

# The Chapel Hill Weekly

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### Government Brutality

The Constitution of the United States says that "no person shall be deprived of his property without due process of law."

I have often wondered how it is, in view of this, that agencies of government—federal, state, municipal—are constantly invading private property, unannounced, in order to prepare for some so-called improvement. Sometimes these agencies actually seize property, without permission, and go to work on it.

A friend of mine was telling me yesterday how he looked out of his window one afternoon and saw two men placing a row of stakes in his front yard. He went out and asked them what they were doing. They said the road in front of his place was to be widened and they were running a line to find out how much of his yard was to be sliced off.

"I didn't make any protest," he said. "I suppose it was right to widen the road. But it did seem to me they ought to have let me know about the prospect before they come on my place to put down stakes. A slice fourteen feet wide was taken off my yard. Later I received a check for what was called 'compensation.' It was far less than fair payment for the damage that was done to my property. I might have got more if I had gone to law, but it wasn't worth the time and trouble and expense."

I have known of several cases similar to this one, as no doubt everybody has. Such invasions are common practice all over the country.

Of course we all know about eminent domain, the right of a government to appropriate private property for public use without the consent of the owner. That right is essential to development and progress. Without it governments would be prevented from making improvements vital to the welfare of the people.

But the right of eminent domain is not superior to the Constitution. That is to say, it does not carry with it the right of a government to take a person's property without due process of law. The Constitution's command, which was designed for the protection of the individual, is definitely not obeyed when a government enters a person's property without asking his permission. If permission should be refused, the government can go to court and apply for an order compelling the owner to permit his property to be entered for a survey or, if a survey is not needed, for an order authorizing the government to proceed with the seizure needed for the contemplated improvement.

Due process of law certainly means—unless the courts have finagled the plain meaning out of it, which may have happened—that a property owner should have sufficient time, before a government starts cutting down his trees and running bulldozers over his land, to apply for a temporary injunction against such action.

The highhandedness of governments in invading private property, in plain violation of the Constitutional command for due process of law, is like the sort of proceeding that we associate with a tyranny like Nazi Germany or Soviet Russia. It is an impudent, cynical affront to the American ideal of individual rights. A good name for it is government brutality.

L. G.

The pulp and paper industry accounted for the planting of 14,311,000 trees in North Carolina during 1954-55. The industry gave 4,191,700 of these to land-owners.

### "Swinus Americanus"

From the Vineyard Gazette: "A recent editorial in the Saturday Evening Post applies to a long-standing problem here on Martha's Vineyard. We all know what the writer refers to as Swinus Americanus. He flips empty liquor bottles from his car window to shatter on the pavement. He and his piggy family leave any picnic spot a revolting litter of beer cans and melon rinds. Since he justifies attention in a magazine of the circulation of the Post, one must assume that Swinus Americanus is a national institution. What we see on the Vineyard is, then, a small part of his devastation. Can he be deported from our island? There is a suggestion that, at least, he should be known by his proper name, which is, most certainly, Swinus Americanus,—that this should be applied to him on all possible occasions, and used to characterize him and his sins."

From the Baltimore magazine, Gardens, Houses and People: "Sadistic vandalism on the part of certain lewdow visitors to Baltimore's Druid Hill Zoo has long been a problem for the authorities, but at last a real effort is being made to put a stop to it. There have been arrests, and—which is more important—a closer watch is being kept against the sneaky, unutterably loathesome riffraff who take pleasure in torturing and maiming the animals on exhibit.

"When culprits are brought to book, in all future cases, the judgment should be severe. A boy or man who is guilty of shooting darts at the eyes of a gazelle or the genitals of a bear, of squirting turpentine upon foxes or breaking the neck of a rare and beautiful waterfowl—these are only a few of the actual offenses—deserves more than casual attention. But the authorities ought also to afford the caged animals more protection by making the vandals' operations more difficult.

"It is a sorry commentary on humanity's dregs, that the park authorities should have such a problem. However, it is up to them to deal effectively with it. This can be done. The whole situation at Druid Hill Park needs policing. Here is one of the largest and most beautiful of city parks to be found in the country, and the solvent citizens who pay for its upkeep have a right to be protected from the white-trash hillbillies and colored 'dickies' who swarm over it and destroy it."

From the Raleigh News and Observer: "The New Orleans States asks: 'You would think, surely, that the family or group having a picnic in one of the public parks would clean up its own mess, wouldn't you?'"

"The expected answer to the query is obvious—and optimistic. No, we wouldn't think that 'surely' the family or group having a picnic would clean up its own mess. Too many uncleaned-up messes in picnic places prove that there is nothing sure about the cleaning-up process. But we will be willing to agree that the principal ingredient in the messes found in nice public places for picnics are the kind of people who turn a park into a pigsty.

"Pigs is pigs—on picnics and in parks as well as everywhere else."

"Swinus Americanus" is a good title but it does not cover the whole breed described in the foregoing reprints. I am sorry to say that there is also, and in great number, the Swina Americana. I live near women's dormitories and day after day I see the Swina Americana. She walks along Battle lane in front of my home, and rides along in automobiles, and, instead of trailing clouds of glory, she trails, often in concert with a male partner, paper cups and beer cans and bottles.

—L. G.

### Old Books for Escape

I enjoy re-reading old books but, for lack of time, I do not read as many as I would like to. They are my favorite form of escape literature.

I am not here using the word, old, literally. I am applying it to any book to which the word, new, cannot be properly applied. Thus I take in a long period, beginning, say at 3,000 years B. C. and reaching to 1953. Any book published as long as two years ago is no longer new. Most such are forgotten and will remain so always.

I do not have in mind, now, books older than the reign of Queen Anne.

Among old books I include books by Swift and Fielding and Goldsmith and Dickens and Thackeray and Dumas and Macaulay and Gibbon but I also include books that came along in recent times, books by Mark Twain and Marion Crawford and Conan Doyle and Rudyard Kipling and Mrs. Humphrey Ward and O. Henry and Booth Tarkington and Jack London and Scott Fitzgerald and Sinclair

Lewis.

Sometimes I indulge the whim, and I am doing so now, to mention an old book that I have been re-reading with pleasure. The one I now want to mention is "The Glittering Century," by my fellow Chapel Hillian, Phillips Russell, published by Scribner's nineteen years ago.

This collection of essays on men, women, and events of the 18th Century is fascinating.—L. G.

### Senate Should Continue Investigation

(From the Richmond Times-Dispatch)

Certain aspects of Air Force Secretary Talbott's business dealings while holding a Cabinet post remain to be cleared up. He seems to be in a weak position in some respects, although he may be able to explain everything satisfactorily.

While it has no direct bearing on the matter in hand, another angle of Mr. Talbott's relationship to the government seems to have been forgotten, namely, his role in World War I, as business associate of Colonel Edward A. Deeds of Dayton, Ohio. Talbott, then the youthful president of Dayton Wright Airplane Company, acknowledged on Feb. 2, 1953, when he was up for confirmation as Secretary of the Air Force, that Colonel Deeds, a former official of Dayton Wright, who became chief government procurement officer in the purchase of aircraft, gave Dayton Wright valuable tips on aircraft contracts.

The late Charles Evans Hughes, subsequently Chief Justice of the United States, investigated the role of Colonel Deeds, as did a congressional committee. They found relations between Deeds and Dayton Wright (of which, to repeat, Talbott was president) to have been "highly improper." They also declared that Dayton Wright made huge profits and produced unsatisfactory aircraft. (These were the "flying coffins" of World War I, in which "with any sort of crash the pilot was caught between the gasoline tank and his engine.")

Charles E. Hughes recommended that Deeds be court-martialed, but Secretary of War Newton D. Baker saw the matter

in a different light, and "absolved Deeds of blame."

Talbott conceded at the hearing in 1953 on his appointment as Air Force Secretary that Deeds' role had been "unfortunate," although he defended the tips Deeds gave Dayton Wright as "perfectly proper." Talbott did go on to say:

"As Secretary of the Air Force, I would not let anything like that happen again."

The question is whether he has done something similar in maintaining his "special partnership" with Mulligan & Co., an industrial engineering firm which still pays him from \$50,000 to \$60,000 a year. He has offered to terminate this connection, now that serious questions have been raised.

When he was before the Senate Armed Services Committee at the time of his confirmation he said he planned to retain his partnership in the Mulligan firm, but that he would not take any profits from contracts the firm made with companies which were predominantly in defense work.

He now admits that he may have made a mistake in not refusing to take profits from the contract with the Avco Manufacturing Company, which has a huge share of defense business. Other than this, he says he has done nothing wrong, but that he will resign as a "special partner" in the Mulligan firm if the Senate committee thinks he should. He has asked for public investigation by the committee.

A leading newspaper commentator quite understandably raises an eyebrow over Mr. Talbott's "apparent naivete in not realizing that applicants for defense contracts might consider that in giving business to a company in which the secretary's interest was so active and financial they were entitled to special treatment from him."

There is something to be said for this argument. The manner in which Secretary Talbott acted on behalf of Mulligan in approaching such corporations as Chrysler and Avco, which hold tens of millions in defense contracts, poses the issue clearly.

The Senate committee should continue its investigation.

### Chapel Hill Chaff

(Continued from page 1)

orchard owners couldn't find people to gather them.

When William R. Kenan Jr., donor of the Kenan stadium and benefactor of the University in many other ways, was here at last year's Commencement—that was the 60th anniversary of his graduation and he was 82 years old—I recalled to him that he had told me the year before that he had never been ill in his life. I asked him if this record was still unbroken. He said it was.

Mr. Kenan tells about the breaking of the record in his latest reminiscences (the fourth edition of "Incidents by the Way"). Here are passages from the chapter entitled "My First Experience in a Hospital:"

"Last fall I was a little inconvenienced by a hernia on my left side and I consulted Dr. Howard Patterson. He said it was not growing very fast and he did not suggest an operation.

"During the winter I experienced a little difficulty and when I was in New York in March I consulted Dr. Patterson and he thought an operation might be desirable. He is a friend of long standing and is in charge of the surgical department at Roosevelt Hospital."

(Dr. Patterson is another University alumnus and a Chapel Hillian. He comes here frequently to visit his mother and sister.)

"I went to Roosevelt Hospital on the night of April 16th and was informed that the doctors would be in my room at 8 o'clock the next morning. Six or seven accompanied Dr. Patterson. "They made every kind of a test imaginable, much more thorough than anything I had ever experienced or heard of, even to taking samples of the blood; testing my heart and throat; and, of course, all the usual tests of pulse and temperature and the like.

I gave me any gas; I might have taken a pill but I don't recall it and I was not aware of any hypus.

"About a little before 9 o'clock they took me in the bed I slept in down to the operating room and I was placed adjacent to the operating table and from that time on I went out, so I must have had something to affect me, although I wasn't aware of it.

"When I woke up it was about 12:30 and I was in my room, in bed of course, and I didn't realize that the operation had been performed.

"I never had any sensation of an operation; I never had any pain during or following the operation.

"The tape and dressing were removed a few times and the third day they took all the stitches out, and while I looked at them doing it, there was absolutely no pain connected with it.

"I sat up in a chair every day but the day of the operation and I walked up and down the corridor the morning and afternoon following the second day of the operation.

"I left the hospital after having been there just seven days."

Mr. Kenan was here again for Commencement this year. When I met him in the lobby of the Carolina Inn he was looking as sound and cheerful as ever.

A couple of weeks ago, in connection with the birth of Ann Snowden McFall, I wrote about how, when the mother was born 23 years ago in Duke hospital, her parents, Mr. and Mrs. Roland McClamroch, had to look at her through a glass wall, and about how pleased they were in this July of 1955 to find that their granddaughter was not thus separated from them. She was in her mother's room in the hospital here and they were free to visit her.

"This is a wonderful discovery, indeed, that themer Session.

science of obstetrics has made," I wrote. "It has discovered that the way of taking care of babies that was practiced for thousands of years before obstetrics became a modern science is the best way after all."

I have just learned that the term used by physicians and other hospital personnel for the present practice, of placing a newborn infant next to its mother's bed and keeping it there, is "rooming-in." I have also learned that the credit for the introduction or, rather, re-introduction of this practice belongs not to the obstetricians but to the pediatricians (specialists in the children's diseases) and the psychiatrists. The obstetricians have opposed it. An article on rooming-in by Dr. Angus McBryde and Dr. Wilbur C. Davison, in a recent issue of the North Carolina Medical Journal, tells that the reversion to the ancient practice of allowing mother and child to be together was begun in Duke hospital eight years ago. In that period 5,000 infants have been placed beside their mothers the morning of birth. The nurses and obstetricians were reluctant to abandon the quiet and tidy nursery even though it had been discovered to be a potential source of epidemics among the newborn infants. Rooming-in has turned out to be a thoroughgoing success.

### Going to Norway

Mrs. L. W. Milbrath, executive secretary of the University Y.W.C.A., will sail Wednesday from New York aboard the S. S. Oslofjord for Oslo, Norway, by way of Copenhagen, Denmark. In Oslo she will visit her parents Mr. and Mrs. James B. Oglend, and will return by air in late September.

Mrs. Milbrath's husband is in the University's Graduate School doing work toward a Ph.D. degree in political science and acting as research assistant to Alexander Heard of the political science department.

Miss Hazel Crawford, summer president of the Y.W.C.A., will have charge of the organization's office during the rest of the second term of the University Summer Session.

### On the Town

By Chuck Hauser

FOR A NEW VIEW OF THE CIVIL WAR, and especially of the government of the Confederate States of America, I recommend your consideration Clifford Dowdey's "The Land They Fought For" (Doubleday, 438 pages, \$6). The volume is one of the Mainstream of America series edited by Lewis Gannett.

The book covers the period 1832 to 1865. It bears out Mr. Dowdey's proposition that "the Civil War was fought for 30 years before the mounting antagonisms between the sections exploded in the clash of arms. From Nullification in 1832 until Fort Sumter in 1861 constituted a long period of cold war, even by today's standards."

The author lives in Richmond, Virginia, the capital of the Confederacy, and he used the records and documents available to him in Richmond to a great extent. This was perhaps unfortunate, because in the book we get a top-heavy picture of the part Virginia and Virginians played in the War for Southern Independence (as historian Hugh Lefler prefers to refer to it). Aside from this fault, which becomes a little irritating at times (we get a detailed picture of the defense of Richmond, while the author kisses off a major piece of action in the West with a few paragraphs), this is a very readable and interesting account of what James Street called "the late but still lively hostilities."

Mr. Dowdey pictures Jefferson Davis as an egomaniac who believed he was infallible in military affairs, who constantly crippled the Confederate forces with impossible strategy, and who consistently ignored the advice of the finest military minds available to either side.

As late as the early spring of 1865, according to Mr. Dowdey, "this deranged man" (Davis) believed he could still whip up the morale of the sagging and diminishing Confederacy and force the Union to come to terms. It was far too late. The CSA had gone into its death throes months before. With his nation crumbling around him, Davis retreated to a world of unreality. This is not a pretty picture of the Jefferson Davis we have been taught to love and admire in the South. But it is nevertheless a fascinating one.

THERE SEEMS TO BE SOME CONFUSION over the action the General Assembly took in declaring the state's policy on the question of integration in the public schools. Proponents of a hold-the-line policy in segregation insist that the Legislature presented a dramatic and unanimous and solidly determined front against ever mixing the races in the schools. Such was not the case.

It is true that the resolution unanimously passed by both houses is firmly against ever mixing the races anywhere in the state. The resolution says:

"That the mixing of the races in the public schools within the state cannot be accomplished and if attempted would alienate public support of the schools to such an extent that they could not be operated successfully."

When the resolution was first presented to the legislators, it read, in the language of the Governor's advisory committee:

"That the mixing of the races FORTHWITH in the public schools THROUGHOUT the state cannot be accomplished . . . etc."

The Senate Education Committee approved it in that form. Someone in the House Education Committee thought the word "forthwith" weakened the resolution, and thought the word "throughout" left a loophole for some school units to integrate. The two changes were made in the House committee and subsequently were agreed to by the Senate committee. The resolution, as amended, was adopted in both houses.

The interesting point here is that the Senate committee originally approved the inclusion of the word "forthwith," indicating that it felt integration could not be accomplished immediately, but was an inevitability sometime in the future. Several of the senators and representatives thought the elimination of the "forthwith" and the substitution of "within" for "throughout" were unnecessary and irrelevant.

While we're on the general subject of segregation, I might take a few words to reply to the letter written to the Weekly by one of my distinguished counterparts on the News and Observer, Miss Nell Battle Lewis.

With her sharp eye, she caught what was a technical error in my column. It was a technicality which I recognized when I wrote it—that is, that the Governor did not actually contradict himself. But in effect, by the tone and impression he conveyed with his statements, he was being contradictory. I believe I can split hairs and recognize hair-splitting with the best of them, however, and so I bow to Miss Lewis' discovery of my "mistake."

Mrs. L. B. Street of Enfield also writes me to protest. In her letter she points out that the Governor had pre-

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