

# The Franklin Press and The Highlands Maconian

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AUGUST 26, 1954

## Why All The To-do?

There is great excitement in law enforcement circles over a recent ruling of the North Carolina Supreme Court. The court ruled, in substance, that a police officer must obtain a warrant before making an arrest for a misdemeanor (minor law violation). But it was careful to make an exception: Where the peace is being breached, said the court, an arrest may be made without a warrant.

That seems a reasonable enough interpretation of the law. And surely it is in line with the American tradition that arrests are not to be made promiscuously and on whim, but must be in conformity with law.

Yet the police of several North Carolina cities are threatening virtually to cease making arrests in misdemeanor cases — an attitude somewhat reminiscent of the boy who threatened to take his ball and bat and go home, unless he could pitch.

The State Highway Patrol at first hesitated, with instructions to patrolmen to use extreme caution. Now, on advice of the attorney general, the policy is "arrests as usual". Presumably that is in line with the statute governing the patrol; but it is worth noting in passing that the superb job the patrol has been doing does not make that agency sacrosanct — it, like any citizen, is under the law.

Why all the to-do? If a pedestrian is drunk, but is not breaching the peace, why all the hurry to arrest him? Why wouldn't a later arrest, with a warrant, be equally effective? And why is it so necessary to arrest a motorist at the moment he violates the law? Through the automobile license tag, the patrol can easily learn who is the owner of a speeding car. Wouldn't the arrest, at the speeder's home or place of business, a day or a week, or even a month, later, be equally effective — and more in keeping with the spirit of the law?

Delay admittedly would create complications in the cases of out-of-state traffic law violators. But we've often wondered if the patrol could not obtain reasonable compliance with the law, by out-of-state motorists, through courteous warning to the motorist, that he is breaking the law. After all, the chief purpose of law enforcement officers is to get the law complied with — it is not to make arrests just for the sake of arresting somebody.

What some law enforcement officers, and some newspapers, appear to have forgotten is that the law is not for the convenience of the police, but for the protection of the public. And it should never be forgotten that an important part of that protection of the public is the protection of the rights of the man to be arrested.

## Change That's Overdue

A proposal that the people of Chapel Hill elect their board of education members has created widespread comment. It seems a little remarkable that there should be anything unusual about such a proposal, in a democratic country. But it is unusual in North Carolina.

The general rule, for county boards of education, is for the Democrats to nominate members in the primary, and for the Democratic General Assembly to appoint the board members, approximately a year later. The purpose of the system, of course, is to keep the schools firmly in control of one party.

Yet so staunch a Democratic organ as the Raleigh News and Observer endorses the Chapel Hill plan as an example that should be followed generally. And The Smithfield Herald remarks that "North Carolina will be without a truly democratic foundation for its school system as long as (1) Republican voters are without voice in naming school board members, and/or (2) the election of school board members remains a prerogative of the General Assembly".

For some eight years this newspaper has been urging the choice of county board of education members — at least in this county — in non-partisan elections. A bill along that line was introduc-

ed in the last General Assembly, but was promptly killed by the house committee on education.

The only reason given by committee members was that the method of selecting school board members should be kept uniform. That argument, of course, is fallacious, since there already are many exceptions to the uniform rule.

It is to be hoped the 1955 General Assembly will take a more enlightened view. At the least, we'd like to see the system changed for Macon County — the change to become effective, of course, at the expiration of the terms of those nominated, last spring, under the present system.

## Fundamental

The Senate and House last week agreed to make it a crime to be Communist.

Only a technicality — the fact that the Senate and House bills had to go to a joint conference committee to iron out differences — prevented enactment of a law under which a man could be sent to prison for five years and fined \$10,000, for being a Communist. In the conference committee, the bills were watered down.

The fact remains that a majority of U. S. senators and representatives last week were ready to write such a measure into law.

The issue here is not whether Communism is right or wrong, whether one is for or against Communism. The question is whether we are willing to make a fundamental change in our whole concept of government.

From the beginning of this nation, men have been punished for acts. These bills would have punished men for what they think.

Has the time come when Americans are ready to abandon the idea that a man has a right to think what he pleases, whether it be right or wrong?

If so, we might as well bid farewell to all our other American freedoms.

## How Crazy Can We Get?

We Americans buy our homes on the installment plan. That's probably the only way most of us would ever get them. Furthermore, it probably makes sense to go in debt to buy a home.

Both those things can be said, too, about buying a business.

We also buy engagement rings, washing machines, and automobiles, to mention only a few items, on the dollar-down and dollar-a-week plan. Again, that probably is the only way a lot of us ever would get those things. Whether it makes sense to go in debt for them is another question.

Now you can buy pleasure travel on the installment plan; make the trip and pay for it afterward! TWA (Trans World Airlines) is setting a precedent by offering a "time pay plan" for those who wish to travel by air on the first leg of the National Grange European tour in October. You can fly from New York to London (and back, after touring Europe), paying only 10 per cent down, with the balance divided up into either 12 or 20 monthly installments.

Once again, we can say, "well, that's probably the only way a lot of us ever would get a plane trip to Europe". And we predict the plan will prove a big success; the TWA folks are too smart not to have it figured out that a lot of people (you don't have to be a member of the Grange) will take advantage of it.

Which makes us wonder: Just how crazy can we get?

## Professional Hypocrisy

Some readers have mistakenly assumed that the editorial, "Could It Be?", in last week's Press was intended as a reflection on optometrists.

It was not so meant. This newspaper has no reason to doubt that the majority of optometrists do their job — of fitting glasses — conscientiously and well.

The purpose was to expose what appeared to be rather blatant professional hypocrisy. It suggested that the State Board of Examiners in Optometry, in offering a reward for the arrest and conviction of house-to-house salesmen of ready-to-wear glasses, was not animated chiefly by a high-minded desire to protect the public, but by a desire to protect optometrists from competition.

The trouble, it seems to us, goes back to the way we regulate the professions in North Carolina. In the field of optometry, for example, a board is set up, with the force of law back of its rulings. That board is made up of five optometrists; not one layman is there to represent the public. And the

five optometrists are not elected by the people, are not appointed by the legislature, are not even named by the governor; they are chosen by the N. C. State Optometric Society. And the set-up for regulation of other professions is little, if any, better.

Human nature being what it is, these boards are quite likely to give first consideration to protection of their professions, with the protection of the public in a distinctly secondary place. Since human nature is what it is, the boards cannot be blamed too severely for so acting. But they do deserve censure when they obviously are hypocritical about it.

And that applies whether the hypocrisy is among optometrists, lawyers, physicians, or newspapermen.

## Others' Opinions

### CLARIFICATION NEEDED

(Raleigh News and Observer)

Clarification is badly needed as to three aspects of the laws relating to violators of the traffic laws.

The need for clarification arises from what the Supreme Court said in one case, what the same court did not say in another case and the adamant refusal of some local courts to impose costs in parking cases.

Clarification can come from one or both of two sources, further decisions by the Supreme Court and further legislation. The three situations should be clarified as far as possible in the courts before the General Assembly meets in January. When the Legislature convenes, it should make the whole question of enforcement of traffic laws, including reform of justice of the peace and other courts, one of its first orders of business.

The latest decision of the Supreme Court to create confusion that has hampered law enforcement in traffic cases was not occasioned by a traffic case but by a case involving public drunkenness. In that case the high court reversed a conviction because the defendant was arrested without a warrant and there was no evidence that he was committing a breach of the peace. The court pointed out that the right of an officer to make an arrest for a crime committed in his presence is limited to felonies and lesser crimes involving a breach of the peace.

The decision has produced a breach of the peace. Law enforcement officials are playing it safe and have stopped making arrests in a number of instances in which arrests have been made as a matter of course ever since the first traffic laws were passed.

Obviously there is a need for clarification as to what constitutes a breach of the peace. That clarification should be made by courts on the basis of present laws. But, whether the courts act or not, the General Assembly should make sure that there are no loopholes in the law.

An earlier decision of the Supreme Court disposed of a supposed test case on the validity of parking meter ordinances without determining the question of whether such ordinances are valid.

The uncertainty surrounding the legality of parking meters, like that about the rights of officers to make arrests, has hampered law enforcement. The uncertainty should be removed.

A local judge in Raleigh and those in some other communities have interpreted the laws on overtime parking to limit punishment to a fine of one dollar and to preclude the addition of court costs in cases which go to trial. The result has

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### STRICTLY

### PERSONAL

By WEDMAR JONES

"I can't help wondering if maybe you have overdone the parking meter business", remarked a one-time resident of Franklin, back home last week on a visit.

"I know parking meters have their place", he was quick to add; "and Franklin is growing so fast, parking is a real problem."

"But does the town have to put a meter at every available space? When they are everywhere, I am afraid it looks to visitors like Franklin is interested not so much in providing parking space, as in collecting every possible penny of parking meter revenue."

"At the least, it seems to me, a person ought to be able to go in the post office to drop in a letter or get his mail, without having to feed the meter. Wouldn't a parking limit of, say, ten minutes be better there?"

We are inclined to think the gentleman has something.

"There's no chance to make a living in Franklin."

How often have you heard that said!

And it is true that the number of job opportunities is limited. But the opportunities aren't. They are here; all that's necessary is the imagination to see them.

Mr. and Mrs. Don Smith's experience is the perfect illustration. Anybody could have done what they are doing: Putting up jams, jellies, etc., and selling them. The berries and the fruits they use have been here all the time!

Mr. and Mrs. Smith had the energy to gather and preserve them, and were smart enough to capitalize on their coming from the mountains — and to open a road-side stand. They also adopted a standard — and attractive — label, so their products would be recognized.

How well have they done? Well, they've won national recognition, with a little business — and a big idea.

I like the comment, in a personal letter, on the letter of Mr. S. W. Richardson, in the August 12 Press.

Referring to his remark that "it is regrettable that you choose to mislead the good mountain people of your community", my correspondent remarked:

"The 'good mountain people' do not have to be led or misled by The Press. They have perfectly good minds and are capable of thinking for themselves . . ."

They have, and are, thank goodness!

## News Making As It Looks To A Maconite

By BOB SLOAN

There is little doubt in the minds of most people, mine included, that Democratic Chairman Stephen Mitchell slightly over-stepped his bounds when he accused by implication President Eisenhower and Bobby Jones of dishonest dealings. However, I think that it is equally true that President Eisenhower overstepped the bounds of his office, regardless of his motive, when he ordered a contract to be let for more than \$100,000,000 without its being subject to competitive bidding. The taxpayers could be spending millions of dollars more than necessary. Who knows unless the job is let to bids? I think the people owe Stephen Mitchell a debt of gratitude and one can hardly blame him for being carried away with himself when he realized the full implications of the Dixon-Yates deal. There is one thing I don't understand. The people whose blood reached a boiling point when they learned that the wife of some Democratic official had accepted a mink coat or a deep freeze seem the least perturbed when they learn that now one company has been awarded a contract by a very un-business like procedure which is costing the taxpayers thousands of times the amount of the cost of a mink coat or a deep freeze. The moral of this seems to be if you are going to get a favor from the government get a big one. The bigger it is the more likely it is to go unpublicized. Perhaps the reason Stephen Mitchell dragged the names of Eisenhower and Bobby Jones is that he realized that he had to do something similar to that to get any press notice.

I still think that we here in Macon County and Franklin in particular should be going all out to gain more tourist business from agriculture at present and the lot of the farmer for the next few years is going to be increasingly hard. One way we can make up for the loss of farm income is to go after more tourist income. Two things we can do are to make our community attractive and to tell the people about the many ways in which we feel that our county already excels. For example, I personally doubt that many towns the size of Franklin have a fire department that compares with ours in efficiency. From experience, I am willing to say that we are served by one of the most efficient electric companies. From the comments I hear of people in other towns and states I would say that the service provided by the Nantahala Power and Light Company is tops. Their rates are low. If we here would properly boost what we have

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## Do You Remember?

(Looking backward through the files of The Press)

**50 YEARS AGO THIS WEEK**  
The Old Maids' Convention left early Friday morning for Highlands\* to render the play at that place.

Prof. J. J. Ammons, of Buncombe county, arrived here Thursday. It is probable he will take charge of the Macon High School in place of Prof. Bradley who has resigned.

There are now four new buildings in course of construction in Franklin: Mr. J. R. Pendergrass' new brick store on Main Street, Dr. F. L. Siler, residence on West Main Street, Mr. C. T. Blaine, residence on Harrison avenue, Mr. E. Hurst, residence on Iotia Street.

**25 YEARS AGO**  
Work To Start on Nantahala Dam in Three Months—Headline.

I take this method of announcing that I have sold The Press to Mr. Lyles Harris, formerly county agent of Macon County.—(Major) S. A. Harris.

**10 YEARS AGO**  
RATION NEWS—Meats, Fats, Red Stamps A8 through Z8 and A5 through D5, good indefinitely.

S. Sgt. Troy L. Crisp has landed safely overseas, according to a letter received by his parents, Mr. and Mrs. Fred L. Crisp.

Pvt. John H. Wasilik, son of Mr. and Mrs. John Wasilik, Jr., has written his parents that he is now in France.