

Opinions

OUR VIEW

Worse Possible Decision

Last week the North Carolina Court of Appeals handed down a verdict in the soon-to-be-celebrated VCR case, and their decision is one that defies the most charitable interpretation.

In case you missed the news, the case involved a teacher and a student. The student needed a passing grade in a class and he needed to pass the course in order to graduate. So the student, armed with a tape recorder, visited the teacher, a woman who taught him English.

The teacher, according to the case records, agreed to give the boy a passing grade if he in return would re-write a paper "in the event anyone questioned the passing grade" the student was now guaranteed.

The teacher also included in her list of considerations a gift of a VCR machine in exchange for the passing grade. According to information derived from the court notes, the teacher requested the VCR because she needed to get something out of the deal.

The teacher was taken to court subsequently, and she was found guilty and given a suspended six-month prison term.

The law in this case states that it shall be unlawful for "any person, firm, corporation or association to assist any student, or advertise, offer, or attempt to assist any student, in obtaining, by fraudulent means, any academic credit, or any diploma, certificate or other instrument purporting to confer any literary, scientific, or other degree" in any North Carolina educational institution.

A quick look at the facts of the case will remove most questions of guilt that could arise. The considerations are simple:

- the teacher is, in fact, a person, therefore she qualifies under the law in this respect.
- She did in fact offer and attempted to assist.
- The young man was, in fact, a student of hers.
- He did obtain academic credit as a result of the teacher's actions.
- The credit, from all imaginable appearances, was fraudulent.

What more remains? All of the considerations of the law seem to have been included and without question in the case.

Why, then, did the Court of Appeals reverse the lower court's decision?

According to quotes released last week, the judge who handed down the decision wrote that he and others were persuaded that the Legislature of this state had intended to punish those persons outside the school system who gave unfair aid to students.

One major point of curiosity is where the judges found such an unusual interpretation. Nowhere in the language of the law, as it was reported, does the stipulation appear that the person must be outside the school or education system. On the contrary, the law clearly states that "any person" who offers or attempts to provide fraudulent credit. The term "any person" should be clear enough for anyone to understand.

The judges, however, concluded that the language of the law suggested that the law was designed to punish those persons who write term papers or impersonate a student by taking college entrance or aptitude tests for the student.

One judge, in a dissenting opinion, cut through the legalese with astonishing clarity and precision: "The conduct prohibited is the fraudulent procurement of academic credit," he wrote. "I believe a teacher who helps a student obtain that credit by offering a passing grade in exchange for an article of value..." has helped the student obtain fraudulent academic credit.

How could anyone in a position of responsibility see the case otherwise? While the law specifically mentions impersonating students and writing term papers, it also clearly states that the activities are not limited to those mentioned specifically.

So where does all this leave us? First, it leaves us with a precedent for other with legal powers to follow. It may well prove to be a test case that will influence and affect dozens of other cases in the near future.

Secondly, the case does considerable if not irreparable damage to an education system already riddled with borderline as well as some flagrant moral issues that have been resolved, if at all, in anti-education directions.

Third, the case may well encourage other students and other teachers to offer and accept gifts of articles of value in exchange for passing grades. After all, the court has said that the act of bargaining for the grade was unethical and undesirable but not illegal.

How many cases will be required for the courts to realize just how serious that one case was?

And, since the one teacher has been found not guilty, how can the courts find other teachers guilty, if the facts of the case are similar or identical?

In such cases, if it is illegal for dozens--or hundreds or thousands--to commit an act, it is also illegal if one person commits the act. How else can we see it?

It seems to us that this is not even a borderline case. We can find no other way to examine it and conclude from it than to reach a simple and, to us, clearly evident conclusion. The teacher was clearly wrong, and the law is clearly stated.

It is hard for us to find the issues to be cloudy. In fact, they are crystal clear.

And we anticipate far greater harm than good will result from the court's decision.

Cartoonitorial



Looking Both Ways Vacations Can Be Hazardous

(Ed. Note: We've had a very busy time around here lately and we desperately need some rest. So we sent Rusty Gates on vacation. We felt a great deal better until began mailing columns to us.)

Our friend up in the country stopped by again a few days ago and he told us a story that he swore to be true in very single respect. Keep in mind, however, that this is the same man who said that his wife was really the Lizard Man and that she ate bugs night and day.

I can accept all of the story except the part about her being the Lizard Man.

The story about Frank Furter and his vacation has all the markings of the Lizard Man tale, but who am I to judge?

Frank, it seems, talked his wife into buying one of the newfangled camping trailers that have all the conveniences of home, including mortgage payments that end when the national debt has been paid.

They had owned the camper about a week when they decided to take a flying trip to Florida, so they threw some things into the trailer and set out at dark.

Frank drove for about 200 miles and then he asked his wife if she would take the wheel while he caught a few winks. She agreed, and he headed for the trailer, undressed, and went to sleep.

About thirty miles later the wife failed to see a traffic light until she was almost upon it, and she slammed on brakes and flung Frank out of the bed.

Frank, thinking there had been a wreck, leaped from the trailer and ran up to see what had happened.

What happened was that the light turned green and Frank was left standing in his shorts and tee shirt in the middle of a street in some tiny town down South. He stood there shivering as he watched his wife and trailer disappear into the darkness.

He was still watching when the police car pulled up beside him and the officer demanded to know why Frank was standing in his jockey shorts under a traffic light, and the officer wasn't totally convinced by the story Frank told. Since he had no identification of any sort, Frank was hauled off to the local jail.

A hundred miles down the road Mrs. Furter stopped to wake her husband, found the trailer empty, and realized what must have happened. So she began backtracking to the scene of the crime.

At dawn she found the town and a shivering Frank in



the town hoosegow, explained the freak accident, and talked the police into releasing Frank.

She also brought him some clothing, and the two of them decided to eat breakfast before continuing their trip, so they walked to a diner across the street.

As Frank sat down, his wife noticed that he had not zipped up his pants and notified him of the problem, which he corrected under the table.

Half an hour later they had enjoyed scrambled eggs, coffee, bacon, pancakes, maple syrup, juice, and assorted other goodies calculated too help Frank recover his composure.

"If one more thing goes wrong, we are going back home!" he warned her. "I can't take any more of this circus."

She assured him that everything would be peachy-keen the rest of the way, and he nodded as if to indicate that it had better be that way. He finished his coffee, picked up the check, and rose to pay for their meal.

And when he did so he did not realize that he had zipped the tablecloth into his pants, and as he walked away he pulled the cloth, plates, cups, glasses, and all the rest of their breakfast dishes into the floor.

He didn't even bother to unzip the tablecloth. He just flipped a \$20 bill into the counter, stalked to the car, and turned the trailer around and headed home. His wife says he did not say one word all the way home and that he did not remove the table cloth until they pulled into their driveway.

He then sulked in his room for the remainder of the week, coming out only to stick a "For Sale - Cheap!" sign on the trailer.

He also said he'd agree to take another vacation when the Ayatollah becomes a Southern Baptist.

Your Right To Say It

Guest Column



By MAYOR KYLE SMITH

Join Me In Voting For Utility Bonds

Coming up on February 7, we will have a chance to vote on a bond referendum to upgrade our utility systems that could make or break the City of Kings Mountain as far as progress goes.

This referendum is vital to the growth of our city. Some of you have called me and asked, "If I vote for this referendum, or if this referendum passes, does that mean our water and sewer bill will go up?"

No, that is not the truth. The council has voted to increase water and sewer rates effective April 1 regardless of the outcome of the referendum. If the referendum does pass this is the way that we must pay off these bonds. If the referendum fails, then we have the authority to go to another type of bonds, which are more expensive, called revenue bonds. Those bonds would have to be paid for and the increases would then pay for those bonds.

The latter type of bonds are more expensive, and in the same length of time that we would be paying back the general obligation bonds, we would pay back more than 3.7 million dollars more using the revenue bonds. So, it would behoove us to vote "yes" on the general obligation bonds on February 7, because we can save the city almost four million dollars by not having to issue the revenue type bonds.

We are in dire need to upgrade our utility system. The electric system is so overloaded that you could literally wake up some morning, turn on your light switch, and have no power. Both of our substations are doubling their capacity and we don't know how long they will last. We need more storage space for our water, we need another pump to get the water into town from Moss Lake. We need to upgrade Pilot Creek Wastewater Plant, thanks to a judicial order, and of course we are already in on the Crowder's Creek Wastewater project. One of these days when the Crowder's Creek project becomes a reality we will close down the McGill Treatment Plant.

I just can't say enough in this column to tell you what dire straits we are in. We have always been known as a progressive community, and we want to stay that way. We want to attract new industry, new housing, new students, etc., but the way we are now, we are dormant, lying here with no promises of the future until we can get some things accomplished, and you can be a part of a more progressive Kings Mountain in the future if you vote yes on this referendum.

Some folks have said, "No, I am not going to vote for that bond issue. They got themselves into that shape, let them get themselves out." In the first place, that is not right. We did not get ourselves into this shape. I am not in the business of pointing fingers at anybody at all. I just want a cure, knowing what kind of a city we can be if everything we are striving to do becomes a reality. We just need to get it done.

Don't listen to these non-progressive type of people. Go out there and vote your conscience. But I hope that after what I have said here today, that you will see it that this bond issue passes on February 7.

Letter

Thanks For Help

Dear Editor,
In the past the people of Kings Mountain Rescue Squad District have responded enthusiastically to our family portrait raising project.

As a result we have been able to continue to provide emergency medical services to our community. At the same time, donors have received a family portrait as a token of our appreciation.

As you know last year we were unable to offer this to our community because unauthorized persons claiming to be with the Cleveland County Rescue Squad (which doesn't exist) were soliciting donations.

People representing the Kings Mountain Rescue Squad will be calling on homes asking for your help on this project. Each man or woman will have two items identifying them as Rescue Squad representatives. Residents are asked to check these to verify they are representing the Kings Mountain Rescue Squad.

The portraits will be made Feb. 25-26 at the Rescue Squad Building located at 312 East Parker Street.

We appreciate the support given us in the past. Comments about the portrait quality and Rainbow Productions staff members who help conduct the project for us have been highly complimentary.

We are confident this tradition will continue.
TODD CERWIN, CAPTAIN
KINGS MOUNTAIN RESCUE SQUAD

Kings Mountain Herald

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Sidewalk Survey

What Do You Consider To Be The Best Age Of Life?



KARL MOSS
My Dad, the late J.D. Moss, used to say that the good ole days are today, not yesterday. I agree with him 100 percent.



BILL MCMURRAY
At this age and time of life I am enjoying my kids and grandchildren coming home.



TOM HOWARD
Right now is the best time of life.



STEVE FOSTER
The age I am now, 33, is the best time of life.



PAT BLANTON
Retirement age, I think, would be the best time of life.



FRAN BLACK
Truthfully at age 21. Hopefully at age 50.