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Letter To Editor
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rules that are set up. I am sure that you understand a club is something to be proud of.

The adults have their Kiwanis clubs, their Lions clubs, and there is also the Masons! All of them are proud of their clubs. For it is something to be proud of for them.

A club was set up on Pomona, Calif. with the result of all racing to be done only on their official "drag strip," which was set up by official recognition of the people of that city. A police officer is president of their Hot Rod Club. His name is Bud Coons. I will get a letter off to him in the next few days and have him to send you his detailed procedure on his course of action.

So for the sake of this generation and the next, try to solve it in this manner! Talk to some company who builds highways and get his estimate on the cost of such a "drag strip." It could be paid for in about two years by the teen-agers and all the people that use it. Or you could sell bonds on it.

All I ask is that you think it over. There are advantages and disadvantages. The advantages more than make up for the disadvantages. I think! Give these racers a "playground." Keep them off the highways and especially out of our prisons. We want citizens, not criminals! And that is what prison will do for them. Give them their "drag strip" and make them better citizens.

Get some of the teen-agers to talk with you on this subject. And let everyone know about it. It

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W. H. F. Millar
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the change in me. To me, there is an alarming lack of judicial capacity among all members of the Court. If you are skeptical of this, look at the lack of unanimity in their opinions. When we had Jurists on that bench there was seldom a dissenting opinion—all good legal minds thought alike—they followed adjudicated principles.

"On many occasions during recent years the Supreme Court has to all intents and purposes usurped the power of Congress and the States to amend the Constitution. The abuse of power was made manifest long before the decision in *Brown vs. Board of Education*, which repudiates, solely upon the basis of psychology and sociology, the interpretation placed upon the 14th Amendment in respect to racial segregation by Federal and State courts, the Congress itself, and the executive branches of the Federal and State governments throughout the preceding 86 years. Time does not permit me to cite all the cases supporting my present contention. I mention only one, namely, *Williams vs. North Carolina*, where the majority of the Court altered the meaning of the full faith and credit clause of the Constitution by overruling the holding of *Haddock vs. Haddock* to the effect that a State court, even of the plaintiff's domicile could not render a judgment of divorce that would be entitled to Federal enforcement in other states against a nonresident who did not appear and was not personally served with process. In so doing, the majority of the Court held, as the late Justice Jackson asserted in his dissenting opinion, that 'settled family relationships may be destroyed by a procedure that we would not recognize if the suit were one to collect a grocery bill.'

"In addition to its revolutionary decisions on constitutional and statutory subjects, the Supreme Court has substantially impaired the doctrine of *stare decisis* (the decision stands) and the stability of the law

of the land which this doctrine formerly insured by overruling, repudiating, or ignoring its established precedents of earlier years. Former Justice Owen J. Roberts, a recent member of the Court, and then one of two survivors of the Nine Old Men, in 1944, made this comment in this connection in his dissenting opinion in *Smith vs. Allwright*: 'The reason for my concern is that the instant decision, overruling that announced about nine years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket, good for this day and train only. I have no assurance in view of recent decisions, that the opinion announced today may not shortly be repudiated and overruled by the justices who deem they have new light on the subject. In the present term, the Court has overruled three cases.' Not long after that Roberts resigned in disgust.

"It must be added, moreover, that the Supreme Court has handed down numerous decisions which place limitations on the power of the several States wholly inconsistent with the constitutional principle that the States of the Union are indestructible. This is particularly true in the field of criminal law. By their virtual abrogation of the doctrine of *res adjudicata*, these decisions make it extremely difficult for the States to enforce their own criminal laws against their own citizens in their own courts.

"To satisfy these decisions, some States have been compelled to enact statutes providing for post-conviction hearings, which, in plain English, permit the accused to try the State court after the State court has tried the accused.

"Other decisions of the Supreme Court sanction a practice by which the lowest court of the Federal judicial system, to wit, the United States District Court, can set at naught the decisions of the highest court of a State. This practice seems particularly ironic and indefensible in the light of Alexander Hamilton's explanation as to why the Supreme Court was invested with original jurisdiction in cases 'in which a State shall be a party.' His explanation was as follows: 'In cases in which a State might happen to be a party, it would ill suit its dignity to be turned over to an inferior tribunal.'

"The question naturally arises: Why does the Supreme Court of the United States prefer to make constitutions and laws rather than interpret them?

"The answer to this question appears in the assurance which Alexander Hamilton gave to the States when he was urging them to ratify the Constitution. It is simply this: The majority of the members of the Supreme Court during recent years have been either unable or unwilling to subject themselves to the restraint inherent in the judicial process.

"When all is said, it is not surprising that this is so. The custom of past generations of appointing to membership upon the Supreme Court men who have worked long and laboriously in the administration of justice either as practicing lawyers or as State judges, or as judges of Federal courts inferior to the Supreme Court, has been more honored of late in its breach than in its observance.

"The Supreme Court, standing firm and adamant as a bulwark protecting the constitutional rights of

MARGARET TRUMAN AND FIANCE



MARGARET TRUMAN is shown in New York with Clifton Daniel Jr., a news correspondent, as their engagement was announced by former President Harry Truman in Kansas City, Mo. He said they would be wed next month in Independence, Mo. The exact date had not been set. Rumors of the romance followed a week-end visit of Miss Truman to members of Daniel's family in Zebulon, N. C. Daniel has been assistant to the foreign editor of the New York Times, since returning from an assignment as Moscow correspondent. (International)

citizens and of the States, had refused to go along with the New Deal thinking and had the temerity to hold several of the New Deal Acts to be unconstitutional—I am not criticizing the Roosevelt administration—many of its acts are praiseworthy—but some of its schemes were clearly unconstitutional.

"This irked the Administration and it began to deride the Supreme Court and to talk about the 'Nine Old Men' as if they were in their dotage. Then the political clamor arose to pack the Supreme Court. Congress could have increased the number of judges—I think they talked about 25.

"About that time the constitutionality of the Wagner Act (forerunner of the Taft-Hartley Act) was up for consideration. That Court, in one of the then rare cases of a lack of unanimity on the bench, split five to four and in an opinion written by Chief Justice Hughes, held the Act to be constitutional. This shocked many lawyers—it shocked me. In later years as I re-read the opinion, I am satisfied Hughes was right.

"The clamor then to pack the Court subsided somewhat although the pressure was on for the judges to resign, the threat being that the Court would be packed—obviously not with jurists but with political appointees. I think it is significant that since that time not a single appointment to the Supreme Court has been of a man of eminent judicial attainments—the attributes described by Alexander Hamilton. Rather they have been of politicians defeated for re-election or those to whom someone owed a real or fancied political obligation.

"Why do Presidents ignore the numerous servants of the law who have performed years of devoted judicial service on State courts and on Federal courts inferior to the Supreme Court, when they are called upon to make appointments to the Supreme Court? We have many ably fitted to become outstanding members of the Court.

"These facts are significant, and

Prisoner Hurt In Wreck Gets Term Reduced

A Haywood County convict whose skull was fractured in a prison truck accident has received a reduction of one year in his sentence, the State Board of Paroles announced today.

The board said Gov. Hodges granted the commutation to Gene Watts, injured when a prison truck overturned while en route from Waynesville to Asheville.

Watts, 29, was sentenced from Haywood County last December to

Chamber To Take Orders For Dogwood

Orders for dogwood trees will be taken again this year by the Chamber of Commerce, according to Ned J. Tucker, executive vice president, who said that all orders must be in by Wednesday noon, March 28.

Available for planting are pink dogwood in three sizes and price ranges and one size of white dogwood.

Pink dogwoods ranging between three and four feet high cost \$3.25 each, those from 30 to 36 inches high are \$2 each, and those from 24 to 30 inches high are \$1.50 each. White dogwoods from four to

New TV Signal Seen For Area

Officials of WSPA-TV, Spartanburg, have announced they hope to be on the air within six to eight weeks.

Walter Brown, president, said the FCC gave the station a "green light" to go on the air, and he added, "we will do all in our power to get on the air as soon as possible."

The construction has been delayed by court action for the past two years, and now will push for early operation, Brown explained.

The Spartanburg antenna will be on the same mountain as the Greenville TV station, and will be channel 7.

Local television technicians said that homes that can now get Greenville (NBC) should be able to get a good Spartanburg signal, which will be a CBS affiliate.

five feet high are \$2.50 apiece. The dogwoods will be delivered to Waynesville on Saturday, March 31.

Can't Get Rid of Your Cold?

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will do some good!
 A fellow citizen,
 Freddie F. Wright
 San Francisco, Calif.

7-10 years for breaking, entering and larceny and forgery. The commutation cut the sentence to 6-9 years.

"We can put into the Constitution that check which Hamilton persuaded the Convention to omit. So amend Constitution so as to insure that in the future only men will be selected for service upon the Supreme Court who possess those qualifications which Alexander Hamilton said fitted men for the station of judges, and because of their ability and willingness to subject themselves to the restraint inherent in the judicial process. Interposition and manifestos are stop-gaps. Let's attack the cause. Pol Candidates.

"Having in mind that such an amendment must first be adopted by a 2/3rds majority of both Houses of Congress and later ratified by 3/4ths of the States, in my opinion, it would be folly to base such a campaign on outrage at the segregations cases. You could never get 3/4ths of the States to ratify that, but there are many other cases (any competent lawyer can find a score) where the Supreme Court has changed the law, amplified the Constitution and usurped the powers of the States, that a good case can be made out without specific reference to the segregation cases. We must do something about it.

"In these remarks, I am a very feeble voice crying out in the wilderness—a wilderness of doubt and confusion. I offer as an excuse that I was trained to uphold the Constitution, I have sworn to do so both as a lawyer and as a soldier—I love it and I know that of the Supreme Court, overruling precedents of long standing, abridging State's rights and virtually amending the Constitution in

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