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**SENATOR
 SAM ERVIN
 SAYS**



WASHINGTON - The Senate has moved quickly in the new session to pass the omnibus drug abuse control act. Revision of federal drug law is long overdue, and for this reason, I think many of the act's provisions will be helpful in dealing with a most serious national problem.

At the same time, I am deeply concerned about the sudden impulsiveness of the Senate to vote for almost any provision which bears the "anti-crime" label. Last week, during a three-day debate, I strenuously opposed the insertion of a "no-knock" provision in the drug control bill. It was distressing to me that in the Senate's eagerness to do something with the drug problem many of its members emulated the example set by Samson in his blindness when he destroyed the pillars upon which the temple of justice rested.

The "no-knock" provision of this bill is a horrendous blow to the heart of a free society. This drastic section, in an otherwise good bill, permits magistrates to allow federal officers in drug felony cases to break into a house without knocking if they can persuade the magistrate that an announcement of their presence would allow the evidence to be destroyed.

At first blush, without examining what this does to a free society, many would say "so be it". The trouble with this approach is that it ignores one of the basic adages of our law that "every man's home is his castle". Under this 300-year-old English common law principle, an officer of the law has no right to enter a man's house even with a search warrant unless he first notifies the occupant of his presence, his purpose, his authority to search the premises, and asks that he be admitted. The Senate action thus uproots a cherished precedent of individual rights.

The bad thing about the "no-knock" solution is that it not only permits federal officers to break into people's houses like a burglar, but it tends to bring the law into disrepute and endangers the lives of the officers. Under the law of every state in the union, a man has a right to resist illegal entry into his home, and if he thinks an entry is illegal, he has a right to resist it to the utmost. This raises a practical question: Who will condemn a man who picks up a gun to defend his home against an unknown intruder who smashes down his door and later turns out to be an officer of the law?

True, this section of the bill is directed toward a grave problem -- keeping drug pushers and addicts from destroying evidence before it can be seized with a search warrant. Public feeling is running high on this issue, and it is said that the national urgency to do something to prevent drug abuse justifies almost any remedy. On this point, I have repeatedly urged that we take sensible steps to control crime and drug abuse without delay. Yet, I do not think we ought to destroy a free society and institute the methods of a police state on the plea that good intentions justify the passage of a bad law.

I hope that the House will review this problem thoroughly and remedy the error which the Senate made in respect to the "no-knock" section of the bill.

An Alarming Statistic

Military men who support Sen. Barry Goldwater's call for a resumption of the bombing of North Vietnam cite this alarming statistic: North Vietnamese convoys moving along the Ho Chi Minh trail have increased eightfold since October. In the early fall, reconnaissance planes

spotted 250 trucks a week moving south, but that has increased steadily to a figure of 2,000. This is more trucks than were spotted during the same period in 1967 when the build-up for the 1968 Lunar New Year Offensive took place.

-Human Events

Where Will The Secrecy End? Closed Courtroom Against American Tradition

The secret inquest at Edgartown, Massachusetts, to determine whether Senator Edward Kennedy incurred criminal liability in the drowning of Mary Jo Kopechne, has mocked the Anglo-Saxon jurisprudence and affronted the American people. The inquest has ended, but not a word of the official testimony may be released to the public until some undetermined future time. Senator Kennedy's attorneys sought the secrecy. The Massachusetts Supreme Court decreed it on the tenuous theory that publicity might prejudice a fair trial in the event criminal charges are filed at a later date.

The closed courtroom at Edgartown was a dramatic example of shifting attitudes that challenge traditional American legal concepts. Lawyers and judges increasingly have come to sanction courtroom secrecy because of exaggerated fears that public information and fair trial are incompatible... Whether intended or not, such a doctrine impugns the jury system and imputes omniscience to judges. If jurors, who swear to be guided only by evidence presented in court, are not to be trusted, then who is? Are judges alone to be trusted? And once the time-honored tradition of open court has been compromised, where will the secrecy end? What will prevent the fair-trial pretext from shielding dishonest or incompetent judges?

The world wants to know what went on at Edgartown.

'Faith And Bejabbers'

Ireland has just instituted a breath-test law that sets a maximum of one hundred milligrams of alcohol content per one milligram of blood before a driver is declared intoxicated. This is 56% higher than the eighty milligram level just across the sea in Britain.

Sure and it's said the reason is the different driving and traffic conditions in the two countries. But faith and bejabbers, any son of Erin can tell you it's merely logical recognition of a fundamental difference in capacity between young average Irishmen and those puny Englishmen.

-Hemet (Calif) News

Stay Out!

Attention All Peace Marchers: Hippies, Yippies, Beatniks, Peaceniks, Yellow-Bellies, Traitors, Commies and Their Agents And Dupes ---- Help Keep Our City Clean... Just By Staying Out Of It!

-Manchester Union Leader

dreds of newsmen were assigned to report any scrap of information. After tramping around in the snow outside the closed courtroom all day, they had no alternative but to file unsubstantiated reports. In the absence of fact, rumor often became robed in respectability, even credibility. Edgartown was a case study of how damaging courtroom secrecy can be. Neither justice nor Senator Kennedy was served by events there. And the advantage that Senator Kennedy and his attorney was seeking proved illusory, if not self-defeating.

Closing the courtroom in America is not an event to be taken lightly; once firmly closed, the door will not reopen. One is reminded that a significant milestone in Anglo-Saxon liberty was the abolition of star chamber proceedings in 1641 - the climax of a protracted struggle between the king and the people. And because truth, the guardian and guarantor of liberty, cannot long dwell in secrecy, the open courtroom is too basic for Anglo-Saxon jurisprudence to be compromised.

-Richmond News Leader



THE CURIOUS CASE OF THE DRY LICENSE

JOHN J. SYNON

If the truth about the Chappaquiddick-Bridge incident ever sees the light of day I suspect we will have a single newspaper to thank: *The Manchester (N.H.) Union Leader*.

A person will recall it was this newspaper's chief investigative reporter, Arthur Egan, who broke the story of the 17 telephone calls charged to Ted Kennedy's credit card the night the Kopechne girl drowned.

Now Egan has done it again. And that you don't know of The Curious Case of the Dry License is the best evidence of the truth in the common charge that our mass media alters and suppresses the news: The Associated Press hasn't run a word of it. It is also the best evidence of how "alone" a single newspaper can be in trying to live up to its slogan: "There is nothing so powerful as truth".

Let's recap: On July 25, last, Senator Edward Kennedy told a nationwide TV audience his version of the mournful event. First, he said, he struggled to escape from his car, sunk in nine feet of water. Having freed himself, he went and got two lawyer friends, came back to the sunken wreck and dived time and time again in a futile effort to free the trapped girl.

Then, he told his enraptured audience, he "impulsively swam" across the channel waters to the other side, over 500 feet to Edgartown, "nearly drowning", then went to his hotel room. To hear him tell it, he left the two lawyers standing on the bank; presumably, they didn't even get their feet wet.

Do you believe that story? (It is one of two he has told. The other was a variation on this theme, given in writing to Edgartown Police Chief Arena). Is that what really happened, is that the truth - either story - or is United States Senator Edward M. Kennedy the blackest liar in American history?

Seeking an answer to those questions, *Union Leader* Reporter Egan telephoned Massachusetts Registrar of Motor Vehicles Richard McLaughlin.

Reporter Egan had word, it seems, there was something fishy about Ted Kennedy's driver's license and knowing the license was in the possession of the Registrar, Egan phoned the Bay State politician and put the pump on him.

Kennedy's license, Egan had been told, is of the "old" type, that is, of pasteboard and there-

fore subject to disfigurement upon submersion in salt water. Egan went into this and drew from McLaughlin the admission that Kennedy's license "does not appear ever to have been immersed in water".

Egan wrote his "dry license" story, the *Union Leader* published it, and the earth, silently, began to rock.

The UPI, doing a follow up, contacted Registrar McLaughlin: What about it?

McLaughlin denied, out of hand, he had talked with Reporter Egan and said, "I don't believe anyone else did who would have access to the license".

Well, you don't give the lie to *Union Leader* reporters without challenge.

Bill Loeb, the newspaper's publisher, had his lawyers request of the New England Telephone Company its records as they related to phone calls placed by his paper. The routine request, curiously, was denied and it took a threat of court action on Loeb's part to bring the telephone company to law. Parenthetically, one of Ted Kennedy's lawyers in this case is also a member of the board of AT&T, parent company of the New England outfit. In a formal letter, the company eventually admitted that the calls Egan claimed to have made had been placed and had been completed; Egan to McLaughlin.

All of public interest, wouldn't you say? The AP doesn't seem to think so. It suppressed the story; it hasn't run a line about the "dry license".

Union Leader Editor-in-Chief Bill McQuaid put the question to Jack Simms, Boston AP Bureau manager. Simms told McQuaid he, Simms, had suppressed the story on orders from the AP central desk in New York.

It is possible, of course, that Kennedy didn't have his driver's license with him that fateful night, though no charge of driving without a license is known to have been brought against the senator.

And it is possible the sun will rise in the west. I would say that possibility - a west-rising sun - is even more possible than that the AP will report the news, as is, or that the man Kennedy will volunteer the truth about that poor girl's death.

In any event, you may lay to it, the *Union Leader*, through its man, Richard Egan, will keep digging and perhaps, one day, and despite closed inquest doors, just maybe...