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DESCRIPTION: No ltr of trans rec'd				ENCLOSURES: DEPOSITION OF HOLT MACPHERSON, notarized 1-30-74			
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ATOMIC ENERGY COMMISSION



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In the Matter of

DUKE POWER COMPANY

(Cronoe Units 1, 2 and 3,
McGuire Units 1 and 2.)

Docket Nos.

- 50-259 A
- 50-270 A
- 50-287 A
- 50-369 A
- 50-270 A

High Point, North Carolina

January 24, 1974

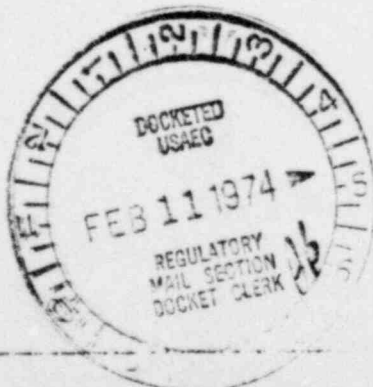
2:00 o'clock P. M.

APPEARANCES:

WALK, FARRAMER & BOSS, by
THOMAS W. LEWIS, ESQ., of counsel,
appearing on behalf of Duke Power Company.

TALBY & TALBY, by
J. C. TALBY, JR., ESQ., of counsel,
appearing on behalf of the Intervenor.

ROBERTSON, WALKER & BROWN, by
HORACE S. BROWN, ESQ., of counsel,
appearing on behalf of the Intervenor.



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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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Holt MacPherson	4			
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1 Deposition of NOLIE MACPHERSON, taken by the
2 Interveners for the purpose of discovery and for use as
3 evidence in the above-entitled cause in the Matter of
4 DUKE POWER COMPANY (Oconee Units 1, 2 and 3, McGuire Units 1
5 and 2), Docket Nos. 50-269 A, 50-270 A, 50-287 A, 50-369 A,
6 50-370 A, pending before the United States of America Atomic
7 Energy Commission, pursuant to notice, before CHESTER L.
8 HOLLIFIELD, Certified Verbatim Reporter, and a Notary Public
9 in and for the County of Guilford, State of North Carolina,
10 in Room 202, City-County Building, High Point, North Carolina,
11 on the 24th day of January, 1974, commencing at 2:00 o'clock
12 P. M.

13
14
15 MR. BRUNNER: Prior to the commencement of
16 this deposition, there was a discussion among counsel
17 for the parties and counsel for Mr. MacPherson and it
18 was agreed that, contrary to the prevailing practice
19 in this series of depositions, this deposition, in
20 accordance with the rules of practice of the Atomic
21 Energy Commission, will be submitted to Mr. MacPherson
22 for his review and signature prior to admission to
23 the record in this proceeding.

1 Thereupon:

2 HOLT MACPHERSON

3 a witness called pursuant to notice, being first duly sworn
4 in the above cause, was examined and testified on his oath
5 as follows:

6 DIRECT EXAMINATION

7 Q (By Mr. Tally) Mr. MacPherson, please state your
8 name and residence address.

9 A Holt MacPherson, Post Office Box 2007, High Point,
10 N. C., 27261.

11 Q How many shares of stock do you own in Duke Power
12 Company, Mr. MacPherson?

13 A None.

14 Q Have you ever owned any?

15 A I believe my wife owned some shares; and a company in
16 which I am interested owned some shares, but none now.

17 Q Does your wife own some now?

18 A No.

19 Q Does the company you refer to own any now?

20 A No.

21 Q When did your wife sell the last of her shares in
22 Duke Power Company?

23 A It has been several years ago, and I do not recall the
24 date or the number of shares sold.

25 Q How long ago was that?

1 that.

2 Q Do you recall whether it was prior to 1971 that the
3 shares were sold by your wife or yourself?

4 A I would think it was prior.

5 Q I beg your pardon?

6 A I would think it was prior.

7 Q Yes, sir. And how about in the case of the company
8 with which you say you are associated?

9 A They were cleared out last year.

10 Q In 1973?

11 A Yes, sir.

12 Q How many shares were there?

13 A Two hundred.

14 Q Two hundred?

15 A Originally a hundred, and a hundred stock dividend,
16 I believe that was.

17 Q Mr. MacPherson, state---

18 A And it wasn't just Duke that was cleared out; it was
19 the whole account that was cleared out.

20 Q What is your business address now, Mr. MacPherson?

21 A I have no business address. I am retired.

22 Q You are still associated in some capacity with the
23 company based in this city called the High Point Manufacturing
24 and you recall

25 I recall that the company was in the city of High Point, North Carolina.

1 writer basis.

2 Q Yes, sir.

3 A And at their request I have agreed to carry that on
4 for a while; I don't know how long. But that's it. I have
5 no office there; I have no official connection with the
6 paper; I am not on the payroll. I sell to other publications
7 besides them.

8 Q How often on the average nowadays does your column
9 run in High Point?

10 A Usually four times a week.

11 Q Would you detail for us, going back from the day
12 when - you have a free lance column that appears about four
13 times a week now - go back over your career with the High
14 Point Enterprise to the time when you first had any
15 connection with them?

16 A Well, that goes back to the opening of World War One.
17 I sold extras at the age of seven.

18 Q Would you proceed from that?

19 A Well, that's a long story.

20 MR. HANCOCK: Well, if I may interpose an
21 objection. I don't see how that has much to do
22 with the purpose for which this deposition is to
23 be taken, relative to the planning and conduct of
24 the 1933 campaign of the High Point Enterprise.
25 I will withdraw the question, if I may.

1 MR. TALLY: Mr. Hollifield, let's go off the
2 record for a moment.

3 (Discussion off the record.)

4 Q (By Mr. Tally) Mr. MacPherson, we are now going on
5 the record and I would like for you to pick up just when you
6 became a salaried employee or a management official and go
7 on with your career from that point.

8 A Well, I became a carrier boy after that and I became
9 assistant to the circulation manager while in school. I
10 worked through every department of the newspaper. You
11 couldn't call what I got a salary, hardly, but I was
12 satisfied. And if I had my life to live over, I would go
13 into the newspaper business again.

14 But then I went to the University and I graduated
15 there, came back and became a news reporter and news editor
16 of the paper at \$25.00 a week.

17 Q About what year was that, Mr. MacPherson?

18 A 1926. Three years later I became editor and edited
19 the paper until my wife's health broke in 1937 and we went
20 to Fort Lauderdale, Florida, where she remained for health.
21 I bought an interest in the Shelly Kelly Star and was there
22 for several years as a part owner and manager, then
23 president, a little bit of everything. The company was
24 owned by Mr. Kelly, and I was the only one who was
25 a part owner.

1 Then in 1952 I came back here as editor and continued
2 as editor until January 1, 197¹/₂. Then I retired.

3 Q Mr. MacPherson, do you now own any interest, by way
4 of stock or otherwise, in the High Point Enterprise?

5 A None. Never have owned any. Just two families own
6 that paper.

7 Q Yes, sir. Do you own any stock or interest in any
8 radio or TV stations serving High Point?

9 A No.

10 Q Do you own any stock or other interest in a TV or
11 radio station serving Statesville, North Carolina?

12 A No.

13 Q Shelby, North Carolina?

14 A I own an interest in the Shelby station.

15 Q How long have you owned that?

16 A Twenty-six years.

17 Q Is there any other town in this area in which you own
18 an interest in a TV or radio station?

19 A No.

20 Q What year did you remove your residence from High Point
21 and return to residence in High Point?

22 A 1952.

23 Q What date in 1974 or 1975 did you remove your
24 residence from High Point?

25 A January 1, 1975.

26 Q Did you ever own any stock or interest in any
27 radio or TV station serving High Point?

28 A No.

1 like to interpose an objection on behalf of the
 2 Applicant to this line of questioning on two grounds.
 3 First, we contend that this line of questioning, as
 4 we anticipate, will intrude into an area that we
 5 feel is irrelevant to this proceeding under the
 6 Noerr-Pennington Doctrine that we discussed
 7 previously. Secondly, we feel that you have failed
 8 to establish an appropriate relationship or nexus
 9 between this inquiry and the subject matter of the
 10 proceeding.

11 This objection will continue until such time
 12 as I indicate it is not in effect.

13 MR. TALLY: Let the record show that counsel
 14 for the Intervenor is willing to stipulate, and does
 15 now do so, that such objection will continue
 16 throughout the remainder of the course of this
 17 deposition or until such earlier time as it is
 18 withdrawn.

19 Q (By Mr. Tally) Would you answer the question, Mr.
 20 MacTheisen: about what date in 1977 or '78 did you learn
 21 your candidacy for mayor of King County?

22 A Sometime in late 1977, or early 1978.

23 Q Do you recall also from 1977 or 1978 that you were

24 about

25 A I recall that in 1977 or 1978 I was involved in

1 sure of it.

2 Q Within a month or two after the time you mentioned
3 that you announced?

4 A Well, I filed near the limit of filing.

5 Q Did you discuss your candidacy with any official of
6 Duke Power Company?

7 A No, sir.

8 Q Did any official of Duke Power Company discuss your
9 candidacy with you?

10 A No, sir.

11 Q I suppose over all the years you were here that you
12 came to know a good many senior officials of Duke Power
13 Company; is that correct?

14 A Some.

15 Q Mr. MacPherson, let me run down now - just as a
16 prelude to my question, let me run down a list of names -
17 if you knew any of these officials in the slightest degree
18 or most intimate degree, you can explain that later; but
19 just tell us yes or no in answer to the list as I give them
20 to you.

21 Before you run down names, did you interview Mr. MacPherson?

22 A Do you mean just a "yes" or "no" or "did he say," or
23 that?

24 Q Answer "yes" or "no" or "did he say," or "did he not say,"

1 A Yes, sir. Slightly.

2 Q All right. Did you know Mr. William McGuire, the
3 then president of Duke Power Company?

4 A Yes.

5 Q Did you know Mr. B. B. Parker?

6 A No.

7 Q Did you know Mr. Douglas Booth?

8 A This was prior to the election?

9 Q Yes, sir.

10 A No.

11 Q Did you know the chief engineer of Duke Power Company
12 at that time?

13 A Who was it?

14 Q I would like to ask you.

15 A I don't know.

16 Q Did you know Mr. Franz Boyer, B-o-y-e-r?

17 A No.

18 Q Do you recall so that you could name this afternoon,
19 Mr. Madhous, any of the senior officials of Duke Power
20 Company in Charlotte that I have not asked?

21 A Oh, I used to know Thomas Cooks, but that was a long
22 time ago.

23 Q What was his position?

24 A I don't know.

25 Q Did you know any other senior officials of Duke Power Company
26 in Charlotte?

1 A One that is now retired: Paul Lucas; I know him.

2 Q What was his position?

3 A He was a vice president, I think. Then there was a
4 man that I once knew, and still know; I'm on a committee with
5 him, the Shrine Bowl Committee, Jeffreys. He's with the
6 Mill Power, which is a subsidiary.

7 Q Yes, sir, Mr. Jeffreys. Anybody else?

8 A I don't think of anybody else.

9 Q If I suggested that a principal---

10 A John Hicks, an attorney there, I know him casually.

11 Q I imagine you saw John a good many times in Raleigh
12 and here and everywhere?

13 A Yes. He gets around, particularly at Legislature time.

14 Q If I suggested that a principal engineer of Duke
15 Power Company in the year before you ran for mayor and the
16 year you ran was W. S. Bill Lee, would you recognize that
17 name?

18 A Only through the press. I didn't know him. Don't
19 know him.

20 Q Are those the only names you can think of at I

21 A I believe so.

22 Q How do these names compare with you about the
23 company?

24 A Yes.

25 Q And you didn't talk to him?

1 A No.

2 Q Did any of the local managers or agents of Duke Power
3 Company in or around the vicinity of High Point?

4 A I never saw or heard anything from them.

5 Q Now, Mr. MacPherson, are you aware that the law
6 obtaining in 1970 and '71, as today, asks for reports on
7 campaign expenditures of candidates for mayor?

8 A I suppose so.

9 Q Did you file such a report?

10 A No. I think though that the - I took it to be the
11 responsibility of township chairman.

12 Q Do you know whether such a report was filed?

13 A I don't know.

14 Q You in any event don't have a copy of such a report?

15 A Oh, I saw the listing of campaign contributions and
16 expenditures, but I don't have a copy of that.

17 Q Are you personally acquainted with any lawyers in
18 High Point or Guilford County who, to your knowledge,
19 represent Duke Power Company?

20 A The firm of Robinson, Harwood, and Brown, Mr. Brown is
21 the senior member of that firm, is my personal attorney -
22 long-time friend; he brought me the report.

23 Q Do you know, as your own counsel, if your firm is
24 responsible in any way for the report or its contents?

1 Q Do you know---

2 A City or county?

3 Q Yes, sir, the City of High Point or County of Guilford.

4 A No.

5 Q Do you know personally of any contributions made by
6 any lawyers representing Duke Power Company to your campaign
7 for mayor?

8 A None whatsoever.

9 Q Do you know of any contributions made by any local or
10 regional manager or agent of Duke Power Company?

11 A None whatsoever. I saw the whole list and they are
12 not on it.

13 Q But you don't have a copy of that list?

14 A No.

15 Q Could you furnish a copy of that list?

16 A I don't know. I'll see if I can find one.

17 Q Do you keep a file of all of your editorials and
18 columns going back over the years?

19 A No. They are on microfilm but I have not had them
20 microfilmed.

21 Q Is it true, Mr. Mackintosh, that you expect to
22 retire or to be laid off in the near future? If so, would
23 you be available to be interviewed for a newspaper article
24 about your work in the community?

25 A Yes, I would be available for an interview.

26 Q Thank you very much for your time and cooperation.
27

1 you understand EPIC to be, so that whenever anything ever
2 comes out of this they will know what we are talking about?

3 A It's a group of cities with their own electric
4 distribution systems, plus some cooperating societies who
5 contribute to the EPIC or the funds for its operation.

6 Q How many editorials and/or columns would you say that
7 you wrote---

8 A I have no idea.

9 Q ---during that year or so?

10 A I didn't wear it out.

11 Q You never wrote one in favor of EPIC?

12 A Well, I don't recall it. But I didn't succeed in
13 dissuading this city from joining in what I thought it
14 should not be in.

15 Q Mr. MacShorson, are you aware that the City of High
16 Point was at that time also engaged in a proceeding or case
17 in the Atomic Energy Commission of the United States against
18 Duke Power Company?

19 A In association with the others, yes.

20 Q Did you also approve that?

21 A I don't remember that I did. If any have.

22 Q How don't you remember that you ever wrote anything
23 discusable to that?

24 A I don't remember that I did.

25 Q I don't remember that I did.

1 A No, I don't. I don't think I ever had any reason to.

2 Q In your last residency here before your retirement
3 as editor, how many years were you editor of the paper?

4 A A little over 20 years.

5 Q On the average, how many times a year did any official
6 of Duke Power Company come by the newspaper building and
7 talk with you on any matter?

8 MR. BRUMBER: Mr. Tally, I have to object
9 to that question. There is no apparent relevance
10 to the matter at inquiry, and it's an obvious
11 function of Duke Power Company to stay in touch
12 with local newspaper editors.

13 MR. TALLY: Well, you have your objection
14 noted, and then I would like to ask him to answer it.

15 MR. HAWORTH: I would like to interpose the
16 same objection.

17 MR. TALLY: I think you both should.

18 Q (By Mr. Tally) How would you answer the question,
19 Mr. Malhearn?

20 A Well, there were occasional visits, as there are for
21 various organizations and operations and individuals in
22 public relations programs, but it was not on a regular
23 basis.

1 stream of people through that office. I had to do my writing
2 at home because I couldn't get time to write at the office.
3 And it may have been that one came, but I do not recall it.

4 Q Mr. MacPherson, had you run for any political office
5 before running for mayor here?

6 A No, sir.

7 Q Did anyone suggest that you should run for the office
8 of mayor here?

9 A In my column--- I disliked the fact that the Democrat
10 didn't offer a candidate for mayor the two years before, and
11 the Democratic party was in a pretty poor state of
12 organization. And I made one statement, that I wish I hadn't
13 made, that if nobody else would run, I would. I was living
14 in Davidson County. I said if nobody else would make that
15 race, I would move into the city and run myself, but
16 somebody was going to head the Democratic ticket. They
17 couldn't get the people that they wanted to head it and they
18 said - some of the leaders of the party said, "You said you
19 would run if nobody else would run. Now you run."

20 So I moved into the Sherman hotel and I made the
21 race and I got beat, and that's the end of it.

22 Q Where had you lived before you moved to Davidson
23 County?

24 A I had a home on 4th and 1/2nd streets in Davidson.

25 Q How long had you lived there before you moved to Davidson
26 County?

1 there for about eleven or twelve years. And I, anticipating
2 my retirement, I had arranged to build a cottage and give to
3 the Presbyterian Home. I thought that might give me a bit
4 more of a footing than just the room at the Sheraton Hotel -
5 although Dick Reynolds moved into the Robert E. Lee Hotel
6 and won. But I wasn't Dick Reynolds.

7 Q You're going back a long time now. I remember that.

8 A And we moved into the cottage when it was completed
9 and we've been living there ever since.

10 Q Who was your campaign manager?

11 A Didn't have one.

12 Q You were your own manager?

13 A Well, I told you we had a very poor organization.

14 Q Did you have a committee, Mr. MacPherson?

15 A There were three or four or five people who gathered
16 around and worked very faithfully, but I couldn't find any
17 organization.

18 Q What was about the total cost of your campaign as you
19 filed it? You said you saw the list.

20 A I think it was about \$2,000.00, of which I gave \$500.

21 Q And this was spent over a period of a month?

22 A Something like that. Mostly on bills and advertising
23 advertising.

24 Q In that time, Mr. MacPherson, did you have any other

25 bills, \$500.00, of which I gave \$500.00.

1 campaign contributors and your expenditures, if you can?

2 A Yes, if I can get it.

3 Q And will you attach the exhibit to your testimony?
4 I am entirely willing to leave it that way. I don't want
5 you to go to a great deal of trouble but if you and Mr.
6 Haworth can, I understand on the record that you will try
7 and append it as an exhibit.

8 MR. TALLY: Then I have no further questions.

9 MR. BRUNNER: I have no questions.

10 AND FURTHER DEPOSEMENT SAITH NOT.

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J. L. [Signature]
(Signature of Witness)

Subscribed and sworn to before me
this 4th day of January, 1974.

Barbara B. Filcott
Notary Public

My Commission expires: October 19, 1977

CERTIFICATE

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STATE OF NORTH CAROLINA)
)
COUNTY OF GUILFORD)

I, CHESTER L. HOLLIFFIELD, Certified Verbatim Reporter, and a Notary Public duly appointed and qualified in and for the County of Guilford, State of North Carolina, do hereby certify that, pursuant to notice, there came before me on the 24th day of January, 1974, in Room 202, City-County Building, High Point, North Carolina, the following named person, to wit: EGLE MACKERSON, who was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon examined upon his oath and his examination reported by me and carefully reduced to writing under my supervision, and that the deposition is a true record of the testimony given by the witness.

I further certify that on the _____ day of _____, 1974, I placed in the United States mail at Greensboro, North Carolina, postage prepaid, the within copy of this deposition, addressed to Maurice E. Bryant, Jr., Attorney, Lawton & House, Post Office Box 1130, High Point, North Carolina 27631, for the signature of the witness.

I further certify that I am a duly qualified and sworn Notary Public in and for the County of Guilford, State of North Carolina, and that my commission expires on _____, 1974.