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**SENATOR
 SAM ERVIN
 SAYS**



WASHINGTON -- The several crime control measures being considered by the Congress and the current controversy over preventive detention provisions contained therein recently caused me to introduce a bill to attack the problems caused by delayed criminal trials by requiring that persons charged with offenses against the United States shall have a speedy trial as guaranteed by the Sixth Amendment.

In introducing the "Speedy Trial Act of 1970," I recognize that preventive detention, which I abhor, is a reaction to the steadily worsening ability of our criminal justice system to cope with the demands placed upon it in the modern era. Greater numbers of defendants, greater rates of crime, longer delays in trial and appeal, assemblyline justice, inadequate staffing of courts and supporting personnel, and a tragic and disgraceful corrections system -- these are among the serious difficulties which beset our criminal justice system.

In my judgment, however, preventive detention will not cure the ills besetting our judicial system. What it will do is paper over the decay of the courts, and hide ills which must be remedied. It will enable us to operate much as we have in the past, because the fruits of this crisis will be hidden from our eyes. Defendants will languish unseen in jails awaiting trials which will be ever longer in coming if we continue our failure to face the true problems and to propose serious means to solve them. If we adopt preventive detention as the panacea, I fear that we will have yet another excuse to ignore the hard work that must be done to reform our courts. All the manifestations of our failures -- delayed trials, the pretrial crime those delays foster, injustice to citizens, and disrespect of the law -- will be hidden from view.

What we must face is the fact that our criminal justice system is breaking down. In my judgment, this breakdown is going to get worse if we institute new repressive devices which do violence to constitutional principles and which will eventually burden the system even more. Instead, we should do what is constitutionally required. We must implement the Sixth Amendment right to a speedy trial--a right thus far denied to society and the defendant -- and make that Amendment's guarantee a reality after all these years.

My bill would require each Federal district court to set trials within 60 days of the date of an indictment or information. Delays in trial would be permitted only when required by other proceedings involving the defendant or those absolutely necessary for the holding of a fair trial. It would bar delays caused by inadequate judicial resources, and it would strongly discourage procrastination by counsel.

My bill also requires each district court to establish plans for the implementation of the speedy trial requirements of the legislation and the Sixth Amendment, and to report to Congress concerning the funds and personnel needed to implement the speedy trial requirements.

Thus, if my bill is adopted, it will require for the first time that the executive and judicial branches make a comprehensive assessment of their resources and their requirements for an efficiently functioning criminal justice system-- Congress can then determine the resources necessary to achieve a well-run, modern judicial system, one which can effectively perform its function of punishing and rehabilitating law breakers and deterring crime.

I have urged the Justice Department and witnesses testifying before the Senate Subcommittee on Constitutional Rights, which is conducting hearings on preventive detention, to study my reform measure in the hope that it will lead to acceptable solutions for the immense problems which face us in the administration of criminal justice.

straight talk

By Tom Anderson



A MAN OF STRONG CONVICTIONS--Part II

On February 20, 1970, prior to being sentenced to four years in prison, Robert DePugh concluded his statement before Judge Collinson in Federal Court in Kansas City with these words:

"Of all my family--grandparents, parents, wife, brother, children, aunts, uncles, cousins, nephews and nieces--I am the only one that has ever been convicted of a felony. Criminal behavior does not run in our family. If I am a criminal, I must be of a very special kind. My family knows me well, and of them all, I know of none that would not be proud to stand here in my place and accept the sentence of this court upon their shoulders.

"If I had been tried as a revolutionary, then I would have pled guilty, for such behavior does run in our family. Many months before the Battle of Lexington and Concord, one of my ancestors was executed by the British for revolutionary activity.

"Yes, he broke the law--but if he had not broken the law, this Court would not sit today.

"It is said of the revolutionary, that while he still fights he is never shown mercy; if he wins, he is seldom thanked and if he loses, he is never forgiven. I do not ask for thanks, forgiveness or mercy.

"I would appreciate justice. But if I am not given justice, then I will accept injustice, and I will fashion even that into a weapon to continue the fight for principle, for pride, for honor. I will never give up."

Strong men cried as Robert DePugh, Christian patriot and founder of the Minutemen and the Patriotic Party, was put behind bars.

I met Bob DePugh once. Several years ago he came by to see me. I thought then, and still think, that he was a sincere, misguided man of great courage and love for country. He was wrong, I think, both in timing and in method. He thought: (1) the fight against the Communists had already been lost and that it was time to go underground and thus, (2) he resorted to illegal methods such as the storing of large caches of arms and ammunition. I have more respect for Bob DePugh than I have for the great, gutless "silent majority."

I may be attacked by the "Liberals" for defending an "incipient fascist dictator." But the main purpose is not to plead DePugh's personal case, but rather to pose a few highly significant questions:

1. Why is a misguided patriot jailed, when traitors, murderers, anarchists, revolutionists not only run free but are in many cases employees of our Federal Government?
2. Why do we punish anti-Communists but not Communists?
3. If DePugh was indeed premature, what is the best time to go underground?
4. Since "resistance to tyrants is obedience to God," at what point does a Christian patriot refuse to obey the civil authority?

Robert F. Williams, an American-born Negro, formerly a paid propagandist for Fidel Castro, later fled to Red China as a fugitive from America, and flooded our country with pamphlets urging Negroes not to fight in Vietnam. If they were sent there, "they should eliminate as many of their real enemies (white Americans) as they can at the front, so that these racists will not be able to return home." Williams has now "returned home."

James Forman (Black Manifesto) screams: "We live inside the United States, which is the most barbaric country in the world, and we have a chance to help bring the government down. . . . We say (to all blacks) think in terms of total control of the U. S. Prepare ourselves to seize State Power." SDS Chairman, Mark Rudd, admonishes students: "You're fools if you don't get your guns and join the Revolution." Eldridge Cleaver repeats: ". . . we have to destroy the present power structure in the U.S."

"Kill Fascist Pig Nixon!" thousands of anarchists and Communists openly scream. Cleaver, Williams, Rudd, Forman and thousands of other traitors are not only roaming America, but many are also being financed by government and tax-free American foundations. They are free; Robert DePugh is behind bars. Why?—American Way Features

The Manion Forum

By Marilyn Manion

NEWS AND A FREE SOCIETY



Several months have passed since Vice-President Agnew first assailed the "liberal establishment" news media for telling it like it isn't. Many good things have happened as a result of Mr. Agnew's continued campaign for fairness. While most of the liberal papers continue to spout their old line, their readers now have a more guarded and suspicious eye. And the television news commentators have begun to call the enemy in Vietnam "Communists" instead of simply "the Viet Cong."

The news is so important to our way of life that those who disseminate it possess an awesome responsibility. One man who is aware of this fact is Arthur H. Motley, the President of Parade, the Sunday Newspaper Magazine. Mr. Motley spoke over the Manion Forum radio network recently. Here are excerpts from his address:

"Johnson was elected President of the United States in 1964 by the biggest majority in the history of the Presidency. And yet, 3½ years later he threw in the towel. Not because he had an unpopular war--other Presidents have had unpopular wars. Not because of crime and violence in the streets--that has been endemic in our society from the beginning.

"I happen to believe that the real reason this hero in 1964 retired into obscurity in 1968 was because of the slanting, the control, the management of news. Too many times the public was told too many things that weren't so. The public came no longer to believe the President of the United States, and even the members of his own party would not support him for re-election.

"This is the important thing--that news

should flow freely. We should not get upset about the fact when something appears in the press with which we do not agree. Rather, we should make it clear that this is the essential ingredient--the free flow of news.

"Fortas didn't fail to become Chief Justice because he lacked ability or because of what he did. Others have done far worse. But he concealed it. And when a free press, doing what it should be doing--investigative reporting--turned up the fact that he had accepted a retainer from a man then serving time in jail, it destroyed him.

"In my opinion Haynesworth would be sitting on the Supreme Court of the United States today had he understood the importance of telling all, rather than belatedly coming forward with his puny little stock brokerage transactions which made a man otherwise able and competent for the job to which he was nominated look bad and lose out.

"Mr. Agnew's charges were not only timely and proper, but they are going to prove very fruitful. I know that in our own case, and in the case of the 93 newspapers that distribute Parade, there has been some serious stock-taking going on, not only among the so-called liberal establishment newspapers, but among the newspapers which are Conservative.

"This re-evaluation brought on not merely by Mr. Agnew's comments but by the obvious public support his comments secured, will result in a better press, a more responsible press, and therefore will give our society a freer, easier flow of all the news. And in so doing, will continue to lubricate a free society which by its very nature thrives on diversity and confrontation."—American Way Features