

THIS IS THE LAW



A Weekly Series of Articles by Charles W. Daniel for the North Carolina Bar Association

school term began; (c) and had been denied the right to attend the particular school.

2. Once over this hurdle, the court would then consider evidence from the following angles.

(a) Whether the State legislature and local school districts had sufficient time in which to reorganize for de-segregation; (b) whether there had been "good faith" on the part of school authorities in the particular case; (c) as to what recommendations had been made by local "racial committees"; (d) as to school administrative problems existing at the time; (e) whether there was "such a strong degree of public hostility to the granting of the petition for admission" as to threaten a disruption of the school system; (f) as to the good faith of the applicant, himself, in bringing the petition.

The Court could, after weighing all the evidence, decide to: 1. Order the applicant admitted to the school; 2. Dismiss his petition; or 3. Order the application held in abeyance and set a time for rehearing the matter.

All of this is the course of action which the State of Florida Supreme Court will suggest to the United States Supreme Court. Whether the Court will adopt it, or some similar course, is speculative at this stage.

It is probable, however, because of the united position taken by affected states (for adequate time and considerable local administrative authority) that the Supreme Court in its ultimate decree will adopt some sort of plan allowing gradual desegregation. It is probable, also, because State legal and administrative structures must be revised, public acceptance must be gained, and because there are wide variations of custom and tradition even

within a State.

Tar Heel Position
Speculation is that the 1955 North Carolina General Assembly will not act on the matter because of the public stand taken by both Governor Hodges and legislative leaders. One veteran legislator said that to act before the final Supreme Court decree is issued would be "leaping in the dark." As indicated earlier, the Court's decision is not expected before late Spring.

The North Carolina Baptist Convention a few days ago refused to take an outright stand on the issue. The Baptists adopted a resolution, the meat of which was: "The crux of the Christian attitude is to view other humans as being of equal worth, and thus worthy of equal rights and responsibilities, until these persons prove themselves unfit for rights and responsibilities. . . ." The resolution referred to the problem as "a bi-racial matter."

The Rt. Rev. Edwin H. Penick, bishop of the North Carolina diocese of the Episcopal Church — a denomination which has never practiced segregation — declared that he "hopes" the Court will allow each section of the nation time to act on the ruling.

"God is expecting us to find the answer to the social humanitarian question that fell on us like a mountain with the Supreme Court's decision last May," he said. "We don't want to be ostriches and we don't intend to be cowards. Here it is now confronting us face-to-face, calling for an answer — the right answer, and we'd better not make a mistake."

"It won't be solved by extremists, radicals, pressure groups or impractical idealists," he said.

Strong Point
A strong point in the North Carolina argument for time and local authority, taken from the Attorney General's brief, is:

"Of course, this (Supreme) Court may not allow its decisions as to the interpretation of the Constitution to be guided by public opinion, but, in determining the decree to be issued, a court of equity is not required to shut its eyes to reality, especially when the victims of an unwise decree will be children. . . ."

DE-SEGREGATION IN SCHOOLS

Oral arguments on the Supreme Court's school de-segregation decision are set to begin in Washington soon. North Carolina, among other states, filed a brief and Dr. I. Beverly Lake, assistant attorney general of North Carolina, is expected to make the oral argument for this State.

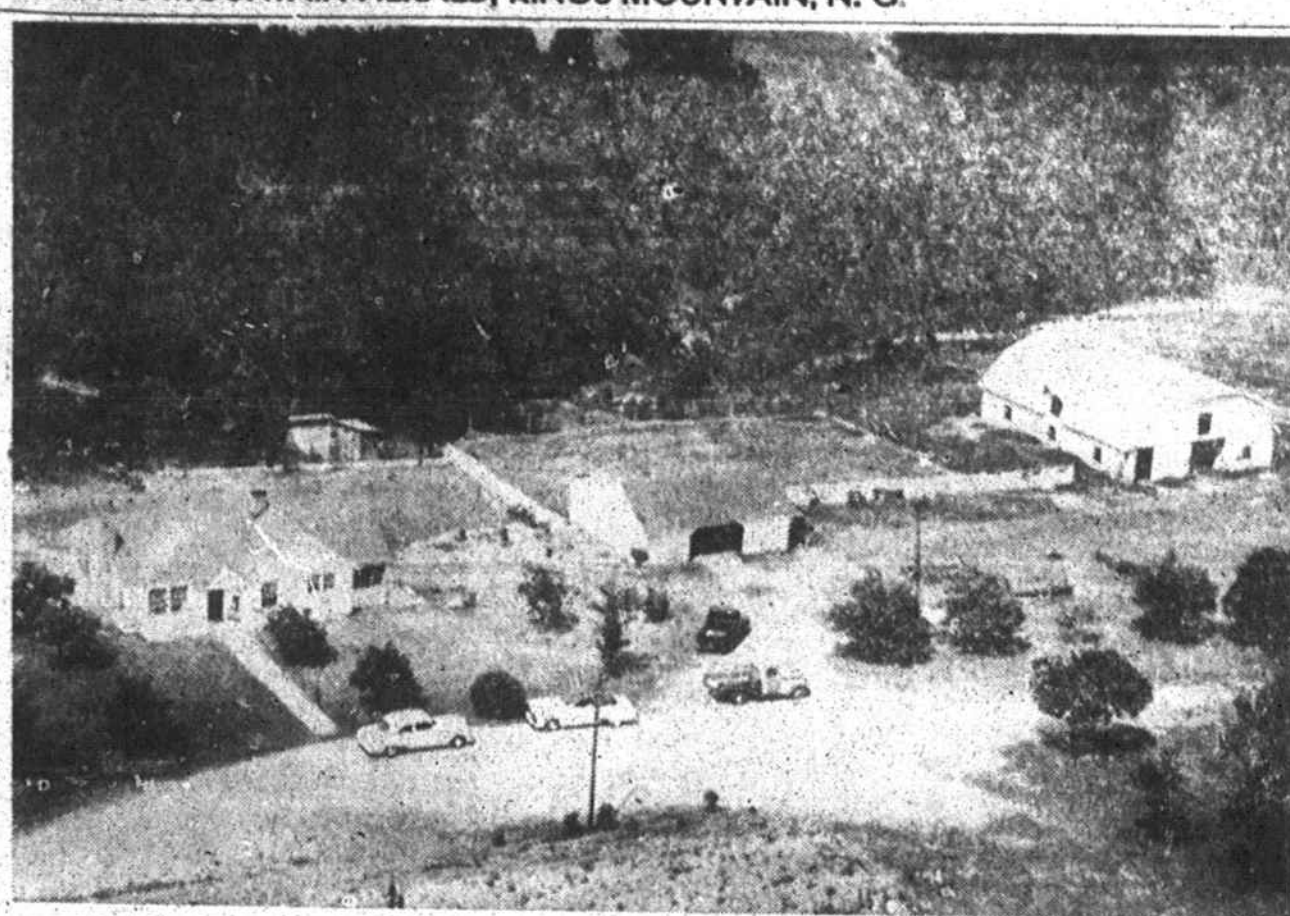
Gist of the arguments from affected states is that unless plenty of time is allowed for integration, and much administrative authority is left to the discretion of local school units, the entire public education system will be threatened.

It appears safe to speculate that the Supreme Court will place authority to handle future de-segregation problems in the laps of District (local) Federal courts. Under what specific plan, or rules, this may be done probably will not be known for some months yet.

North Carolina will not suggest to the high Court a specific plan to be followed.

Florida, on the other hand, will make definite recommendations as to how the problem should be treated in the district courts. The Florida suggestion is that District Courts use the following procedure in future school de-segregation cases:

1. Require the individual seeking relief in the court to show — (a) That he lived in the proper school district; (b) had made application for admission before the



MYSTERY FARM NO. 12 IDENTIFIED — Herald Mystery Farm 12 is no longer a mystery. The farm published for two weeks in the newspaper and only identified last Thursday, is owned by Fred Homer Falls, Bessemer City farmer. Thomas Meacham made the correct identification.

MANY FACES RED AS BESSEMER CITY FARMER IS NAMED OPERATOR OF MYSTERY FARM NO. 12

Mystery Farm No. 12 is no longer a mystery and a Herald staffer's face is slightly red.

On second look in the edition of November 25th, Thomas Meacham, husband of Mrs. Lafayette Davis Meacham of the Herald staff, identified the farm — which had stumped such experts as Dr. J. F. Mauney, County Agent Howard Clapp, and Feed Dealers Ted Ledford and Hal Ward — saying the farm is operated by Fred Homer Falls, of Bessemer City, which proved absolutely correct.

Mrs. Meacham passes the farm frequently, but until her husband identified the mystery picture, light failed to dawn.

Herald readers have been naming mystery farms successfully since the feature began on September 2 before bumping into No. 12 and a stone wall. None could identify the farm, though several readers had motored through the area without noticing a farm resembling the Falls place. One reader said she thought the farm might be in Gaston county, others commented that the photographer (Zekkan-Robbins, Harlan, Iowa) had sent the newspaper the wrong photograph.

Mrs. Meacham said Thursday morning that her husband had identified the farm Wednesday night, after noticing the picture in the paper the week before and remarking that "It looked familiar." Mr. Meacham and Mr. Falls are employed by the same company, Kincaid Pontiac Co., Bessemer City.

The 80-acre farm is located one mile south of Bessemer City on South 14th st. extension. It was purchased in 1938 by Mr. Falls for his father, P. C. Falls from C. C. Carpenter. A new home, now occupied by the Falls, was built

at the site in 1942.

A native of Cleveland county, he is the son of Mr. and Mrs. Phillip Falls. He worked in Kings Mountain from 1927-1930 before moving to Bessemer City. Mr. Falls has been shop foreman at Kincaid Pontiac Co., Bessemer City, for 20 years.

He was married in 1928 to Miss Ruby Kincaid. They have two sons in the service, Richard, in the Marines at Camp Pendleton, New Jersey, Crowder, in the Marines at Santa Anna, California, and a daughter, Jane, age 9.

The Falls family attend Bessemer City's Odell Memorial church. Mr. Falls is a member of the Gaston County Farm Bureau. Operator Falls named hunting as his favorite hobby. Upon retirement, he said he planned to continue with cattle farming.

Despite the serious drought, U. S. D. A. officials expect this year's total farm output to be only two per cent below the highest record.

Randolph Enlists in Marine Reserve

CHARLOTTE — Barney James Randolph, son of Mr. and Mrs. Jesse Randolph, route 1, Kings Mountain, has joined the Charlotte Marine Reserve unit at a private. Private Randolph is employed at the Kincaid Esso Station of Bessemer City.

The new member of the Charlotte unit will undergo a basic military training period of three months. The training is conducted every other Sunday afternoon at the Marine Reserve Center, in Charlotte. Upon completion of his basic training, Private Randolph will be assigned to a motor transport platoon where he will receive instructions in the operation of the latest type military vehicles.

The new member of the Charlotte unit will accompany the group on annual summer training maneuvers to be held during

Two Local Sailors in Navy Operation

ATLANTIC FLEET (Continued) — Two Kings Mountain, N. C., men, Delvin S. Huttstetter, hospital corpsman third class, USN, husband of Mrs. Gloria P. Huttstetter, aboard the landing ship dock USS Donner, and Van M. Sellers, seaman, USN, of route 3, aboard the amphibious force flagship USS Adirondack, have participated in the year's largest Atlantic Fleet Training exercise coded for brevity as "LAWT-FLEX 1-55."

The fleet exercise extended over much of the Eastern Atlantic, and culminated in an amphibious assault on Onslow Beach, N. C., November 15-20. Some 50,000 Navy and 26,000 Marine personnel and more than 200 surface ships, submarines, Naval and Marine air units took part in the maneuvers.

The exercise was designed to test the readiness of the fleet to carry out its war-time job of controlling the vital Atlantic sea lanes.

June 1955, at some large Marine Corps base.

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