

THURSDAY, APRIL 9, 1959

'THIS IS THE LAW'

## One Man Made It So

Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb.

Those words are from the American Bill of Rights, a series of ten amendments adopted as a sort of postscript to the U. S. Constitution. Their purpose was to make sure, beyond any shadow of doubt, that the rights and liberties of the individual are protected from encroachment by government.

They are simple words. The meaning is clear—once a man has been tried, whether he is convicted or acquitted, he may not be haled into court for trial a second time for the same offense.

That provision of the Constitution has remained unchanged for 170 years; the words say just what they said when they were adopted. In all that time, in fact, never once has it even been proposed that they should be changed.

That part of the Constitution still reads the same; but it has been changed. The U. S. Supreme Court ruled the other day that the words don't mean what they plainly say. The Court so ruled when it upheld the conviction and life sentence, in a state court, of a man who earlier had been tried and acquitted in a federal court.

And since the opinion was by a 5-to-4 vote, we have the spectacle of one man—the fifth justice voting to uphold—repealing a section of the Constitution, and a section of the people's Bill of Rights, at that!

If that seems a strong statement, consider the even stronger statement of a member of the Court itself—of Justice Brennan in his dissent.

He spoke of "unconstitutional federal action in the case". He said federal authorities were displeased by the federal court jury's verdict and "solicited the state indictment, arranged to assure the attendance of key witnesses, unearth additional evidence to discredit Bartkus (the defendant) and one of his alibi witnesses, and in general prepared and guided the state prosecution".

What he seems to be saying is that federal authorities were determined to get a conviction, regardless of the Constitution—and that the Supreme Court upheld them in that resolve.

If a man can be tried twice for the same offense, why not three times or four times? Why, in fact, may he not continue to be tried until a jury can be found that will convict? There is, of course, no satisfactory answer to that question; and the fact that there is none undoubtedly accounts for our centuries-old belief, voiced by another dissenter, Justice Black—the belief that "one trial and one punishment were enough".

Or consider the even stronger protest of Justice Black:

"The Court's holding", he declared, "further limits our already weakened constitutional guarantee against double prosecuting."

"Fear and abhorrence of governmental power to try people twice for the same conduct is one of the oldest ideas in Western civilization. . . . Few principles have been more deeply 'rooted in the traditions and conscience of our people'."

But, he continued, "after today" prosecutors who lose trials will be quick to try to arrange second trials in another jurisdiction.

This is not the first time the Supreme Court has tampered with this guarantee against repeated trials. Though few people have been aware of it, it seems that the Court, as long ago as 1922, ruled that a federal court may try a man for an offense he already has stood trial for in a state court. Now that doctrine has been extended to give state courts the same authority to violate the Constitution that already had been granted the federal courts.

While this is perhaps the most flagrant case of the Supreme Court's refusing to admit that words mean what they say, it is not the first time, either, that the Court has tampered with other provisions of the people's Bill of Rights. And surely, unless the Court is checked, it will not be the last.

Unless the people protest—unless, indeed, they find a way to resist—this continued judicial theft of plainly stated guarantees, in another generation the people will have lost the right either to resist or protest.

We may be willing to tell a story twice, never to hear it more than once.—William Hazlitt.

## Something New

That is an intelligent, a well-balanced program President J. C. Jacobs has outlined for the Franklin Chamber of Commerce in the coming year.

Mr. Jacobs proposes that the organization continue to emphasize the tourist trade as the best and greatest source of new dollars for the community; seek "the right kind" of industries; push for a program of wholesome recreation, "for our own people, as well as for those who come to visit us"; and take the lead in a movement to establish a farmers' market.

That last is new. It shows imagination. It's practical. It will fill a need.

Economically, nothing is worse needed in Macon County than a market, where the farmer can sell his products. As Mr. Jacobs has pointed out, its value will be equal to "a sizable industry".

Beyond that, it will tend to further tie town and country together. Incidentally, the advantages of being able to buy produce garden-fresh, already demonstrated by the smaller women's curb market, will make such a market a boon for the consumer.

The other three objectives outlined by President Jacobs are good; this one is excellent. Even if nothing else were done during the entire year, the successful establishment of a farmers' market here will make the coming year's chamber of commerce administration a red letter one.



J. C. JACOBS

## What Is Inflation?

What is this "inflation" we keep hearing about?

Well, if you could buy an article last week for 15 cents, and if you have to pay 20 cents for the identical article this week, that is inflation. Simply stated, it is the cheapening of money, so that it takes more and more money to buy the same things.

Those patriotic Americans who bought U. S. bonds during the war found out what inflation is — and what it does to us — when their bonds matured. They did, that is, if they stopped to figure. Because they could buy more in, say, 1943, with the \$18.75 they paid for a bond than they could, in 1953, with the \$25 they got for it. In other words, they loaned their money to Uncle Sam for ten years, and got back less, in what it would buy, than they loaned — even though the government went through the motions of adding interest to the principal.

Other results of inflation are shown by tables compiled by T. Coleman Andrews, former U. S. commissioner of internal revenue, and published recently in the Reader's Digest.

Suppose, for example, you were earning \$3,000 a year (\$250 a month) back in 1939. With that same dollar income, by 1957 you were able to buy only \$1,265 worth of the same goods and services you bought in 1939. Other examples, and the explanation, are shown in the table below.

In 1939		In 1957		Why?	
the recipient of an income of	had left after taxes	the same amount of income after tax was worth only		because taxes had increased by	and inflation had taken
\$ 2,000	\$ 1,975	\$ 863	\$ 215	\$ 897	
3,000	2,943	1,265	365	1,313	
4,000	3,910	1,658	530	1,722	
5,000	4,878	2,051	696	2,131	
6,000	5,830	2,429	878	2,523	
7,500	7,227	2,990	1,132	3,105	
10,000	9,536	3,877	1,632	4,027	

Put another way, in 1957 you had to earn \$7,370 to be able to buy as much as you did in 1939 with a \$3,000 income. Other examples of this are shown in the following table.

In 1957		Why?	
you have to have an income of	to match a 1939 income of	Because the increase would have entailed additional taxes of	and inflation already had taken
\$ 4,806	\$ 2,000	\$ 755	\$ 2,051
7,370	3,000	1,313	3,057
10,097	4,000	2,036	4,061
13,004	5,000	2,937	5,067
16,098	6,000	4,042	6,056
21,178	7,500	6,171	7,507
30,971	10,000	11,066	9,905

And what's ahead? Well, by 1975, the way things are going now, you'll have to have an income of \$16,867 (that's more than \$1400 a month) to be able to live as well as you did, in 1939, on \$250 a

month. Other illustrations of this are in the final table, which follows:

In 1975			
it will take an income of	to match a 1939 income of	it will take an income of	to match a 1939 income of
\$10,538	\$ 2,000	\$137,246	\$12,500
16,867	3,000	185,584	15,000
24,415	4,000	285,880	20,000
33,240	5,000	383,748	25,000
44,800	6,000	477,823	30,000
58,945	7,500	660,039	40,000
92,141	10,000	835,393	50,000

## Missed

It seems to be an experience common to all who have business at the Franklin Post Office. When they go there to buy stamps, to mail a package, or to get their mail from general delivery, there is a feeling that something pleasant and familiar is missing. Even those who did not know George Mallonee by name miss his smile, his readiness to oblige, and, with friends, his little jokes and gentle jibes. In his 26 years of serving the public at the post-office window, he had become a part of that institution — a warmly human part of it. Even after they have ceased to be consciously aware of his absence, patrons will long continue, subconsciously, to miss this friendly servant of the public.

## Salary Defined

(Banking)

Salary is an amount of money that no matter how large it is some people spend more than.

## Logic Of Deficit Spending

(Englewood, Colo., Enterprise)

There's a story going around in Washington which is told to explain the logic of those who say the way to cure a government deficit is to increase it.

The story is about a treasurer's report at a club meeting. The treasurer proudly reported that the club ended the year with a \$75 deficit.

"Wonderful," explained one of the members. "That's the best we've ever done and I don't think we should be selfish about it so I move that we give the deficit to the Red Cross."

"Wait a minute," put in another member. "I'm real proud of the record too, and I think we should share it even more. I move that we give 75 per cent of the deficit to the Red Cross and 50 per cent to the Salvation Army."

## Exclusively, And Forever

(Nashville, Tenn. Banner)

Twelve times now in 70 years the Congress of the United States has written into the law the specification that school controls belong exclusively to the states. The admission of each state from 1889 to 1959, inclusive, has contained that express provision.

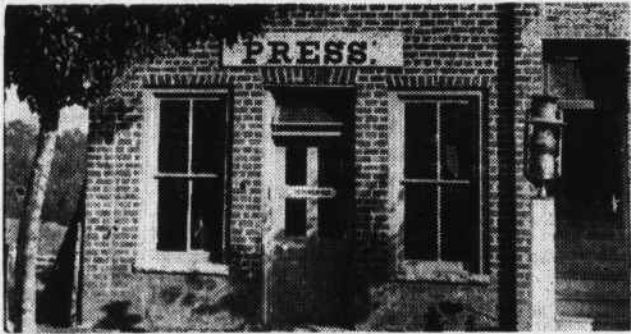
It is the standard legal clause, repeated last week in H. R. 4221 — admitting Hawaii.

If there are any members of Congress—or any figures in the Executive or Judicial branch — who don't know that, they have only to turn to Page Six of that bill, and Lines 11 through 17:

"The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State, and no part of the proceeds or income from the lands granted under the preceding subsection shall be used for the support of any sectarian or denominational school, college, or university."

## DO YOU REMEMBER?

Looking Backward Through the Files of The Press



### 65 YEARS AGO THIS WEEK (1894)

Hack fares between Franklin and Dillsboro have gone up from \$1 to \$1.50.

Mr. Allen requests all the patrons of the High School to send or hand him the amounts due on tuition at once, as he is anxious to settle with his assistant.

Last year our County Commissioners made arrangements to group all the county paupers on one farm as an experiment preliminary to the purchase of a poor house. The experiment has had the effect to reduce the number of paupers from fifty to eight.

### 35 YEARS AGO (1924)

At the first cooperative poultry sale of this season, 12,684 pounds of poultry brought the producers \$2,442.

The sick folks of this branch are better now. — North Skeenah item.

### 15 YEARS AGO (1944)

Lieut. William C. Nall, son of A. R. Nall, of Highlands, has recently received the Air Medal "for meritorious achievement while in aerial combat" over Burma.

A movement is under way for Franklin stores to close on Wednesday afternoons during the coming spring and summer.

### 5 YEARS AGO (1954)

Miss Sue Hopper and Miss Geraldine James have been selected as valedictorian and salutatorian, respectively, of Highlands High School, class of 1954.

Adam was but human—this explains it all. He did not want the apple for the apple's sake, he wanted it only because it was forbidden.—Mark Twain.

STRICTLY

## PERSONAL

By WEIMAR JONES



In this column last week, I referred to some changes in church customs.

It was not till that piece was printed in the paper that I recalled a church custom — one of the strangest of all — that prevailed here when I was a boy. I know that it prevailed, that is, in the Methodist Church; I assume it did in the others, too.

It was the custom of separating men and women.

As I recall the church's arrangement, there was a single aisle, down the center, with benches on each side. When they entered the church, the men took the seats on one side, the women those on the other. (My memory is vague about which side was which, but I think the men went to the left.)

Small boys, of course, sat with their mothers. When they were old enough to graduate to "the men's side", it was a milestone — something like the milestone, later on, of putting on "long pants".

This peculiar custom applied not merely to the unmarried; husbands and wives, of whatever age, separated at the church aisle.

It applied, too, to courting couples. Taking a girl to church (or, even oftener, taking her home, after church) was a standard form of courting. But the courting stopped at the church door.

And that, maybe — and this is only a guess — was the reason for the rule: To make sure the young people paid attention to the preacher, instead of to each other.

The following paragraph is from a personal letter I received the other day from a former, and still intensely loyal, resident of Macon County:

"Wonderful Franklin! building its own teen hall. If it had 50,000 people, it would be asking the government to do it."

Most of us are inclined to be

snobbish; about our social position or our wealth or our family (as though we were due any credit for the family we were born into!) or our education or our achievements, or any one of a dozen other things.

Perhaps the commonest and most insufferable snob of all, though, is the language snob; the person who is quite sure he, and he alone, speaks correct English, and who looks sneeringly down his long nose at anybody who dares vary from the words and phrases he has set his stamp of approval on.

I was reminded of that the other day when I came across the word "receipt", used in the sense of a formula for cooking. As a boy in Franklin, the word was "receipt"; I was grown before I ever heard "recipe". But today I rarely hear it called anything else, and so I had assumed "receipt" was a localism, a mountain expression that, somehow, was handed down to us. And I've consistently said "recipe" ever since I learned — or thought I had learned — that it was the correct word; ever since, too, I noted those knowing smiles exchanged in a group when some woman betrayed her "ignorance" by asking for a "receipt" for some dish.

Well, for no reason at all, the other day I consulted Mr. Webster on the subject. I wondered if he would even list the old "localism", "receipt".

And what do you suppose I found? "Receipt" is not a localism; it is a perfectly good word, quite as good as recipe.

So the next time I note that exchange of knowing smiles when some "ignorant" person says "receipt", I may indulge in a little smiling of my own.

And when I say that, I guess what I really am saying is: "I can be just as snobbish as those darned snobs!"

MISS BEATRICE COBB

## On Learning 'The Hard Way'

In MORGANTON NEWS-HERALD

All of us have a streak of stubbornness, in varying degrees. I suppose it's human nature. Mine has always run strong, I'll admit. My mother often said that as a child I was very "strong-willed" — that I "wouldn't listen". And she would always add "those who wouldn't listen had to learn 'the hard way'."

Recently I have had personal lessons in the "hard way" of learning that there are limits beyond which the physical body can be pushed. "Better slow down."

"Try to take things easier", "Take care of yourself", etc., etc., were just conversational remarks with which I would agree at the time, and to which, as a rule, I "paid no mind". I have really never known what it was to "slow down", or to have physical ailments of any length or consequence interfere with whatever I wanted to do whenever I wanted to do it.

Before Christmas I found myself staying tired, keeping a nagging cough and hoarseness, "dragging" having to force myself many days

to keep going for a "short day", not to mention the 10-15 hours schedule I had so often followed.

I went away, as usual, on a Christmas trip, and enjoyed the holiday, but the brief rest was without lasting benefits. I tried going home earlier every evening, staying in bed at least 12 hours — but continued to get up feeling weary every morning and having to drive myself, unmercifully to keep going through a full day.

Finally one afternoon during the second week in March, I practically collapsed on the job. After a couple of days in bed, every day thinking I'd get up and get going again the next day, I realized I was running a temperature. Reluctantly I consented to having a doctor. Dr. Helms gave orders I didn't want to agree to—but it turned out that for practically two weeks I didn't even attempt to disobey "doctor's orders". I stayed contentedly in bed without any argument with myself or anybody else.

I've been back on the job, on an irregular schedule, for several days (this is Good Friday), but I've really learned "the hard way" that I'll have to live according to a less strenuous schedule until I fully recover from the after-effects of whatever it was ("flu" or what-not) that beset me. I may not even try for a few weeks to write something for this space every day, but hope I can write often enough to let those who tell me that they "keep close check" on me by observing whether or not I am writing "column stuff" know that I am again "on the job". I am flattered that so many have enquired or otherwise evidenced interest in me personally and in what I write as a space-filler on this page.

## IT AUTO SHOW THAT, ANYHOW

The car a fellow drives doesn't necessarily give you an idea of what he makes. It may indicate what he owes.—Olympia, Wash., Daily Olympian.

HANG CONSEQUENCES, TOO!

## These Statistics Sound Fishy

MONTGOMERY ADVERTISER

Somebody up in Illinois has calculated that in the well-fished areas of that state it takes an average of 13.3 hours to catch a pound of fish. These statistics turn up from time to time, obviously the work of corrupt statisticians in the employ of wives who can't understand how their husbands can spend all that time and money with so little to show for it.

Computations have been produced proving that it costs the average fisherman about \$100 a pound for all the fish he will catch in a lifetime. Similarly, it has been demonstrated that 36 holes of golf will do no more for the waistline—this being a favorite rationale of men—than 10 minutes of yard work.

Although our attitude toward fishermen and golfers is compounded of mystery and contempt, we do not hold with such accountings. Life is short and if something gives you pleasure, hang the fact that each perch or putt is costing you 20 per cent of your hours and gold. Or hang your wife.