

Editorials

Trial law

Generally speaking, American criminal law tries to strike a balance between what is fair to both sides - the prosecution and the defense.

Specifically, this is the product of the law that requires the victim of an alleged rape to testify. Without the testimony of this prosecuting witness, there is no trial.

The law, however, does not require that the court create an atmosphere which allows the victim to testify without the handicaps of fear and the effects of her experience.

The court turned down a motion last September 21 on the part of the prosecution to clear the court of all spectators, which would leave only the jurors, the defense and prosecuting attorneys, and the judge and the other officers of the court for the victim to testify before.

The court ruling was based on the feeling that the defendant's right to a fair trial would be jeopardized.

Unfortunately, the victim in this case was a 6-year-old child, and the child was unable to testify to anything beyond the events that led up to the alleged offense.

After the child declined to answer questions after that point, the court allowed a defense motion of nonsuit of the charge against the defendant.

In the interest of protecting the right of the defendant, the court declined in effect to provide an atmosphere in which the victim could feel free to testify to the details of her experience.

The result was the defendant was found neither guilty nor innocent.

The manner in which the trial ended brought expressions of outrage and anger from many Hoke County people.

The anger and outrage were justified, and the target should have been the law.

Some of the angry people said the law should be changed. A frightened child upset by such an experience cannot be expected to testify with a clear mind before a courtroom crowded with strangers and members of the family of the defendant.

The law should be changed to require the court to provide an atmosphere in which a child victim can testify without such pressures.

The law also should be changed to require that all witnesses, defense and prosecution, besides the victim, be heard by the jury, and that the jury decide the guilt or innocence of the defendant.

The purpose of a trial is to find the truth.

The truth cannot be found unless all information available is presented by both sides. This is the reason all witnesses should be heard and every effort should be made to permit a shaken, frightened, 6-year-old to tell the court what she knows.

--BL

Ordinance needed

During last week's meeting of the Hoke County Board of Health, some sad cases of large, unforeseen expenses added to home-building were described.

The unforeseen aspect came because the prospective home owners didn't think about the business of septic tanks, the common necessary instrument for liquid and human waste disposal for homes off standard sewer lines.

Put briefly, the average homeowner looks at a lot, likes it, and buys it to build a home on. It doesn't occur to him to find out whether the soil can absorb waste easily, or whether the water table underground is so high that the waste would contaminate it, or other matters concerning waste disposal.

The result in one case was, the board was told, chemical waste disposal units costing \$8,000 in all had to be installed because the home site wasn't suitable for a standard septic tank.

The health board can't solve such a problem for a home owner under its authority. But Mabel Riley, a member of the board who also is a county commissioner, came up with what could be a solution. She said the county needs an ordinance requiring that a prospective buyer of a home site be informed that the site can or cannot accommodate a septic tank. This information would, of course, require that tests of the site be made to determine the land's suitability for a septic tank.

We agree with Mrs. Riley. Such an ordinance would save people the unexpected expense of buying an alternative disposal system, or of the heartbreak of having to re-sell the land, of the heartbreak and possibly accept financial loss of having to re-sell the lot.

With the price of homes being what it is these days, a family can't afford such an extra surprise expense.

--BL

A quarterback of Hoke County fame, -

Was intercepted in the South View game, -

the football was fumbled - and the recolerer rumbled (to the WRONG END ZONE!!)

Now his victory dance will never be the same.

Mike

It's a Small World

by Bill Lindau

Betsy told me I told just part of the story in telling of girls looking at each others' clothing labels at school in Winston-Salem during the '60s.

She told me that boys were just as label-status conscious as their girl schoolmates then. The boys did just as much label-checking as the girls, she said.

Does that make me a sexist? Well, no, I hadn't known about the boys, so it was an honest oversight.

Besides, I'm not a sexist: I believe women have as much right as men to work at digging ditches and plow the mule. In fact, I saw a woman doing that on a farm in Madison County back in the 1950s. I also saw a woman on a farm on the Cherokee Reservation in the same period working a hand plow drawn by a team of two oxen. It was in that valley at the foot of the mountain below Soco Gap on the west side -- U.S. 19.

Speaking of the Cherokee, they can get a heck of a lot out of almost nothing. For instance, during the days of the Community Development clubs, the people in one community -- Soco, the same one the woman was plowing with the oxen -- they wanted to spruce up their Baptist Church, which was wooden.

They couldn't afford to buy paint for the job. So they went around to service stations and got the burnt motor oil left after the operators changed the oil in cars. The operators gave them the burnt oil, as they were glad to get rid of it.

Then the people got some discarded red brick.

They ground the bricks into dust and mixed the dust with the burnt oil.

Then they painted the outside of the church with it.

What they gave the church was an attractive maroon coat and one that also protected the building from rain and snow water, insects and anything else that causes wood to rot.

Speaking of finding a use for whatever little thing you've got reminds me of beavers. They're pretty good at that, too.

Over in the Weymouth Woods Nature Preserve near Southern Pines, some beavers had started to build a dam.

One night, one of the rangers had to go into the woods for one reason or another. While on his mission, he dropped his flashlight. The light went out, and he searched for it but couldn't find it.

The next day after sunup he went hunting for it again.

After searching a while, he did find it.

It had been built into the beavers' dam.

Some pigeons in Asheboro didn't watch what they were picking up for their building materials, however.

The Asheboro Fire Department was called to an old church one day.

There the firemen found smoke coming out of the old belfry, so they went up and put the fire out.

The cause of the fire, Chief John McGlohon reported, was a cigarette in a pigeon nest.

He described the cause as "smoking in bed."

That same fire chief got a surprise embarrassment one morning.

He used to have a cup of coffee every morning, just about, in a downtown drug store in his uniform. One morning, though, he came by in his civilian clothes, as it was his day off.

Shortly after he sat down at the counter, a woman came in, sat down, gave him a glance and turned her attention elsewhere.

John said, "Hi, Mary." (or something like that) to her. She turned around in surprise and looked at him, then exclaimed in a voice that could be heard all over the store: "Hi ya, John. I didn't recognize you with your clothes on."

Then, noticing John's shock and the other customers' attention, she said quickly, "I mean, this is the first time I've seen you out of uniform."

But then she had to fix that up with something like: "I mean, it's the first time I've seen you wearing regular clothes."

Letters To The Editor

Decision Is Question

To the Editor:
There are women in Hoke County who are asking "How could justice possibly have been served by the handling of the child-rape case in our courts last week?"

We are very concerned about this child.

Is she in some sort of protective custody?

Why was a little one subjected to testifying for such a long time in court?

Don't children have rights which respect their characteristic shyness with strangers and public performance?

As women we need to know: Why wasn't medical testimony more weighty?

Women are encouraged to submit themselves to extensive medical examination in rape investigations.

We are led to believe that these examinations can provide incontrovertible evidence.

Please help us by asking questions which we, as individuals, cannot.

Thank you.

Sincerely,
Kay Thomas
Raeford

In conjunction also with the forementioned, another statute worth consideration and possible revision appears to be N.C.G.S. 15-166. If the law were changed from DISCRETIONARY to MANDATORY in the 12 years and under category, would it help?

It seems appropriate that since minors are protected from the press they should likewise be protected from the horror of crowded and frightening courtrooms.

We leave these thoughts along with the necessity and burden of change in your capable hands.

Very truly yours,
Diane Mercer

other professional personnel in the community.

C.A. Edwards
Principal
Upchurch Junior High School

Puppy Creek Philosopher

Dear editor:

According to the Federal Election Commission, a total of \$165 million has been raised to elect Congressmen and Senators in November.

Of that amount, the Republicans have raised \$146 million, the Democrats only \$19 million, but it may not matter much because the way some members vote on some bills you can't tell which party they belong to.

Some run as a Democrat and vote Republican and some run as a Republican and vote Democratic, and on some issues they all unite behind whoever it was who financed their campaigns.

Most of the \$165 million, I understand, will be spent on television ads, chiefly, it's said, to gain "name recognition." Very little has been budgeted for "idea recognition."

Two 30-second commercials per candidate would just about cover that department. Most ideas for economic recovery Congressmen can come up with are ideas whose time came and went several years ago.

Politicians are 100% better at telling you what caused the recession than what'll cure it, which puts them ahead of me as I don't even know what caused it. Some say it was high interest rates. When you ask what caused high interest rates, they say it was tight money policies, which if loosened causes inflation, and if you whip inflation you produce unemployment, and if you have unemployment consumer buying stalls and you have a recession.

The situation is somewhat like the problem ancient philosophers had explaining what the earth, which at that time was flat, rested on.

They consulted among themselves and announced that the earth rested on the back of a huge turtle.

We've outgrown such primitive thinking now and, if you can raise enough money to get your name on television enough times, you can get into office and blame the recession on whatever comes to mind, excusing turtles.

One party blames the recession on the other, England blames its recession on ours, France blames its recession on England, Mexico is still hunting for somebody to blame its recession on and Russian citizens don't know what a recession is because they've never had any prosperity to measure it by.

Yours faithfully,
J.A.

DeVane Asked To Change Rape Law

Editor's Note: The below letter to Democratic Party nominee for the state House Daniel H. DeVane is being circulated in the Raeford area. We are requested to print this edited version by these signers:

The Honorable Daniel H. DeVane
North Carolina General Assembly
Raleigh, North Carolina 27697

Dear Sir:

We the undersigned, as parents are gravely concerned and as citizens are deeply disturbed over what appears to be a crucial omission from N.C.G.S. 14-27.2 pertaining to First Degree Rape.

We bring to your attention the attached recent court ruling and ask your valued assistance in trying to rectify this omission and prevent a future recurrence.

The point in particular concerns The Elements of the Offense -- where it is stated: "but the offense shall be completed upon proof of penetration only."

An ELEMENT OF PROOF that - granted - is MOST VITAL -- YET in this instance - WHERE - a young and terrified child was UNABLE to verbally describe penetration -- and the serious degree of INJURY she suffered PREVENTED MEDICAL TESTIMONY from being able to establish penetration. We repeat, an amendment must be added. We can not allow this to happen again!

Letter Rebutted

To the Editor:

In the September 30, "Letters To The Editor" of *The News-Journal*, Mrs. Naomi Johnson indicated that I gave her permission to leave Upchurch Junior High School on September 21, "...for the express purpose of going over some North Carolina Association of Educators (NCAE's) business with a typing instructor."

Since Mrs. Johnson has expressed her concerns to the public, I wish to present a rebuttal to her "story."

On Monday, September 20, Mrs. Johnson did ask to visit Hoke High in order to visit a typing teacher on school business. I granted her permission to leave during her planning period.

On Tuesday, September 21, Dr. Simpson asked me if I was aware that Mrs. Johnson had visited the high school campus and disrupted a reading teacher's class. I gave a negative response. I received a letter from Dr. Simpson requesting that the classes at Hoke County High School not be interrupted in the future by a faculty member.

I discussed this matter with Mrs. Johnson. Mrs. Johnson apologized to me and indicated that she would contact Mr. Autry and Dr. Simpson in regards to this concern.

The standard procedure at Upchurch Junior High School is for any teacher to notify my office when he must leave the campus.

The administration of Upchurch Junior High School has more important duties than to harass any faculty member. I do expect all faculty members to follow the faculty rules and regulations that are made to assure appropriate management of our school.

I do not plan to debate publicly personnel issues. However, I do intend to assure that the dedicated faculty of Upchurch Junior High School cooperatively works together to assure that our greatest treasure, OUR YOUTH, receive a quality education. In order to assure that goal, each member of our faculty must work cooperatively among themselves and with the

Read Matthew 12:1-8

On a Friday late in June a farmer cut his alfalfa to let it dry in the sun over the weekend. He planned to store it in his barn on Monday. On Sunday a storm came up, and the farmer's visiting son suggested they take the hay in, lest it deteriorate.

"No," replied the farmer. "This is the sabbath; I will not work on this day."

Months later, on Thanksgiving eve, the son again was visiting his father. There was a knock at the door and a neighbor entered. He asked the farmer if he could spare a couple of chickens because his family had no meat for Thanksgiving. The father was adamant in his refusal. Later he explained to his son that the neighbor was indolent and irresponsible. "If he worked as hard as I do, he'd have food for his family," explained the farmer.

Then to the son's mind came Jesus' words, "You blind guides, straining out a gnat and swallowing a camel."

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