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EDWARD A. YUZIUK - EDITOR & PUBLISHER  
 CAROLYN R. YUZIUK - ASSOCIATE EDITOR  
 ARCHIE BALLEW - PHOTOGRAPHER & PRESSMAN  
 MISS PATSY BRIGGS - OFFICE MANAGER

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**SENATOR  
 SAM ERVIN  
 SAYS**



WASHINGTON--The House-passed District of Columbia omnibus crime bill is a paradox of good and bad provisions aimed at curbing rising crime rates and reorganizing the much lamented court system in the Nation's Capital.

The truth of the matter is that the bill as it now goes to a Senate-House Conference is full of provisions added at the request of the Department of Justice which are an affront to basic constitutional principles. I say this in spite of the fact that I am a great believer in the enforcement of the law and control of crime. Even so, I do not believe that we ought to sacrifice fundamental rights in the name of law enforcement. If we adhere to such a flouting of basic rights, the law becomes contemptible in the eyes of most Americans.

Last September, the Senate passed sensible legislation to reform the District of Columbia court system and its processes so that individuals alleged to have committed crimes would undergo a speedy trial with the certainty of punishment, if found guilty. The measure then went to the House where it languished until recently, when it tacked on a number of provisions that I consider to be outrageous deprivations of individual liberties.

A glaring illustration of these changes in the Senate-passed bill is the so-called "no knock" provision which thwarts the ancient maxim that "every man's home is his castle" and permits a District of Columbia officer to break and enter the door of any dwelling without giving the occupant any notice of his presence or purpose if a warrant merely authorizes him to do so. This provision is far more stringent as written in the omnibus crime bill than the unwarranted "no-knock" provision which the Senate passed in February in the drug control bill.

"No knock" provisions, in my judgement, not only uproot a cherished precedent in individual rights, but tend to bring the law into disrepute and endanger the lives of the officers engaged in obtaining such entry.

The House-passed bill also contains a preventive detention provision which contravenes the 5th, 6th, and 8th Amendments. Preventive detention has been outlawed in this country ever since our Nation became a Republic. Indeed, a 1789 federal statute allowed defendants in federal custody to have bail in non-capital cases. Traditionally, this "right-to-bail" has been granted so that defendants could prepare for trial and because we have rejected the idea that individuals should be imprisoned prior to a verdict of guilty on the theory that they might commit some crime in the future.

The House bill also would rob juveniles accused of crimes of certain basic protections under the "due process" clause of the Constitution. It would provide for the transfer of certain juvenile cases to non-juvenile courts, and once a juvenile was tried under this provision, he would thereafter be denied the right to again be tried in juvenile court even though he was found "not guilty" in the first instance.

Among its other objectionable provisions, the House bill fixes mandatory sentences for three-time offenders who commit certain crimes in the District of Columbia. Such a defendant would automatically receive a life sentence without benefit of a federal parole or probation in less than twenty years. The better practice, it seems to me, is to permit the trial judge to fit the punishment to the individual and his crimes.

I am hopeful that Senate-House conferees will eliminate these features from the much-needed court reorganization legislation. Otherwise, we may do far more harm than good with this bill.

**straight talk**

By Tom Anderson

EDITORS WHO SUGARCOAT THE PILL



One night recently I made a speech in Philadelphia before a large crowd in a suburban theatre. Midway in the speech a policeman rushed down the aisle and ran up to the podium and told me that the police department had just received a telephone call saying that the theatre had been time-bombed. The bomb was scheduled to go off in seven minutes. I announced the news, and requested the audience to disperse quickly. Most obliged in an orderly fashion—a few kooks cried "no! no!" and went limp. A "lie-in!" I bade them good night and left. It was bitter cold outside. A thousand or so people milled around outside as police and firemen searched the building for an hour. No bomb. The crowd went back in. I doubt that as many as five people left. We finished the program.

The *Philadelphia Enquirer* had a reporter at the speech, before, during and after the bomb scare. I talked with him before and after the speech, but not one line about the event appeared in the *Enquirer*. Suppose the bomb threat had been at a "Black Power" meeting in Mississippi!



**BILL KENNEDY:**

IT'S NETWORK NEWS BEFORE THE ACT

NBC has a new gimmick for creating news and newsbeats. The network picks a panel of news men to crouch around a table on Monday morning and tell viewers what the news is going to be the next week. (I don't think telling it before it happens has been tried—except at elections—since the Japs bombed Pearl Harbor.)

It works like this: the pseudointellectual Hugh Downs (sic) switches from his New York studio to Washington where some of NBC's "expert" commentators are standing by to report on three branches of government happenings. One from the White House "beat" tells what the news from there will be this week; another "authority" from the Pentagon reports the news to come in space and military actions; and still another hack rattles off what Congress is going to do on Capitol Hill.

The moderator starts by asking each of them, "What's going to happen (in your area) this week?" And so they beat the other networks to the punch right there on the spot. Neat? (And then I suppose each commentator rushes out to make sure he pictures it the right way when it does happen.)

Although this may seem to open the door for some more of Vice President Agnew's biting comments—and even to offer itself as proof of some of his earlier accusations about managed news—it nevertheless gives NBC some news scoops.

When you get right down to it there is no reason why the networks can't report one week just as well as the next. What the hell? Fiction is fiction ain't it? And you don't have to hold fiction to wait for any deadline.

If, as the Vice President has so cunningly pointed out, "a tiny and closed fraternity of privileged men" do in fact manufacture and

Aside from integrity, possibly the most important ingredient for an editorial page is for the editor to own 51% of his paper—and 100% would be a lot better. The writers who write in vague generalities, who sugarcoat the pill, who shield the public from the bitter or distasteful or obscene truth, are not protecting the public but themselves, or their publishers. Truth can prevail only in any open marketplace of ideas, opinions and facts.

In spite of all this, "free speech" is still enjoyed in this country more than almost anywhere else in the world. For instance, recently Senator Eugene McCarthy (aspirant to the Presidency, of all things!) said this to an audience in New Brunswick, N. J.: "I think history would see nothing wrong if Nixon does preside over the first military defeat of this country but would regard it instead as a measure of great statesmanship."

If I were a horseman, I'd be inclined to use a crop on McCarthy for this treasonous statement. But on second thought, a crop is used on the front end of a horse.—American Way Features

dole out the news, what's the point in waiting until it happens? This new way, the news-makers' pawns in Washington get a better chance to see that it comes out that way. If they know the news ahead of time they can step right out and perform without the usual fear of embarrassing or crossing up the network "elite."

The news-flow-control system in the United States, including the men behind the men behind the typewriters along with the robots whose sardonic smiles greet the nation daily from out of the idiot box, is by far the most powerful propaganda complex in the world—far more effective than the recognized government-managed news from Russia. The victims here *think* they are getting the truth. And it is wider reaching: While the Russians censor and limit the releases going out from there, U.S. news is beamed around the globe, masqueraded as the "voice" of the Free World.

Mr. Agnew said plainly—for those who would listen—that he does not advocate government censorship. The only reason I agree is that I know we couldn't trust the politicians and bureaucrats who would be in charge of it. There *are* some government actions, however, that the citizens could and should advocate.

It wouldn't be a complete answer—things seldom are in a genuinely free society—but it would certainly give a blood transfusion to "freedom of the press" if the government would simply break up the news media monopoly, known by other names as networks and wire services. There is every precedent and excuse for it; and if it does not happen, our lifelines to truth are broken. And it was the truth that made us free in the first place.—American Way Features

**Japanese Election Shows U.S. Bond**

Few elections are conducted anywhere—much less won on the issue of friendship for the United States.

But this was the issue in Japan, where Premier Eisaku Sato is celebrating a victory far beyond expectations and acknowledging closer ties to the U.S. The Liberal Democratic party (which is really the conservative party) won 288 seats in the House of Representatives against an expected bag of 275 seats.

The victory assures Mr. Sato, who recently visited President Nixon, a stable majority

over the next three or four years. Much can come to pass in that time.

Japan has a fantastic growth rate. From 1950 to 1960 its annual average increase of real Gross National Product was over 9%, and from 1960 to 1967 over 10%. In 1967 it hit 13.3%.

This compares with rates for the U.S. of 3.2% in 1950-1960 and 4.8% from 1960 to 1967. Thus in 1968 Japan could count itself the third richest power in the world.

Of its own GNP Japan spends only about 1% on defense; the

U.S., 9%. While Japan does maintain 230,000 men under arms and has a small but efficient navy and a modern air force, the commitment is minimal.

For a nation which only last year celebrated the centennial of its modern era, Japan has come a long way, though stumbling at times. No one will forget the perfidy of Pearl Harbor, but then no one should forget Japan's modern constitution which it endures will make other Pearl Harbors impossible.

—Miami Herald