

**SENATOR
SAM ERVIN
★ SAYS ★**



The wave of lawlessness engulfing the country has prompted Senate hearings on the question of the rights of criminal suspects versus the rights of organized society.

Civilization represents at best a delicate balance between the rights of the individual and society's rights. The late Justice Cardozo put the question of "rights" in proper perspective when he said: "Justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true."

The dilemma of our time is that we have not kept the balance true. Unfortunately, the Supreme Court in recent years has moved through logic and shattering sentiment and stifling procedures to favor the individual suspect to such an extent that the administration of criminal justice is defeated.

In the prosecution of crimes, police powers to conduct interrogations were severely limited in the 1964 Escobedo case. Confessions were banned as evidence if the suspect was not warned to be silent if he chose and had the privilege of seeing a lawyer.

Now the majority opinion in the 1966 Miranda case puts affirmative duties on the police. Before any suspect may be questioned, police must coax him not to tell them anything. The suspect must be warned that he has a right to remain silent, that anything he says may be used against him, and that he has a right to the presence of a court-appointed or retained attorney. The suspect who submits to questioning must be warned to stop the procedure if he wishes.

What the Miranda case does is to virtually eliminate confessions of crime from being used in court. This further handicaps police officers already swamped with a torrent of crime. Mr. Justice Harlan in a dissenting opinion in Miranda called this "a hazardous experimentation" with crime.

Accordingly, I have introduced S. J. Res. 179 as a Constitutional Amendment to deal with the Miranda decision. Simply put, my Amendment would restore the law to its proper function of protecting suspects and defendants from having confessions and admissions coerced from them without making it impossible to solve many crimes.

By providing that any admission or confession shall be admissible in evidence if made voluntarily, my Amendment would return the rule which the Supreme Court itself recognized as valid until recent days. When all is said, there is no reason residing in the proposition that persons charged with crimes should be protected by law against their voluntary admissions and confessions that they have committed a crime.

Police officers have told the committee that Court decisions which coddle suspects and de-

fendants shackle efforts to battle crime. Even beyond the particular case, such opinions breed disrespect for law. The fact is that in many cases there are no clues at the scene of the crime, and there are not witness who can testify.

If the police cannot question suspects, and that appears to be the Court's ultimate goal, lawlessness could break the whole fabric of governmental authority.

When one reads the Miranda decision, and realizes that perpetrators of the foulest crimes can be turned loose to repeat their crimes, he is tempted to exclaim: Enough has been done for those who murder, and rape, and rob. It is time to do something for those who do not wish to be murdered, or raped, or robbed. It is for this purpose that I have offered my Amendment.

Government Contracts
Federal employees, Government advisors and consultants, and employees in industries performing Government contracts are experiencing more and more Government surveillance over their private lives according to reports coming in to the Senate Constitutional Rights Subcommittee.

The stated purpose of these Government questionnaires is to promote the national interest, whatever that may be, at a given time. Government administrators defend these probes on the ground that they are "essential and proper" for the carrying out of their responsibilities for the good of the country. Still it is apparent that few are happy about the situation.

Depending upon one's particular function in the national interest, a citizen may be subjected to a battery of procedures conducted by the Federal Government to determine his ethics, his race, and his suitability for employment or service to his country. Increasingly, these violate established concepts of personal liberty and privacy.

Psychological testing, psychiatric interviews, race questionnaires, lie detector quizzes, background investigations, anti-communication admonitions, buy savings bonds pressures, quotas for political contributions, rules for speaking, writing and even thinking, and lengthy forms to ferret out an individual's financial status are the standard procedures governing Federal employer-employee relations.

Most of us agree that the Government should employ only qualified employees, and that it must have information to carry out that task. This is not the issue which is disturbing the Subcommittee or those who have voiced concern.

What is disturbing is that attitudes and procedures affecting Federal employees have a way of pervading our whole society, governing the employer-employee relationship wherever it is found. This is especially true in the wake of expanding Federal activities in the realm of

private industries and firms who holds contracts with the federal Government and who must subject their employees to the same sort of Federal personnel rules.

Reports coming to the Subcommittee indicate that there is being created in the Federal service a climate of fear, apprehension, and coercion which is detrimental to the health of the service and is corroding the rights of Federal employees. This should disturb all of us.

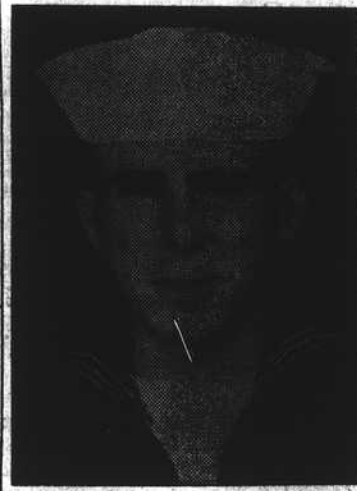
Resentment is piling up over new "race questionnaires." Employees of all races and nationalities are suspicious about the usage to which the information will be put. Racial considerations that were dormant in the Federal services have assumed new importance. A more important question is over the right of the Government to pry into one's ancestry in the first place.

Financial questionnaires pose other problems. I sanction the goal of the highest ethical standards for Government service. Indeed, it is imperative that Federal employees and advisors and consultants be obedient to the 26 Federal laws dealing with conflict-of-interest matters.

Yet, I do not believe Congress sanctions wholesale invasions of privacy which are possible in the probes undertaken under this new system of financial reporting down to the last unpaid, honorary Government advisor. Such questionnaires on a mass basic sanction a Big-Brother approach to the employer - employee relation which I fear will seep into every cranny of our national life.

For this reason, I have asked the Subcommittee on Constitutional Rights, of which I am Chairman, to survey these invasions of privacy of Federal employees, consultants, and advisors to determine what the rules of fair play ought to be.

At Great Lakes



Seaman Recruit Carson R. Smith, 20, son of Mr. and Mrs. Carson Smith, 1815 N. Heritage Street, Kinston, has been graduated from seven weeks of Navy

ONE HURT IN 3-CAR WRECK

Marion Jones and Janice Durner were stopped Tuesday morning on East Street for the traffic light at Gordon when Robert Earl Swiger's car hit the Durner car, knocking it into the Jones car. Miss Durner suffered painful but not serious injuries from the impact and Swiger was charged with failing to reduce speed to avoid an accident.

HITS POLE, GETS HURT

Susan Catherine Carroll, 16, missed the drive way and hit a utility pole at her home on the corner of Vernon and Greenbriar at 3:40 a.m. Sunday. She was painfully hurt and considerable damage was done to her car and the pole.

basic training at the Naval Training Center here at Great Lakes, Illinois.

In the first weeks of his naval service he studied military subjects and lived and worked under conditions similar to those he will encounter on his first ship or at his first shore station.

In making the transition from civilian life to Naval service, he received instruction under veteran Navy petty officers. He studied seamanship, as well as survival techniques, military drill and other basic subjects.



Death Notice
Jack W. Stokes
Funeral services were held Tuesday for Jack W. Stokes, 54, of 807 West Road, who died suddenly Monday morning.

Mrs. Ola Johnson Stroud
Funeral services were held Wednesday for Mrs. Ola Johnson Stroud, 83, widow of Eddie Stroud of 406 West Lenoir Avenue who died early Monday.

Lawson Williams
Funeral services were held Tuesday for Lawson Williams, 64, of Pink Hill route 2, who died on Sunday.

Charles W. Jackson
Funeral services are to be held at 3 Thursday from Jarman Funeral Home for Charles W. Jackson, 61, well known Kinston barber of 416 Mitchell St., who died Tuesday after a lingering illness.

Mrs. Novella Casey Sutton
Funeral services will be held at 2 Thursday from Garner Funeral Home for Mrs. Novella Casey Sutton, 73, of Kinston route 6, who died Tuesday afternoon.

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