# Opinion

## First Amendment gets mugged

Government attorneys sometimes get carried away in their pursuit of those they regard as criminals. In one recent tax fraud case, U.S. District Court Judge Fred M. Winner of Denver concluded that several lawyers in the tax division of the Justice Department had gone way overboard, seeking a grand jury indictment in an alleged tax shelter scam. The judge's opinion castigated the attorneys for "browbeating" grand jury witnesses and threatening to "break" a defense attorney unless he divulged confidential client information to the tax men.

Winner's opinion would ordinarily be published in a volume, widely circulated among members of the bench and bar, that includes the latest federal trial court decision. Instead, in a most extraordinary legal maneuver, the Justice Department, claiming that the opinion was "scurrilous," obtained a temporary appellate court order that for nearly a month kept the opinion from being reprinted.

Central to the constitutional guarantee of a free press is the proposition that only in the rarest of circumstances should government be able to gag any publication. In the Pentagon Papers case, for instance, not even the assertion that publication of these documents — which detail the American government's role during the early years of the Vietnam conflict — would prolong the war persuaded the Supreme Court to stop the presses.

In the tax suit, there's absolutely no justification for the appellate court's ruling. Winner's opinion criticizes government itself — precisely the sort of commentary central to the First Amendment, which does not give ready aid and comfort to thin-skinned public officials. The decision reveals no secrets, compromises no confidences. It simply shows the Justice Department being, in this instance, unjust.

When it sought to halt publication of Winner's opinion, the Justice Department doubtlessly hoped to administer a quiet back-alley mugging. But with the wide publicity given to the story, first by the National Law Journal and then in the New York Times, that hope faded. The three appellate judges who acceded to the government's request and temporarily halted publication, lifted that order on Jan. 24. They had acted without benefit of argument, and with neither legal precedent nor a scintilla of constitutional justification on their side. Curtailing publications that offend the authorities is what the censors in Warsaw or Managua do, not what our Constitution permits.

## High court protects our right to know

The U.S. Supreme Court has made it clear that openness is a necessity to ensure fair trial in our nation's court system.

The high court recently ruled that the selection of jury members in criminal cases should be done in public, except in rare instances where testimony would embarrass a prospective juror. If jury selection is to be closed, the trial judge must spell out in detail why such secrecy is necessary, and a higher court will make a complete review of the order.

The ruling will bring to a halt the growing tendency among judges to keep the press and the public from observing the selection of juries.

In explaining the high court's 9-0 decision in the matter, Chief Justice Warren Burger said:

"The value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed; the sure knowledge that anyone is free to attend gives assurance that established procedures are being followed and that deviations will become known. Openness thus enhances both the basic fairness of criminal trial and the appearance of fairness so essential to public confidence in the system."

The case was brought to the Supreme Court by the Press-Enterprise (Calif.) Press-Enterprise, which had been barred from monitoring jury selection for a murder case. The Riverside newspaper, at considerable expense, appealed to the U.S. Supreme Court after the California Court of Appeal and the California Supreme Court refused to hear the matter.

Another decision by the Supreme Court is needed if our court system is to be truly public. Five years ago, the high court rejected arguments that the press and the public had the right to attend a pre-trial hearing in a New York murder case. We hope, in its quest for openness, the high court will take another look at closed pre-trial hearings when a similar case is brought before it for judgment.

It is important that pre-trial proceedings be public because 89 percent of criminal cases now are disposed of in such sessions, without going to trial.

## Here Abouts · · · · · with Emily A. Wolf

## Half the fun is what ???

While there's a lot more winter out there, we'll sure take the current week's balmy offering. It certainly made the adjustment from Florida to Kentucky considerably easier.

While our Ft. Lauderdale stay featured the best-ever weather in memory, we felt we were due a favor after a harrowing drive over icy mountains this side of Chattanooga where we and thousands of motorists were stranded for three hours near the Scenic Overlook pullotf just outside of Cleveland (TN).

It was scenic, all right. But for three hours? The most welcome sight, for sure, was a salt truck that finally made the grade and freed the thundering herd of cars, trucks, motor homes and what-have-you.

We slid into Chattanooga and called it a day after covering only about 100 miles in four hours.

The Holiday Inn where we stayed was almost without staff. Only four maids made it to work. Two waitresses and a cook in the dining room. We were thankful to have gotten one of the few rooms which had been serviced. Later the early years of the Vietnam conflict — would prolong the war persuaded the Supreme Court to stop the presses.

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## Agree or not

### The role of a lobbying pro

by S.C. Van Curen

Frankfort — The current legislative episode in which a lobbyist is charged with offering a bribe to a House member is a situation in which nobody wins.

More far reaching than the charge which was instituted by the legislator is that it smears with a broad brush in the public mind. It's not the incident itself, but what the public perceives probably as routine practice in the Capitol City.

In more than two decades of covering the legislature, in regular and special sessions, this is the only instance of this nature that I recall or which has a court record in Frankfort.

It would be a rare legislator who would risk his reputation and his future by being involved in asking or accused of accepting a bribe.

The same holds true for the professional lobbyist whose total career is on the line.

It is true that lobbyists generally have hard enough time when on their best behavior to keep from being criticized by the public. A large segment who have no idea or experience in the legislative process generally give lobbyists a black mark because they represent private interests.

However, there are lobbyists at every session of the General Assembly who do not represent a private or special interest, but represent an interest of their own. For example women who composed the MADD Group (Mothers Against Drunk Driving) were lobbyists in the true sense for they were pushing for a special cause, however worthy it is in the public mind.

From my experience, I would hate to see a session of the General Assembly without lobbyists. The Constitution clearly provides the legitimate cause for the lobbyist. The Constitution says that a person "has the right to appear and ask for a redress of wrongs."

The professional lobbyist does a big service to the public in many instances although there are occasions when his interests pertain only to his employer.

The professional lobbyist finds errors in proposed legislation and often helps perfect laws for the good of all. Behind him is an experienced lawyer or lawyers who provide him with analysis on the bills that affect his company and sometimes the public at large. The lawyers suggest amendments or methods to improve the legislation or point out its harmful effects.

Legislators, generally speaking, are experienced or astute enough to discern the difference between good and bad legislation although some does slip through during the session, especially at the tail end when the crush is on to end on time. There have been examples of faulty legislation sponsored by governors and the administration in power.

Every session the halls are lined with people busily importuning legislators to support their causes. There are far more individuals lobbying for a cause of their own than there are professional lobbyists who work the sessions year in and year out.

It is the inexperienced individual who is here for one cause for his interest that generally creates fertile ground for trouble. It is their inexperience and lack of knowledge of the legislative process and the responsibility of the legislator that create problems.

## Down Memory Lane

### Local church is 125 years old; Headquarters tournament host

Thursday, February 20, 1964

The Nicholas County Fiscal Court recently let a $106,558 contract for the construction of the Nicholas County Nursing Home and home for the elderly. The contract was awarded to the A&P Construction Company, Lexington.

Roy Blount and Arnold Bowen, members of the Selective Service Local Board 77, have been presented five year certificates for their service.

William F. Threlkeld, Harry Wagoner and Billy Parker, representatives of the Soil Conservation Service, North Central Kentucky 4-H Camp Committee, and the Nicholas County Development Corporation respectively, appeared on the Maysville's WFTM radio program "True to the Farm" recently to discuss conservation cooperation.

Carlisle has been selected by the newly created Wilderness Road Girl Scout Council, Lexington, for an extensive training program for scout leaders and interested adults, because of its enthusiasm shown in the scouting programs. Dates for the course have been set for Feb. 21, Feb. 28 and March 6 at the First Christian Church on Locust Street.

Four Nicholas Countians are among the 504 Morehead College students who made the Dean's List for the fall term and one of the 58 who compiled perfect 4.0 standings is from Carlisle. Mary Glenn Feeback, 4.00; Sue G. Irvin, 3.31; Charlotte Ann Moore, 3.13; Edward C. Taylor, 3.31.

BORN — To T/Sgt. and Mrs. Charles H. Gates, a son, John Allen, Feb. 20 at Shaw Air Force Base Hospital, Sumpter, SC. — To Mr. and Mrs. Lovell Frederick, a son, Douglas Earl, Feb. 11 at Nicholas County Hospital. — To Mr. and Mrs. C.B. Ritchie, a son, Michael Lane, Feb. 13 at Nicholas County Hospital. — To Mr. and Mrs. Foster Bussell, Sharpsburg, a daughter, Karen Elaine, Feb. 13 at Nicholas County Hospital. — To Mr. and Mrs. Gano Bussell, a son, Charles William, Feb. 14 at Nicholas County Hospital.

MARRIED — Miss Brenda Fryman and Ronald Stone, Feb. 9 at Oakland Mills Methodist Church.

DIED — Harry T. Letton, 75, Feb. 18 at Nicholas County Hospital. — Charles Samuel Shea, 67, Feb. 13 at Nicholas County Hospital. — Lovell B. Price, 67, Feb. 16 at home. — Mrs. Mae A. Donahoe, Charleston, WV, Feb. 13. — Sam Hain, 72, Feb. 17 at Nicholas County Hospital. — Mrs. Laura Courtney Helphinstine, wife of Jess N. Helphinstine, Feb. 17 at Nicholas County Hospital.

Thursday, February 24, 1944

On Friday of this week, Feb. 25, the Carlisle Baptist Church is 125 years old. Perhaps no institution, business or other of Carlisle is older than the Baptist Church. Rev. Walter Warder was the first pastor and 17 members went into the original organization.

The annual 78th district basketball tournament will be held this year at Headquarters gymnasium with two games between Carlisle and Headquarters Friday, March 3.

It is reported by Boy Scouts that two buildings at Camp Black Hawk were destroyed by vandals some time during the past two weeks. Large boulders were rolled down the hills, crashing into the sides of the buildings.

BORN — To Mr. and Mrs. William Hughes, a son, Friday at the Johnson Memorial Hospital. — To Mr. and Mrs. James H. Thompson, a son, Feb. 22 at Johnson Memorial Hospital. — To Mr. and Mrs. Chalmer Whitaker, a daughter, Feb. 22. — To Mr. and Mrs. Clark

• See Memory Lane, page 3

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## Letters from our readers

To The Carlisle Mercury:

Enclosed is a check to cover my subscription for another year. My daughter and I look forward each week to receiving "our" hometown paper.

So many names and places have changed since I left Carlisle, I enjoyed many happy years teaching in Nicholas County, in the public schools and at the CCC Camp. The CCC Camp was located near where the Nicholas County High School is now.

Down Memory Lane, school activities, Emily Asbury Wolf's column and the Society page are among our favorite parts of the Mercury. The photography and the large, bright print of The Mercury are excellent!

Continued success in your weekly publication of The Carlisle Mercury.

Sincerely,
(Mrs.) Lillian Hunter Ferguson
1046 Lark Lane, Xenia, OH 45385

On down the road, Florida featured torrential rains. We left Gainesville in the morning and drove only 34 miles to Ocala and checked into another motel. It was nearly impossible to see the car in front of you.

Local news forecast possible freezing rain that night, so after a two-hour pause, we loaded up and checked out, figuring wet roads beat icy roads any day.

It was so bad at one point, our speedometer read five miles per hour. At 15 mph you were flying. But we stayed with it this time and things brightened considerably as we exited the Turnpike in Ft. Lauderdale. As I often do upon a safe arrival I said, "Thank you, Lord" and never meant it more.

It was three days before I climbed in the car again.

Who said half of the fun is getting there?

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So much for the trip. We were soon joined by friends John and Linda Soper

• See Hereabouts on page 3



# Op-Ed page

## Hang your wig on hickory stump . . . but don't go near 'before' friends

The wearing of toupees has never caught on in my community. It may be because folks here believe they could be buying back the hair of their ancestors taken in Indian raids 150 years ago. Or else nobody wants to admit he is bald.

But there is now a trend to push hair pieces to not only cueballs but anyone wanting to alter his alter ego or get on Nashville TV as a country singer. I plan to buy one if I ever become bald.

Macy's and Gimbel's have been pushing men's wigs for quite a spell. I'm told, and many stores out of the boonies are stocking up on the things. Made from synthetic fibers, Kanekalon and Dynel for the most part, men's wigs now share the qualities which have made the sale of women's wigs skyrocket in recent years. They are relatively inexpensive, usually $25 to $50 and can easily be styled to the customer's head.

"You still wouldn't look like Burt Reynolds," my wife tells me.

At that price any American boy can try.

"Young and middle-aged men compelled to keep their hair short for their jobs inevitably buy our contemporary, longer-haired models," a Gimbel's hair stylist claims. "The trend for longer hair has actually made men's wigs the success they are today. No longer is the telltale hairline of the toupeee necessary. Wigs fit completely over a man's head and, since the hair is frequently brushed forward, it is impossible to tell that the man has it on."

Maybe not in an antarctic snowstorm or from a mile down the road, but you can tell it because your natural hair and wrinkles always stay ahead of any rug you lay on your head.

The care of modern toupees is simple. A quick rinse in a mild shampoo and you can hang them up to dry on a fence post in your garden. This practice could, however, make the oldtimers nervous. They may think the Indians are back in town collecting scalps.

I am waiting until wigmakers come out with something dramatic, like corduroy or Scottish plaid styles to match my wardrobe. Color is not all that important to me. I would sprinkle gold dust through mine, as Emperor Nero did, and watch the boys down at the poolroom burn because they never thought of it first.

Roman wigmakers peddled their pieces all over the empire and even to the Gauls and Germans. In ancient Egypt, Assyria and Persia, men wore wigs to ward off the hot North African sun. The fashion reached its zenith in popularity centuries later under Louis XIII of France and Charles II of England, a couple of gay blades, who wanted to look young and virile.

Meanwhile back in the colonies, George Washington, Thomas Jefferson and John Hancock were flipping their wigs over the way the mother country was treating them. Only old Ben Franklin, a pinfeathered and a maverick in dress and loyalties, refused to hide his slick pate.

Franklin wrote: "Three things are men most likely to be cheated in, a horse, a wig and a wife." He was broken up because he couldn't look like Tom Selleck and started his own magazine called Poor Richard's Almanac so he could become the first baldie featured in a centerfold.

When you decide to go the toupee route, you collect "before" and "after" friends, I am told. But, in my case, like the fine print in a legal document, whatever the "after" friends would give me, the "before" friends would take away.

— RM —

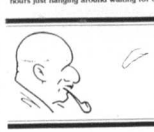
Considering that we spend more than 10 percent of our waking hours just hanging around waiting for one thing or another, it is about time someone came up with something we can do during that time to improve ourselves.

We stand in line and wait at supermarkets and banks and at the post office. We sit in chairs and wait in doctors' and dentists' offices, we wait in our cars at stoplights or in traffic jams. We wait on the telephone for the other party's answer. If you figure that we're awake 16 hours and asleep eight in each 24-hour period, that means we spend more than an hour and a half each day waiting.

In Washington, D. C., the eternal city where everyone knows everything, a lady who specializes in things like yoga and isometrics and other forms of self-improvement, says we ought to put that waiting and otherwise idle time to good use by doing various physical and mental exercises.

For instance, she says, to tone up the facial muscles, eliminate wrinkles around the eyes and discourage colds and sore throats, there is an exercise she calls "The Panting Lion."

What you do is take a deep breath through your nose and, while holding your breath, stick your tongue out as far as you can (try to touch your chin with it), and open your eyes as wide as possible. Then breathe out through your mouth while saying "Ha-a-a-a-a!" loudly.



RUSS METZ

I used this exercise once without knowing it. I was standing in a bank waiting in line and just happened to glance at my wife's bank book. As a "Panting Lion," my outburst didn't do all that much for my wrinkles, but it sure put a few in the faces of the bank folks. They said it was the first time their camera had ever photographed a customer having a forked fit.

Another time, at the checkout line at the supermarket when a woman on food stamps was about to retire me from ever seeing daylight again with her $250 worth of items in four carts in front of me, I went from my normal softshoe fidget into the "Lion" routine while doing isometric exercises against the cigarette shelf.

The supermarket manager told me his store delivers to those with afflictions, and I could call in my orders in the future.

For all its obvious benefits, I doubt that "The Panting Lion" will ever replace crossword puzzles, trading knives or telling dirty jokes as self-improvement exercises during that 10 percent of our lives.

— RM —

All the predictions for 1984 must be in now, so the tabloids sold in supermarkets will have to dream up other stunts to keep their gales going. Just in case you missed them, some of the more important ones were:

- ✓ Something interesting will happen on Feb. 27. It will make the front pages.
- ✓ Science once again will not cure the common cold, but drug companies will set a new record selling stuff they say will cure the common cold.
- ✓ Mideast factions will call for a cease-fire, cease-fire, cease-fire.
- ✓ People who have canaries should keep them in the house during June. Cats will be roaming the streets and there will be hawks in the skies.
- ✓ Daylight savings time will be most successful in Alaska this summer, when some parts of the state will have only 30 minutes of darkness each night.
- ✓ People will continue rushing into elevators before checking to see if someone might like to get off.
- ✓ A movie will be made without any special effects, sex, vulgar language or violence. Very few people will go to see it.
- ✓ Guilt feelings for people who bought Cabbage Patch dolls will continue through April.
- ✓ Chickens will begin to act peculiar in Muleshoe, Texas, around Aug. 13.
- ✓ Yardsticks will start becoming collectors' items.
- ✓ Anything made in 1884 will become an antique this year.
- ✓ The loudspeakers on stereo sets bought as Christmas presents will mercifully begin breaking down Sept. 9.

Onward, upward.

by William D. Cochrane

## C — C — C

(Continued from last week)

He was a mind reader as well and now I will confuse you some more by saying, you won't stop to figure anything out. You won't even think of it as being a part of the alphabet as such. You will record automatically.

"How did I know this? One day I sat at a table just as you are doing and said, 'that guy's nuts, this whole thing is insane.' The only difference, I was paying hard earned money in my school so I couldn't afford to quit. Then one day I picked it up, so that today I am classified as a high speed manual radio operator, a plateau that I hope some of you reach one day. In six months I will go to work with Western Union for a good salary. That is the end of my basic orientation. Take a 15 minute smoke break, go to the latrine and then we will do some work at the table."

If I live to be 950 years old I hardly think that I'll ever forget those first notes of International Morse Code that I heard through a headset clamped tightly over my ears sitting at the long table on that first day.

My first thought was "no way will I ever learn this stuff," but I did learn it and learn it well. To get into much detail of the school would be a story within itself and I think that I more or less promised to only hit the highlights of the school. It, to be truthful, was a rather grinding task of a lot of long hours but the feeling of each would make boring reading.

We did move to a new home and this is how it came about: Earlier, if you recall, I told you about the guard shining his light in our faces when we were in bed. Also, how he would slam the door upon his departure from the building. The harassment grew worse. The guard not only continued to shine his light but would shout, "Everything all right in here!" and then punctuate it with the door slam.

When we could stand it no longer, one of our number stood behind the door and when the guard opened his mouth to shout the usual phrase, closed the mouth with the hard heel of a CCC heavy brogan work shoe.

There was an investigation, but the shoe that had been quickly retrieved by the wielder was placed under the bunk, and once there all shoes looked alike when lined up. The investigation did nothing but precipitate a move to our advantage. We moved to a large white building built of lumber that housed us for lodging, school and mess. We had some arguments among us of course, even a few minor fist fights, but they amounted to nothing.

Mr. Putnam continued to be a real you-know-what, but Red Arnold made up for it by being a fine person who did most of the instructing. Only two persons failed the course and they were recommended to be held over for the next class rather than being sent back to their respective camps as failures. Buck Creel and I tied for "Top Honors" and both of us received certificates as being the "Top Operator" of the class.

I was glad it was over but I would remember these guys for many years. The things they, or we, said and did. I would remember the day that Rudy dropped our lad boy Eastman to the floor with just one punch...of conking that guard on the head with a brogan shoe...of Red Arnold drawling, "Aw come on Cock-ern you can get it"...of