

OUR CHIEF GUARDIAN

By MAXWELL G. PANGLE

Perhaps very few of us fully appreciate our government here in the United States, else more of us would study its principles and all of us would support it better. Through the past, from the earliest times right up to the present time over most of the world, governments have exploited the citizens whom they were supposed to serve and to protect. Knowing this historical fact, all of us are, to some extent, suspicious of most of the acts of our federal government. Here in the United States, that attitude constitutes a dangerous and needless fallacy.

While the American colonies were still under the rule of England, they were permitted a large degree of self government so that the leaders learned a great deal about the operation and effects of self-imposed laws. In other words, the colonists developed the theory and practice of democracy to a greater degree than ever before in the history of the world. Even when the government of England did pass laws for the colonies and attempt to enforce them here, those laws were relatively benevolent when compared with the rule of other countries over their colonies. Nevertheless, in spite of the local or relative freedom among the colonists, the mother country taught the people to fear government. This fear drove them to rebellion against England and resulted in the formation of a constitution for what is now known as the United States of America.

In the next place, let us study some of the results which this fear put into the constitution. First, it made the framers base the whole structure upon the principle that all "just" powers are derived from the will of the people who are governed. They then proceeded to write into the document all sorts of provisions designed to protect the citizen from the oppression of the government. At first thought, it seems very strange that the citizens should need protection from that organization which is set up as protector. Yet, it is very true. We often think of the constitution as an instrument set up to enumerate our rights as guaranteed by the government. On the contrary, a large part of it is taken up in prohibitions on the state to prevent it from taking away from us rights and privileges, which may or may not even be mentioned in the constitution. We as a people are extremely jealous of our rights, which is as it should be. However, we should recognize the fact that for every right there is a corresponding responsibility borne, not only by the government, but by the citizen as well.

Above we mentioned the origin of just powers. What are they? Every government of whatsoever form has inherently three essential powers. These are powers of legislation. That is, every state has the right to make laws, to judge laws,

and to enforce laws. These powers may be vested in one person as in the case of Hitler, who could make any law, judge the application of the law, and execute the person whom he judged to have violated that law. That is despotism at its worst.

The framers of our constitution had experienced the rule of a mild despot and decided that it was not good, so they divided the three powers of the state among three separate groups of officials. It is the business of the congress to make the laws. It is the duty of the Supreme Court to interpret both the constitution and the laws made under it and to apply these same laws to specific cases. It is the sworn duty of the executive department to enforce the laws. So long as we preserve the constitution and keep inviolate this separation of powers we can not allow our politicians to become despotic. Perhaps you think that there are no politicians in this country who would like to become dictators. Well, there are plenty of them. Some have made quite a splash in the political pool and caught the eyes of the gullible public. Just one example, Huey P. Long. You can think of others living and scheming at this very minute.

We think of the rights as stated in the constitution, but it recognizes the fact that there are others which are implied because one short document could not cover all human life for all time. It also implies certain privileges which are granted to some citizens and not to others, such as the privilege of voting. Now, the constitution makes up our fundamental law upon which all other legislative acts of both state and nation must be based. In other words, it makes the foundation of our liberty. Hence, if we destroy our fundamental law, we destroy our liberty. The constitution could be destroyed by three different methods. We, the people of the United States, by a majority vote could replace it with a new one or change the entire form of our government. We could rebel against it and enter into a state of anarchy. Or, we could just neglect its provisions and fall into a state of personal rule. Or, again, we might allow certain popular politicians to defy the constitution and thus secure a following which would be large enough either to destroy the force of fundamental law or to result in civil war in case we have strong enough executive to attempt to enforce the law with federal troops. I might add as an afterthought that if we should be conquered by a foreign nation, we certainly would lose our constitution, our liberty, and probably our very lives.

Strangely enough, it now becomes necessary to ask: What is the constitution? The short document is written in comparatively simple, non-technical language. It would seem that any educated per-

son could read it and say, "There it is. Follow it." But it is not that easy. It must be interpreted and applied to specific cases. Whose business or duty is it to make these interpretations? It could be done by the congress, who makes the laws; but if so they would not have time to make any other laws and also that would make congress an oligarchy or autocratic ruler of the country. It could be left to the president, but he could thus become an autocrat and enforce only such laws as it suits him personally. These suggestions seem silly when we remember that in this country we have a clear division of powers with a system of courts to interpret and apply both fundamental and statutory laws.

The Supreme Court of the United States is at the head of this system. Chief Justice John Marshall proved that there is no other way to judge the laws than by the courts and that the Supreme Court has both the right and duty to declare a law either of a state or the nation to be contrary to the meaning of the constitution and, hence, null and void. Now we are ready to answer the question asked above. What is the constitution? It is what the Supreme Court of the United States said it was when they last spoke on a certain issue.

It does not require any very great depth of learning to see that our fundamental rights are guarded by the Supreme Court. They are guided, not only by their own training, experience, and intelligence, but by a long succession of decisions before them. Then, so long as we maintain the integrity of the Supreme Court we will remain a free people. It is this same court which makes it no longer necessary to fear our government because it really is the chief guardian of our liberty.

To illustrate this, let us take a brief look at the recent decision declaring race segregation in the public schools to be unconstitutional. Negroes are citizens and have a right to the equal protection of the law, according to a plain statement in the constitution. The question then is, does equal school facilities give them the equal protection of the law? The Supreme Court says not. Certain high officials, such as governors of states and some senators do as they do. That man or group of men who would deny a right to one group would just as readily deny another right to any other group. They would be taking a right and

Rock Quarry

A large delegation from Dunwoody Rock Masonic lodge will attend the 15th annual Wing's Quarry Meeting of the 18th district Masons next Friday, W. W. Cole, district deputy grand master in South Carolina announces.

Brevard Masons annually attend this large gathering of the group in nearby South Carolina.

Started during the term of Samuel Aiken of Travelers Rest as district deputy grand master, the "rock quarry meeting" has come to be South Carolina's biggest Masonic gathering.

Each year from 2,500 to more than 3,000 Masons from all over South Carolina and from as many as 23 other states and several foreign countries have attended.

The Masons will begin gathering at the big rock basin north of Travelers Rest off Highway 27 before 6 p. m.

Then during the course of the meeting, a special degree representative of the 13 lodges in the district will confer the master mason's degree on a class of candidates.

Mr. Cole said he will announce

ing it into a privilege, which, if done enough or in the case of an important right, would destroy the liberty of all citizens. Shall we as citizens follow the decisions of the highest court of the land or intrude our rights, our liberty, and our very lives into the hands of self-seeking politicians?

The constitution does not provide explicitly just how a decision of the court is to be enforced, but it is understood that the executive department, headed by the president, has this duty. In most cases those involved in a decree have obeyed the orders of the court just like loyal citizens should do. However, in the case under consideration certain persons, including

MORE HOMEWORK IN LESS TIME and BETTER MARKS

38 Features



with... **FULL SIZE KEYBOARD**

Smith-Corona

world's Fastest PORTABLE!

ALL-FAMILY FAVORITE TOO!
Yes, everyone likes to use the Smith-Corona portable for writing letters, typing reports. And it's fun to learn to type on a Smith-Corona.

SEE IT DEMONSTRATED
Once you see it, you'll know that Smith-Corona is the portable for you. It's truly the finest precision writing instrument of its kind.

Stop in!

FOR SALE BY

Transylvania Times

Times Arcade Dial 2-4111



GOOD TIP FOR YOU

WHEN you look at the top of Buick sales for the first 10 months of 1954 reveal this general fact: *national volume, regardless of price class, Buick is outselling all other makes in America except two of the so-called "low-price three."*

We know, because Buick has held such a position as the unquestioned sales leader in its class. And with good reasons in styling, room, power, value.

But today, folks like you have pushed Buick success even beyond such bounds.

Today, the top sales standings of a full generation have been changed. Today, latest sales figures for the first 10 months of 1954 reveal this general fact: *national volume, regardless of price class, Buick is outselling all other makes in America except two of the so-called "low-price three."*

That's the tip-off that Buick must have the hottest styling of the times and the sweetest performance of the year.

More important, that's the tip-off that Buick prices are well within the reach of more and more people — and that such prices buy a lot more automobile per dollar.

So why not look into the tomorrow-styled Buick that puts you so far ahead today?

Come in, or phone us this week for a demonstration. Then you can judge for yourself that Buick really is the beautiful buy — by far.

Buick Sales are Soaring!

WHEN BETTER AUTOMOBILES ARE BUILT BUICK WILL BUILD THEM

Coffey Buick Company

PHONE TU. 3-4301 NORTH CALDWELL STREET BREVARD, N. C.