be in the courtroom by then. Biggs replied, "yes."

With Stone finally taking the stand, Nakell made requests for the policies which cover officer conduct within the Sheriff's Department. Each request was objected to by Britt and sustained by Biggs.

Deputy Locklear and Officer Locklear refused to take the stand to invoke the Fifth Amendment. According to Nakell, a knowledgeable law professor at UNC-Chapel Hill, the officers did indeed have the right to invoke the Fifth Amendment, however, "they must take the stand to do so." Contacted in Chapel Hill, Nakell stated: "There is a real problem with the administration of justice in Robeson County. There was a need for the citizens to make sure the inquest was thorough. Evidence showed the officer, if he had more experience and better judgement, could have avoided the situation. Since he was in it, he probably acted in self-defense." And he continued, "I think the community has shown justifiable concern and has set a new standard for these matters. I think there is more room for improvement. The Coroner (Biggs) should not have let the D.A. (Britt) run the proceeding. And the D.A. should not have been so abusive. But this was a strong step forward for the community."

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WHATEVER HAPPENED TO...

David R. Lowry Sr.

by Barbara Brayboy-Locklear
Special to the Carolina Indian Voice

Most eighty-year-olds today are enjoying a rest on their laurels; yet some prefer to wait awhile. David R. Lowry, Sr. is among those waiting. "No! I've never retired. I can't catch up long enough to do that," laughs the 81-year-old Lumbee Indian. "Lord, I've always worked, and I don't plan to quit until I absolutely have to."

Until about 12 years ago, Lowry farmed in Robeson County. "I had been a way to support his nine children born to him and his wife, the former Hearther Monroe. As the children left home, he began to give thought to leaving the vocation he'd known all his life.

"Farmwork had become hard at times, and I just didn't have enough help at home to continue farming," he says. He says he especially misses being in the fields and being a part of nature. The family farm is now rented by a neighbor.

When Lowry lay down his farming implements, he picked up a welding torch and began work as a welder's helper with a Fayetteville firm. One day when work got behind, he was asked if he could weld. His answer was, "I can't, but I'll try." Consequently, he has been working as a welder for the past ten years.

Mornings for the great-grandfather begin about 5 o'clock when he rises, dresses and has breakfast enroute to his 7:30 a.m. job in Aberdeen. He owns two driver's license - one for automobiles, one for motorcycles. And when he wishes, he puts on his helmet, gets on his 12-year-old Harley Davidson Electra Glide and rides to his work. "I got my first motorcycle 58 years ago, and I've been riding motorcycles every since," he says. He adds that he prefers the Harley Davidson over other bikes because it's the best-riding of the bikes on the road today. "It's not the speediest bike, but it's heavy and rides better. I've had it up to 100 m.p.h. one or two times since I've had it," he chuckles. An absolute rule of the bike owner is that nobody, except himself, rides his bike. "Every Tom, Dick and Harry will keep it torn up, so I let nobody ride it."

Lowry prefers to ride on the open highway singly and says, "Riding partners get in each other's way." A bike accident once landed him in the hospital for a three-weeks' stay, but it didn't break his spirit for riding bikes. He is quick to deny being a dare devil.

During good weather, he can be seen riding through the Saddlecreek community where he lives. Lowry says his wife of 55 years does not share his interest in bike-riding, but he does have an older brother who occasionally rides with him.

After he puts in a 40-hour work week, Lowry spends Fridays and week-ends "messing" around his house and at Mt. Olive Baptist Church where he serves as a deacon. During the past six years, he has donated hundreds of hours in helping care for and clean the church he has attended his entire life.

He no longer takes part in outdoor hunting and fishing activities and says, "I'd rather dig stumps than go fishing. I never did like the idea of throwing a hook in the water and couldn't see a fish right away." He says he'd rather buy fish than try to catch them.

Lowry says he didn't have the opportunity to go to school as a young boy. "I got my education in the field of hard work. The young generation is lazy," he laments. "A few years down the road if they don't learn to work, they're going to perish to death."

His philosophy on having too much work to do is, "Just take your time. What you can do, do it. What you can't do, just let it go."

Adolph Dial Announces Candidacy

For N.C. House of Representatives



Dr. Adolph Dial is shown in front of Old Main, Pembroke State University's campus landmark.

Adolph Dial announced on Friday that he would file January 4, 1988 as a candidate for the N.C. House of Representatives for the 16th Judicial District. This District is composed of Robeson, Hoke and "most of" Scotland Counties. He made his announcement at a press conference held at Old Main, the only historic building on the PSU campus.

Dial was introduced by Earlie B. Maynor. In his introduction, Maynor reminded the audience of the significance of Dial's announcement at the historic site.

Dial's grandfather, W.L. Moore, was the first principal and teacher of the Croatan Indian Normal School, established in 1885. The Normal School was the forerunner to Pembroke State University.

Dial said if he were going to list his concerns according to priorities, education would be first. "Most problems," he stated, "can be solved with education...I will support literacy education to attract employment opportunities." Another concern has is health service. If he is elected, he said, "I will promote health services. I am concerned about the growing health costs just to stay alive."

Dial is very definite about the need for economic development. "Everyone," he said, "must have a job. Industry is important, but not at the expense of our environment. I am opposed to GSX. I don't want to see the Lumber River which runs through our counties polluted."

Dial said that he is a man of common sense. This attribute along with his varied experiences, he felt, would be useful to the people of the 16th District. Having spent 40 years in education, Dial feels confident about his understanding of the needs of education. He has been a farmer, and is concerned with the problems in agriculture. He stated that he would like to see this area do more produce farming. "We should grow those vegetables," he said, "that supply the need at Campbell Soup."

"Being a businessman," Dial said, "I feel assured that I could offer valuable assistance in the area of industry." Dial is presently serving as Chairman of the American Indian Studies Department at PSU.

An author, lecturer, businessman, and educator, Dial said that he would be a candidate for all the people. "Dial for the People" is his slogan. He concluded his speech by saying, "Let us sail together into the port of victory where there is no prejudice and no greed."

Dial announced also plans for a tri-racial and tri-county committee for his campaign.

LOCAL HAPPENINGS

PLATE SALE PLANNED

A plate sale will be held on Friday, December 18, 1987. The sale of barbecue and chicken plates will be held at the former LRDA Annex in Pembroke. (The building is now called *Walking the Same Path, Inc.* Plates will sell for \$3 and the sale will begin at 11 a.m. and last until....

INDIAN MINISTERS ASSOC. SEEKING CONTRIBUTIONS

The North Carolina Indian Ministers Association is seeking contributions for the needy to be distributed during the holiday season. You are asked to please make your contribution at the Baptist Building, across from Pembroke State University, or call Rev. James Dial at 521-4146 for more information.

Thus far \$128.00 has been raised. Please make your contribution so that others may benefit.

LITHOGRAPHS OF 'RHODA' STILL AVAILABLE

Harvey Godwin, vice-chairman of the Robeson Historical Drama Association, recently announced that there are still many prints available of the painting "Rhoda" by Ellis Sampson. Sampson was commissioned to do painting of Rhoda Strong Lowry, wife of the Lumbee folk hero Henry Berry Lowry, with all proceeds going to support "Strike at the Wind!" the outdoor drama which chronicles the life and times of Henry Berry Lowry. The original painting was auctioned & sold for \$9,000 to Pembroke businessman, Adolph Dial. According to Godwin, 250 lithographs were printed and are being sold for \$100 each. Godwin believes these prints would make a truly unique Christmas gift and urges the public to help support "Strike at the Wind!" by purchasing one of the remaining prints.

For more information contact Robert Locklear at the "Strike at the Wind!" offices at 521-2489 from 9 a.m.-5 p.m., Monday through Friday. Godwin may be reached at 521-2760 or 521-3429.

WILMINGTON CHORAL SOCIETY TO PRESENT CONCERT

The Wilmington Choral Society will present its Fall Concert on Monday, December 14th at 8 p.m. at St. Pauls Episcopal Church which is located at 16th and Market Streets in Wilmington. The concert will feature Bach's "Komm, Jesu, Komm," Vivaldi's "Magnificat" and other short seasonal choral works. The public is invited to this concert and no admission will be charged for the performance.

CHILDRENS CHOIR TO PRESENT MUSICAL

The Children's Choir of Berea Baptist Church will be presenting the Christmas musical "Getting Ready For The Miracle" by Linda Reback and Tom Fetteke, on Sunday evening, December 20, at 7 p.m. This choir is under the direction of Mrs. Felecia Maynor Locklear. The performance is free and open to the public and will be held at Berea Baptist Church of Pembroke.

Suit Filed by Former LREMC Board Member

by Eddie Hatcher

Special to the Carolina Indian Voice

Attorney Barry Nakell, a UNC-Chapel Hill law professor, has filed suit in Robeson County Superior Court on behalf of Reverend Elias Rogers naming Lumbee River Electric Membership Corporation and Conrad Oxendine as respondents.

The petition is seeking to "hold a hearing on this petition and, upon completion of the hearing, set aside the election of respondent Conrad Oxendine to the board of LREMC and order a new election for that seat."

The petition charges that two members of the Elections and Credentials Committee for LREMC, which is established under the LREMC bylaws to carry out the election and "to pass upon any protest or objection filed with respect to any election," were not qualified to serve.

The petition further states that, "had they (two members) not participated on the committee, the result of both the October 20 and November 3 meetings would have been to set aside the election."

The two members in question are Mr. Jimmy Goins who is nephew by marriage to board member Bradford Oxendine, and Ms. Janice Bullard who is related by blood and marriage to board member Gus Bullard.

LREMC bylaws clearly stipulate that Credentials Committee members must not be "close relatives of existing directors or known candidates for directors to be elected at the meeting." Close relative is defined within the bylaws as "a person who is a spouse, child, parent, grandparent, brother, sister, aunt, uncle, nephew or niece by blood or in law, for the principle person."

Jimmy Goins was nominated to the Credentials Committee by board member Timothy Strickland and Ms. Janice Bullard was nominated by board member Gus Bullard.

The suit also charges that "persons acting on behalf of Conrad Oxendine and with his approval, including Board President Ward Clark, Jr., paid or offered to pay more than 40 members of LREMC \$3 in exchange for voting for respondent Conrad Oxendine against petitioner."

The suit continues to charge that "persons acting on behalf of respondent Conrad Oxendine and with his approval, including Board President Ward Clark, Jr., intimidated and harassed preventing them from obtaining campaign literature supporting petitioner or taking such literature away from them if they did obtain it and preventing them from hearing campaign appeals on behalf of petitioner."

Rev. Elias Rogers was contacted for comment, whereupon he stated, "The only thing I asked for was a fair election and they didn't want that so I had no choice but to go into court." Rogers further added, "I think they just called the second meeting (Nov. 3) because they had intimidated a couple of the Credentials Committee members into changing their vote. And Timothy Strickland and Gus Bullard appointed wives and nephews to the committee. It is as simple as that," replied Rogers.

Ward Clark, Jr. could not be reached for comment.

Season's Greetings

Eighty-one-year-old David R. Lowry, Sr. reads himself for a ride on his Harley Davidson motorcycle.