

WEIMAR JONES, Editor; BOB S. SLOAN, Business Manager; J. P. BRADY, News Editor; MISS BETTY LOU FOUTS, Office Manager; CARL P. CAFF, Mechanical Superintendent; FRANK A. STARRETTE, Shop Superintendent; DAVID H. SUTTON, Stereotyper; CHARLES E. WHITTINGTON, Pressman

Table with 4 columns: Subscription Rates, Outside Macon County, Inside Macon County, One Year, Six Months, Three Months.

MARCH 4, 1954

Farfetched

Elsewhere on this page appear opposing editorial views on the situation that developed in Buncombe superior court last week when The Asheville Citizen, reporting a rape trial, published a witness's answer to a question, after the judge had ruled the question might not be answered in the jury's presence, and had excused the jurors.

Judge R. Lee Whitmire, presiding, declared a mistrial. He said members of the jury may have read the answer in the newspaper. In other words, said the judge, when the newspaper published the answer of the witness, the effect was the same as if the judge had permitted the question to be answered in the jurors' presence.

Since the case was a capital one, and since it already had had to be tried twice, the layman might consider it pertinent to ask the question: Why did not the judge have the jurors locked up at night, inaccessible to newspapers and the public?

That question, however, if taken as the issue is quite simple:

The judge did not clear the courtroom. There could have been, and probably were, wives or relatives or friends or acquaintances of the jurors in the courtroom. They could have heard the answer. They could have and quite probably did, see members of the jury when the jurors went to their homes at night. They could have, human nature being what it is, and quite probably did, tell some of the jurors how the witness answered the question. In short, the situation could have been, and quite probably was, exactly the same as if the newspaper had not published the witness's answer.

To say that public business, done in public, may be heard and discussed and reported by word of mouth by individuals, but that a newspaper must remain silent, will impress most reasonable people as farfetched, to say the least.

Freedom Is Risky

This business of "contending for freedom" is a very confusing one.

That is pointed out in an interesting letter from J. A. Vinson, of Rabun Gap, Ga. It is confusing, Mr. Vinson remarks, because freedom "can be so varied as to lose all protection of right and decency." He cites several examples:

The proposition that there is no freedom "in a country where a man can't make and sell liquor to earn a living for his family;" the argument that a man has a right "to organize and strike and hold my neighbors off the job at the point of a gun"; the argument that real freedom is in Russia because there "there is no restraint on my impulses"—no moral restraint.

Then Mr. Vinson adds: "I have been wondering why we need a man like McCarthy and a group like the F. B. I., if we are continually either trying to stop their activities or force them contrary to their convictions."

The questions Mr. Vinson raises, it seems to us, are: Where are we to draw the line between freedom and license? and how are we to restrain the freedom of a majority (as represented by the government) from becoming tyrannical over a minority?

Those are old questions. And they are not easy questions.

They have been troubling men's minds for centuries.

Probably the best way at least to approach an answer, in today's confusing world, is to ask ourselves: What is it we want?

If what we want is a government that, first of all, is efficient, a society that, first of all, always is well ordered and consistent in the direction it takes, and individual lives that, first of all, are un-

confused—if these are what we want, then our ancestors had the right answer.

Before the Reformation, the Roman Catholic church decided virtually every question for the individual, and most major ones for society; in the age of absolute monarchy, the king made the decisions; in the time of Hitler and Mussolini, it was the state that decided; and today, in Russia and her satellites, it still is the state.

Generally speaking, things are more efficiently handled and life is better ordered under a dictatorship; there is far less confusion when there is no need for people, either individually or as a group, to debate decisions—when the decisions are made for them; and life under such an order is far easier and simpler for the average man—for he can enjoy freedom from responsibility.

But this single freedom, from responsibility, fails to satisfy something within man's spirit. He hungers for the freedom to decide for himself, he insists upon being the captain of his own soul.

This determination to be our own masters carries with it great dangers—great dangers and rarely any material benefits. The benefits are the intangible ones of the spirit. Thus our democratic freedom is basically spiritual; that is to say, it is basically religious.

As a rule, we must pay for everything we get, and usually the price is in proportion to the value of the thing bought. Because freedom is precious, the price often is high. And whether it be the freedom to govern ourselves in a democratic society or the religious concept of the free will of the individual, a part of the price always is the risk we must take that we may make mistakes.

What is to be done to draw the line between freedom and license?

The answer lies in the Constitution of the United States, which in the beginning of the church of freedom, declared that the exercise of public opinion would provide answers that, in most cases, would be the right ones.

And to protect the individual and community from the dangers of a majority, those men wrote into the Constitution of our fathers and fathers and a Bill of Rights, provisions that say to the McCarthys and the F. B. I.: "No matter what your motives or your purposes, thus far may you go, and no farther; beyond this point you are infringing on freedom."

N. A. A. W. P.

Whether Mr. Bryant W. Bowles has a sense of humor we cannot say. But whether he has his tongue in his cheek or not, Mr. Bowles undoubtedly has provided a lot of chuckles for others, all over the country.

Mr. Bowles, 43-year old ex-Marine, the other day opened headquarters in Washington, D. C., for the Association for the Advancement of WHITE people!

This development recalls the story of the Negro college president, who was short of instructors. When another Negro educator suggested he employ some white instructors, he said he didn't think that would be satisfactory. Whereupon his friend demanded: "Are you sure you aren't letting race prejudice influence you?"

It is a strange commentary on the times to say it, but actually an argument might well be made that the association for the advancement of white people is needed. It is a fact that, in many areas today, in terms of employment and in winning recognition for achievements, the discrimination no longer is against the Negro, but in his favor.

This does not mean that the Negro has not been the victim of injustice, or that the injustice should not have been removed. It does suggest that, sooner or later, every pressure group, no matter how just its cause, becomes a selfish group; a group that is so interested in its own objectives it completely loses sight of the good of the nation as a whole.

In our opinion, every pressure group is bad. And if the present trend continues, the minority pressure groups—Negroes, labor, capital, etc.—will grab the country and the government.

The remedy, it seems to us, is to recognize pressure groups for what they are—enemies of the American way of conducting the government, for the greatest good to the greatest number.

Because I place my trust in reason, I place it in the individual. There is a madness in crowds from which the wisest, caught up in their ranks, are not immune. Stupidity and cruelty are the attributes of the mob, not wisdom and compassion.

—Bernard M. Baruch.

OPPOSING VIEWS

Courts And Newspapers

Wrong Premise

(Raleigh News and Observer)

Judge R. Lee Whitmire picked an odd platform and a strange setting for a defense of the secrecy law he helped pass in the 1953 General Assembly. It is apparent that he mistakenly assigned a newspaper to the role of recording secretary for a jury.

The judge spoke up for secrecy after the Asheville newspaper reported the answer of a witness, given after the jury had been excused, in a rape trial. In Judge Whitmire's view, publication of the answer had the same effect as an answer in the presence of the jury. Maybe so.

But the fact that the jurors in a capital case had access to newspapers was because the judge permitted such access in his discretion. The jurors were not locked up, as is the usual custom in such a case, but were permitted to go home each night with instructions from Judge Whitmire that if they read about the case in the newspapers they were to disregard what they read.

The basic question here, however, is not whether Judge Whitmire exercised his discretionary powers wisely. The real question concerns the obligations of a newspaper in reporting a news event. When the Asheville witness testified outside of court, the jury but within earshot of a courtroom full of spectators, what he said became public property. No question of ethics, and most emphatically no question of secrecy, was involved.

Judge Whitmire, a veteran attorney before he was named to the bench, is aware that newspapers have not made it a practice to report only what was said in the courtroom. They have reported what was said in the courtroom, and what was said in the courtroom, and what was said in the courtroom. And their reporting has been accurate.

Judge Whitmire's jury, composed of men and women, some of whom were in the courtroom, some of whom were in the courtroom, some of whom were in the courtroom. They were in the courtroom, and they were in the courtroom. They were in the courtroom, and they were in the courtroom.

The whole thing illustrates the need for more and better news.

The Press And The Law

(Greensboro Daily News)

Superior Court Judge R. Lee Whitmire declared a mistrial in a case at Asheville the other day and delivered a lecture to the press at the same time.

The case was one in which a man was indicted for rape. The defendant's lawyer asked the doctor who examined the prosecuting witness whether in his opinion force was used against the woman. The State objected to his answering. The judge upheld the objection and then, in order to get the reply in the record in case of appeal, allowed the doctor to answer in the absence of the jury. The doctor answered that in his opinion no force was used.

The reporter who covered the trial included this answer in his story and it was published in the Asheville Citizen.

The jury was not kept together night and day; they could go home and read newspapers, and they presumably did. Thus the jurors could have been influenced by the evidence which was ruled inadmissible but which nevertheless appeared in the morning paper.

The judge declared a mistrial and ordered a new trial (there had been one mistrial before because of a judge's sickness, and the North Carolina Supreme Court had sent the case back on another occasion for errors).

We think Judge Whitmire was right in declaring a mistrial and criticizing the press. The answer which he ruled out went to the heart of the case. Opinion evidence is as a rule not allowable in court, the law is interested in facts. There are exceptions to this rule, especially where affidavits are taken, but affidavits are held to be hearsay, and the law is as long as it is not one rule. Obviously, a judge taking out evidence in court if the jury can see it in the papers.

The answer should not have been published in the newspaper. It is hardly conceivable that it would have been published if there had been a full trial, or if the jury had been in the courtroom. The publication of the answer was a mistake.

The whole thing illustrates the need for more and better news.

News Making As It Looks To A Maconite

By BOB SLOAN

I can not recall a more singular example of what I think is one of the basic differences between the Democratic and Republican parties than their attitude as to what type of tax policy should be used to counteract today's business conditions.

Leaders in the Republican party are advocating a tax change which would give a reduction in corporation taxes and a reduction from earnings on dividends. The substance of their argument is that if given proper encouragement those who have extra capital above their living expense will place this capital in use to build factories to produce more goods to be purchased by the American public.

Democratic leaders led by Senator Walter George, of Georgia, propose to raise the tax exemptions for all persons from six to eight hundred dollars. They contend that this extra two hundred dollars exemption would be used to purchase consumer goods thereby creating more demand. It seems to me that a glance at the used car stocks and electrical appliance warehouses would show that we today need to stimulate consumption rather than production. Our big problem seems to be that already we produce more than we have the purchasing power to consume.

This is proposed merely as a suggestion, but I wonder if it wouldn't be a good idea for the County Commissioners to tabulate the various needs of the county, such as increased school buses, new county home, new courthouses, and not including any school building needs in this budget. I hope that they can be freed from the state school fund money, and a fire department fund, estimate the costs and figure out how much additional revenue this would cost. Then they could allow the people of the county, Democrat or Republican alike, to vote on whether they would like to increase taxes to meet property valuation or tax rate, instead of many of this nature of things. If the county voted it from the matter would not become a partisan political issue.

I probably know about as much about basketball as Andy. Continued On Page Eleven—

Do You Remember?

(Looking backward through the files of The Press)

50 YEARS AGO THIS WEEK

Some persons from Walnut Creek brought a live wild-cat to town Saturday and sold it to Jack Casler for two dollars. It appeared to be a vicious creature, not pleased with captivity.

Mr. E. Farman Jarrett, insurance broker, has moved his office from Franklin to Waynesville.

We are to have a long distance telephone right away. This will be of great advantage to our people and a grand advance to our summer business.

Mr. J. Lee Bernard, of Charlotte, N. C., former resident of this place, is in town for a few days.

25 YEARS AGO

Who told that Asheville weather prophet that Tuesday was gonna be rainy?

We admit it. We made a mistake last week when this paper announced that Spring had arrived west of the Balsams. Rain, snow, and wet were on the bill of fare for Franklin Tuesday.

Mrs. Kate Smith, who leaves soon for New York to reside, was tendered a farewell courtesy on Thursday afternoon of last week in a miscellaneous shower given at the home of Mrs. J. A. Porter by Mrs. John C. Wright and Miss Ida Leach.

10 YEARS AGO

Mrs. William C. Nail, of Highlands, has accepted the position of assistant to Mrs. Florence S. Sherrill, county home demonstration agent.

The Rev. Jackson Huneycutt arrived to take over the pastorate of the Franklin Methodist Church on March 1.

The troop charter for Negro Scout Troop, No. 11, of Franklin, was presented at a recent meeting in a special investiture ceremony at Chapel School.

PERSONAL

By WEIMAR JONES

If you want something, and keep on wanting it, and never stop looking for an opportunity to get it, sooner or later, I believe, that opportunity will come along.

At least, I had that experience the other day.

All my adult life, I have hoped that sometime I could attend one of the press conferences held by the President of the United States. But, until last the other day, I never had had an opportunity even to go to the national capital, much less get in on a Presidential press conference. And when I cut my ties with daily newspapers eight years ago, to go to France, it appeared that this lifelong professional ambition was receding, instead of getting closer.

When I was asked to go to Washington the latter part of last month, as the representative of the North Carolina Press Association at the White House Conference on Highway Safety, though, I immediately began to think about getting in on one of President Eisenhower's press conferences.

It looked like all the odds were against me. The President usually holds only one conference a week, and he was scheduled to leave on vacation on the Wednesday that his press conference was scheduled for. Would he cancel the conference?

Ever an optimist, I asked a friend in the Associated Press to get in touch with the Washington bureau of the AP and see if it could be arranged for me to attend the conference—if one was held. Immediately on arriving in Washington that Wednesday morning, I telephoned the Associated Press and learned that a conference was to be held; and that I had been "cleared"—the AP had vouched for me as a security risk.

I was delighted—but my troubles weren't over. I almost didn't get in!

I was told to be at a particular gate to the White House grounds at 1:30, and was there a little ahead of that time. The two guards at the gate consisted of the tiny house that protects them from the weather. I told them why I was and what I wanted. One of them suggested a "petition" list, and sure enough, there was my name.

Continued On Page Eleven—