

# Senator Sam J. Ervin Says

MORGANTON — Early in the next Congress, I plan to reintroduce a Constitutional Amendment relating to the appointment of Supreme Court Justices.

Recent deliberations in the Senate on the nominations to the Supreme Court have focused attention on this appointive process. The nature of the present selection system often commends itself to factors which are not germane to judicial competence. Personal and political friendship with the President has assumed a role that I do not believe makes for the best nominations for these high judicial offices.

Formerly, there was less national concern about this matter. With increasing frequency, however, the judgment of just five members of the Supreme Court has been changing the economic, social, and governmental structure of our country by overriding established precedents in the law and the prerogatives of the Congress and the State Legislatures. Today, this concern involves more than mere disagreement with a particular decision or line of decisions. An increasing body of opinion holds that the Court is not performing its constitutional functions properly, that it misunderstands its constitutional mandate, and that it has assumed a position of judicial superiority out of keeping with its historically accepted role.

Even so, many think it would be a grave departure from propriety to change the method of selecting Justices of the Supreme Court. Not so. A few years ago, we limited our President to two terms of office. Congress will soon

be considering reform of the Electoral College system which determines who shall be President and Vice President. Many years ago, the Constitution was amended to require the direct election of Senators.

It is surprising that we have not explored this matter more thoroughly before now. Undoubtedly, many have their own notions about how we should elect Supreme Court Justices. My amendment, however, stems from much thought about the need of a perfecting change in our Constitution on this subject so that we can have a truly qualified and independent judiciary.

In brief, it would operate in this fashion. When there is a vacancy on the Court, the President would call a conference of the presiding judges of the

highest court of each state and the chief judge in each of the 11 U. S. Circuit Courts of Appeals. This conference would name and send to the President five or more persons selected as qualified to fill a vacancy on the Supreme Court. The President would nominate one of the persons so designated to fill the vacancy. If the Senate then advised and consented to the appointment of this individual, the nominee would be appointed by the President to fill the vacancy. If the Senate did not consent to the nomination, the President would be obligated to send to the Senate another individual on the list.

Actually, the amendment which I intend to offer seeks to utilize the judgments of the senior judges of our country on a matter of grave importance — the fate of constitutional government in our land. The President frequently calls upon advisory commissions for advice. In this instance, a mandatory requirement that he obtain the opinion of the Chief Justice of our State Courts and the senior Judge of the U. S. Circuit Courts of Appeals would give stature to the nominating process that is coming under increasing question. It would also preserve the essence of our federal system in the process.

For these reasons, I plan to reoffer my amendment requiring such a method of selecting Justices of our Supreme Court.

Exposed

"Why are you fidgeting about, Oscar?" asked the teacher sternly. Oscar didn't answer, but the class tattle-tale did. "He's got a pin, teacher," he cried.

"Take it away from him and bring it here," commanded the teacher.

A little later Oscar was called on to read. He remained sitting. "Stand up," said the teacher sharply.

Oscar got red, but didn't budge.

"I can't teacher," he gulped.

"I've had enough of this foolishness," exclaimed the teacher. "Why can't you stand up?"

Oscar fidgeted some more and blurted out: "Because that pin you took away from me held my pants up."

## Fry Now Wears Combat Badge

PLEIKU, Vietnam — There is one Army badge that front-line soldiers wear proudly—the Combat Infantryman Badge. It was awarded to Staff Sergeant Cecil W. Fry, Jr., 24, near Pleiku, Vietnam, November 21.

Sgt. Fry, son of Mr. and Mrs. Cecil W. Fry, Country Club Drive, Edenton, N. C., is assigned to Company B, 1st Battalion of the 4th Infantry Division's 35th Infantry as a section leader.

The CIB has been awarded since late in World War II for sustained ground contact against an enemy. In honor of its singular meaning, the badge is worn above all other awards and decorations, over the left breast. It is a blue rectangle with a silver rifle mounted on it and a curved wreath at the top. Subsequent awards are represented by stars in the center of the wreath.

His wife, Peggie, lives in Weldon, N. C.

## Dec. 31 Is Deadline For Transfer Of Cotton Allotments

Farm operators in Chowan County were reminded today that applications for the transfer of cotton allotments for the 1969 crop should be filed no later than December 31, 1968.

A. C. Griffin, chairman, Agricultural Stabilization and Conservation County Committee, explains that notices of the cotton allotment and the projected yield for individual farms have already been mailed to county farmers, so farm operators now are in position to make their production plans for next season.

In Chowan County, the growers voting in a special referendum (earlier this year, failed to approve) transfer of acreage allotments—by sale or lease—out of the county, so the transfer of allotments locally may be made from one farm to another only within Chowan County.

Transfers of allotments between farms within the county and from a farm owned to a farm operated by the same individual are not subject to approval in a referendum. However, it is necessary that such ASCS office before the December 31 deadline.

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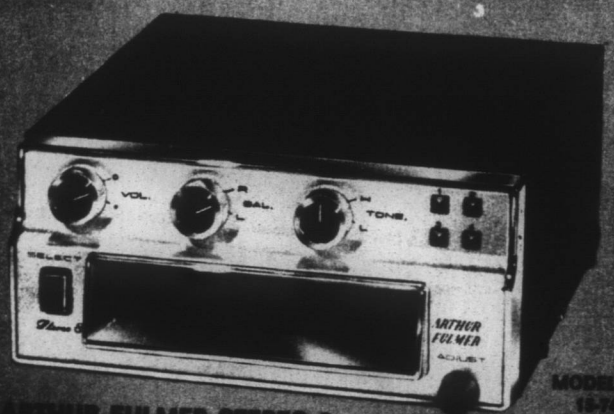
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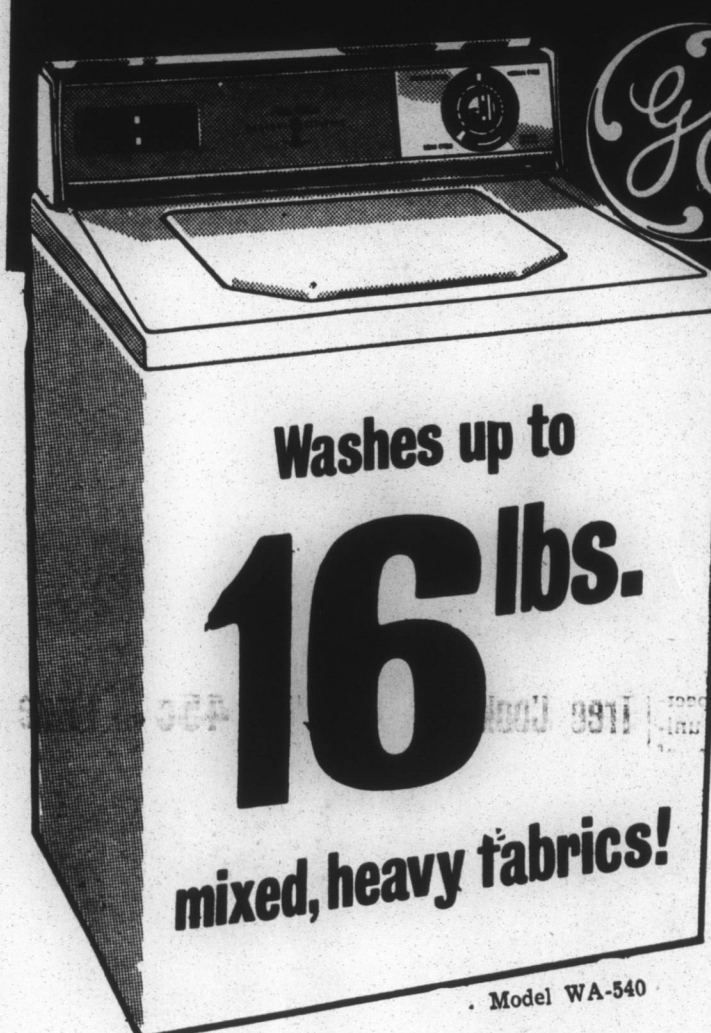
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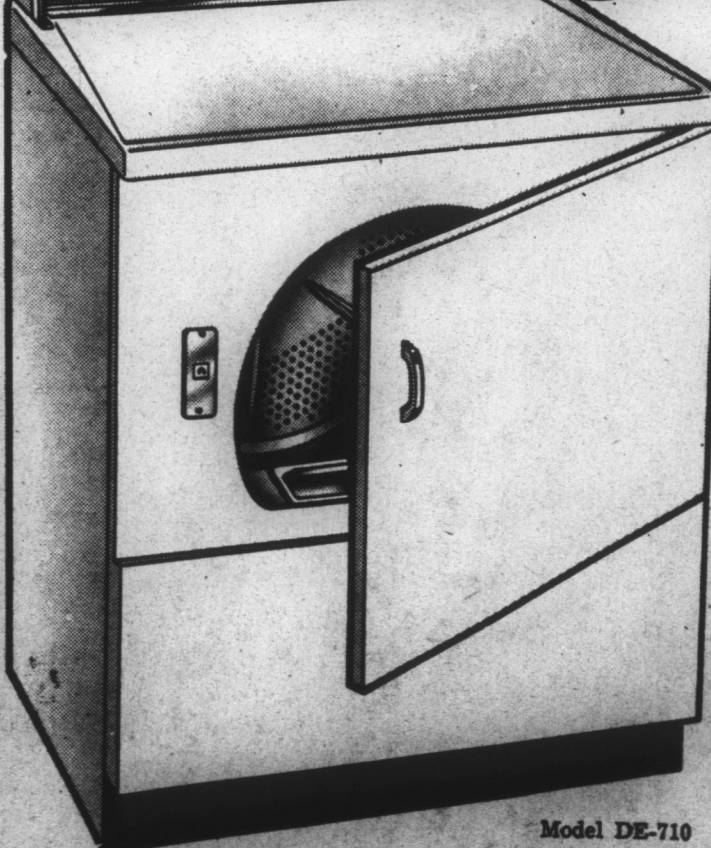
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