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SUBSCRIPTION RATES

Table with 4 columns: Rate Type, Outside Macon County, Inside Macon County, and Price. Includes One Year, Six Months, Three Months, Two Years, and Three Years for both areas.

THURSDAY, AUGUST 23

The Pearsall Plan I

What has come to be called the Pearsall Plan will be passed on by the voters of North Carolina in an election to be held Saturday, September 8.

WHAT IS THE PLAN?

While the Pearsall Plan is covered by seven measures approved by last month's special session of the General Assembly, the heart of the plan is a proposal to change the state constitution. It is the responsibility of accepting or rejecting this constitutional amendment that Macon County voters, as well as those in the other 99 counties, must face in the September 8 election.

That amendment would do two things:

1. Authorize educational grants, from state or local tax funds, for the private education of children assigned to racially mixed schools, against the wishes of their parents. To obtain such a grant, a child would have to attend a private school that was non-sectarian.

2. Permit the people of any local school unit, by majority vote, to suspend one or more schools within the local unit. An election on the closing of a school or schools could be called either by the board of education or by petition of 15 per cent of the registered voters in the unit.

WHY THE PLAN?

The Pearsall Plan is the outgrowth of studies made by two state commissions. Those groups sought the answers to these questions:

(a) Is some action necessary to meet the crisis in public education created by the U. S. Supreme Court's anti-segregation decisions?

(b) If so, what action should be taken? To the first question, those studying the situation came up with an answer of "yes; it is necessary to take some action".

The Pearsall Plan, so-called for Thomas Pearsall, of Rocky Mount, chairman of the last study group, is their answer to the second question.

IS IT LEGAL?

Will the United States Supreme Court hold the proposals embodied in the Pearsall plan in conflict with the U. S. Constitution, and therefore void the whole plan?

Nobody knows.

To our lay mind, it would seem that if it is constitutional for one unit of government to make educational grants from public funds to individuals, then it would be constitutional for another unit. Nobody questioned the constitutionality of the federal government's educational grants to G. I.'s (and those grants were made even through the tuition money went to church institutions), so why would state educational grants be illegal?

And to deny to voters of a school unit the right to make decisions about their local schools — even to the point of closing them — would seem to deny what is the very basis of our American government — the rule of the people.

It is worth remembering, though, that ever since the Supreme Court's 1954 decision, rulings of federal courts generally have been so consistently one way — have so given the impression, at least to some persons, that the courts are more interested in the segregation situation than they are in law — that even the vice-chairman of the Pearsall committee qualified his assertion that the Pearsall Plan is constitutional. William T. Joyner, outstanding in North Carolina legal circles, predicted that the plan will be upheld, if and when it reaches the high court; but, he added, "assuming there is a fair U. S. Supreme Court" at that time.

IS IT AN HONEST PLAN?

The answer to that one depends on what is meant by "honest plan".

It is an honest plan, in our opinion, in the sense

that the men who proposed it are sincere in their conviction that something had to be done, and that this is the best plan so far suggested.

We think that, first of all, because of the character of the men responsible. Governor Hodges, who vigorously supports the plan, is recognized as thoroughly honest, even by those who disagree with him most. There is no more respected man in North Carolina than Mr. Joyner, who, incidentally, is the son of J. Y. Joyner, Aycock's state superintendent of public instruction and one of the fathers of North Carolina's public school system. And no fair person would accuse Mr. Pearsall and other members of the committee, on a basis of their reputations, of being anything other than sincere. We are convinced of the honesty of the committee's recommendation, in the second place, because Mr. Pearsall's explanation of the plan, in Asheville a few weeks ago, had the ring of sincerity. Finally, the honesty of the commission's members is shown, it seems to us, by their humility — a humility that expresses itself in voluntary admission that the plan is far from perfect. "It is the best we could do under the circumstances", said Mr. Pearsall. Then, with remarkable frankness, he added: "It is an effort to buy time", until the circumstances change or something better can be devised.

EDITOR'S NOTE: The second half of this editorial, to appear next week, will discuss the questions: "What's Good About The Plan?"; "What's Bad About It?"; and "Which Way To Vote?"

Correction

An editorial in last week's Press erroneously referred to A. B. Slagle as a member of the State Board of Education. It should have read State Board of Agriculture.

State Press Applauds Patton Appointment

SOMETHING OF A GOOD FATHER

(Charlotte News)

There's something of a good father in George B. Patton. It seems he could take you to the woodshed, whale the daylight out of you, and lead you back up the path to the house smiling through the tears.

It's his kind of justice, for few men have passed through his court without learning he is just and good, gentle but firm, quiet but articulate, tough but not arrogant.

George Patton is a man who is dedicated to the law. He makes no case for interpretations or analysis. His is justice under the law to the full letter of the law. There are no excursions into the unknown with Judge Patton.

Tossed in for good measure, and to the amusement of plaintiffs and defendants alike since he became a special Superior Court judge in 1947, have been his words of wisdom sprung in the distinctive, warped tongue of Western North Carolina talk.

And George Brabson Patton is a man experienced in the large civil court question of this time: The school segregation issue.

He more than any other man — save his predecessor, William B. Rodman — has wrestled with it first hand. He heard the Old Fort school case which may well become the basis for vital school decisions in the future.

Gov. Luther Hodges has now appointed Judge Patton to the attorney general's position, a job which has become increasingly vital for the very same school problems.

Mr. Hodges would have had to look long and far for a more qualified man. He examined a two-sided coin, the man and his work, and came up with the best possible choice.

The state of North Carolina has entered a new and critical period in its history. The burden of leadership and government hangs heavy on the shoulders of our leaders.

It will take visionary, strong, forceful men to keep the road straight. Every key appointment, such as this, means much to the state now and in the future.

The selection of George Patton is a tribute to him and to Gov. Hodges.

The governor has done well. Judge Patton will do well as attorney general.

SUGGESTS SUBSTITUTE

Would Pearsall Plan Hasten And Increase School Integration?

The Smithfield Herald

We have said in these columns that the Pearsall Plan is not the answer to the problems created by the Supreme Court decision against segregation. It is our opinion that the Pearsall Plan is more likely to increase racial tension and bring on court actions to force integration than it is to discourage the mixing of the races in the schools; and it is more likely to destroy the public school system than it is to save that system.

Whatever the white majority may think of the Pearsall Plan, we may be certain that the Negro leadership regards the plan as an attempt to evade the decision of the Supreme Court. And we may expect that the Negro reaction to evasion will take the form of one court action after another to compel admission of Negro pupils to schools attended by white pupils. The law stands on the side of the integrationists. A flood of suits, then, logically could be expected to hasten integration and usher in more integration than we might reasonably expect without the Pearsall Plan.

PATTON: GOOD CHOICE (Greensboro Daily News)

Governor Hodges' appointment of veteran Superior Court Judge George B. Patton, of Franklin, to the attorney general's post brings an old face from the Far West back to Raleigh.

Judge Patton is steeped in the law. For about a decade he has served with distinction on the Superior Court bench, winning and meriting backing of varying factions of the Democratic party's hierarchy. His first appointment to the bench came from Governor Cherry and he remained on the bench as special judge during the Scott, Umstead and Hodges administrations.

To the difficult attorney general's job, he brings a wealth of experience and good judgment. Significantly he was the state judge who handled the difficult Old Fort school integration case in McDowell County—the first suit aimed directly at breaking down school segregation bars in N. C. Decisions by the federal district and appeals courts in the Old Fort case, upholding the 1955 pupil assignment act, have been the basis for much of the planning behind the Pearsall Plan. Judge Patton will be thoroughly familiar with legal aspects of the school desegregation problem, a matter on which his advice will often be sought; in addition he will handle the state's defense against lawsuits brought in connection with the Supreme Court school decision.

Judge Patton is no stranger to Raleigh. He is a former assistant general and general counsel of the State Highway Commission. His appointment should continue the high caliber of service provided for long years by the late Harry McMullan and carried on by William Rodman. It also brings into the high council of state government a strong voice from the Far West, not ordinarily well represented in Raleigh.

HAS EARNED THE JOB

(Charlotte Observer)

Completing a chain reaction of appointments, Gov. Hodges has handed the attorney general's office to Judge George Patton.

And not even the men who had wanted the job for themselves can find much to criticize.

Judge Patton has all the qualifications anyone could ask. He has legislative experience.

He already has worked for five years in the office he now will run.

He is as highly regarded, both in and out of his profession, as any Superior Court judge in North Carolina.

He is no stranger to the segregation question which puts grey hair in the heads of Southern attorneys general these days. He was the presiding judge in the McDowell County school case, which was the first court test of the new pupil assignment law.

In accepting appointment as the state's lawyer, Judge Patton knows that he is taking on a difficult job in difficult times.

Those who have watched his career know that the Governor could have made no better appointment. George Patton has earned the job.

WISE CHOICE

(Asheville Citizen)

Governor Hodges, in naming George B. Patton, of Franklin, Macon County, turned to the mountains for a thoroughly capable man to serve as attorney general of the state.

Judge Patton, of the Superior Court bench, has accepted the appointment to succeed Attorney General William B. Rodman, Jr., who becomes an associate justice of the State Supreme Court to fill the vacancy caused by the elevation of John Wallace Winborne of Marion to chief justice. The changes were necessary due to the retirement of Chief Justice M. V. Barnhill because of ill health.

Judge Patton is a former assistant attorney general, having served from 1939 to 1941.

A native of Franklin and a graduate of the University of North Carolina, Judge Patton also has been chief counsel for the State Highway and Public Works Commission. He has served as mayor of Franklin, county attorney, and as Macon representative in the General Assembly.

Governor Hodges, in selecting Judge Patton, did so in the realization that a highly capable and experienced lawyer is needed as attorney general at a time when the state faces many complex problems, including the situation in our public schools.

Those who know Judge Patton are confident he will serve the state, in his new office, with energy, ability and distinction.

law of the land. This is in line with part of the Pearsall Committee's report of April 6, 1956. For in that report the committee declared: "The decision of the Supreme Court of the United States, however we dislike it, is the declared law and is binding upon us. . . . We must live and act now under the decision of that court. We should not delude ourselves about that."

(2) Move toward compliance with the law in the "good faith" required by the Supreme Court.

(3) In compliance with the law, use to the fullest possible advantage the Pupil Assignment Law enacted by the Legislature in 1955. The Pearsall Committee, while it doesn't advocate reliance solely upon that law, has recommended that Continued on Page Three—

VIEWS

By

BOB SLOAN



All change is not progress, but certainly there is no progress without change. Also progress is based on new ideas.

With this in mind, I certainly feel that the label "party of progress" fits the Democratic party much better than the Republican. For the life of me, I can't think of a new idea in government in the past twenty-five years, (and there have been several), in our country that hasn't originated within the Democratic party.

For example, take the bold stroke by Adlai Stevenson of allowing the delegates to choose their nominee for Vice-President rather than have him hand picked by the presidential nominee. This was new and precedent shattering. Also it breathed new life into his party and, I believe, if allowed to become a custom, will increase the calibre of the Vice-presidential timber.

Now that the Democrats have started it, the Republicans will undoubtedly follow suit, like they have in the matter of New Deal legislation. However, they can't this year as the nominee is picked before the convention starts.

If Stevenson is beaten in the fall election and makes no other contribution, his courage and sagacity in introducing this innovation in convention procedure has brought a great benefit to the American political system.

If I might crow a little please allow me to say that writing three weeks ago I picked both the presidential and vice-presidential democratic nominees.

Do You Remember?

(Looking backward through the files of The Press)

50 YEARS AGO THIS WEEK

Messrs. R. P. and A. J. McCracken shipped a car load of fine cattle from this county yesterday.

The long continued rains have given weeds possession of the public square and some lots in town that might be improved in appearance by the use of mowing scythes.

Alexander Tippett has moved his barber shop to the Love brick building over the store of J. T. Moore & Company.

25 YEARS AGO

Mr. John Reese, who has been spending the past few weeks in San Francisco, returned to his home here today. — Highlands item.

Miss Mary Louise Slagle entertained with seven tables of bridge and other games at her home on Cartoogechaye Tuesday night of last week.

Messrs. M. O. Matthews and F. L. Cooper, of Augusta, Ga., are here this week visiting Mr. and Mrs. C. S. Brown at the Scott-Griffin Hotel.

10 YEARS AGO

Sixty-two war veterans are enrolled in the Farmer Training program in Macon County, according to E. J. Whitmire, teacher of agriculture, who is the supervisor of the program in this county. This number is greater than that of any other department in the state.

Bidd E. Burton, who has been in service three years, has returned to duty on the U.S.S. Randolph, after a week's leave here with his mother, Mrs. R. A. Baty, and Mr. Baty.—Highlands item.

Miss Louise Carpenter, daughter of Mr. and Mrs. E. J. Carpenter, is spending two weeks in Kokomo, Ind., with her brother, Bob Carpenter, and Mrs. Carpenter.

What Is The Answer?

If the Pearsall Plan is not the answer to the problems confronting us, what is the answer?

Nobody can be sure he has the right answer, but it is our opinion that the following course offers greater hope of saving the public schools and maintaining racial peace than the Pearsall Plan:

(1) Accept the Supreme Court's decision as the supreme

state. For if it is true, as the Governor and other sponsors of the Pearsall Plan contend, that the people of North Carolina will not accept mixed schools, the abolition of schools would not be confined to a few isolated communities. Abolition would be widespread — just as widespread as the integration forced through numerous actions brought by Negroes who look upon the Pearsall Plan as an evasion of the law.

The Pearsall Plan thus would lead North Carolina into an unwelcome "either, or" situation. Either we would have a flood