

COURT IN TROUBLE Confusion Confounded

Most of us learned as children that one lie inevitably leads to a whole series of lies. In order to cover up and justify the first lie, we must tell half a dozen more; and each of those is likely to require still others. Sir Walter Scott's phrasing of that idea, in verse,

"Oh, what a tangled web we weave,

When first we practice to deceive!" has become a part of the language because it describes so well an experience that is universal.

Exactly the same sort of thing happens when we act on the assumption that a good end justifies bad means. Because a principle, which experience has proved right and true, stands in the way of quick and easy accomplishment of what seems a desirable end, we violate the principle.

Whenever we do that, we quickly find ourselves in hot water, because we have taken a position that is false; and in order to justify that first false position, we must take a whole series of other positions that are false. Which of us has not had that experience!

Rarely has this been better illustrated than by the U. S. Supreme Court's 1954 school decision.

No doubt the Court's intentions were good. It was motivated, probably, by concern for the rights of the Negro, and, almost surely, by an even graver concern that the United States should appear well in the eyes of its world neighbors. The end, that is, seemed so desirable as to justify whatever means were necessary.

But it is a basic principle of this government that the courts must operate **under law**, and that the Supreme Court has a single function. It's job is not to make law, no matter how desirable; its job, and its only job, is to say what the law, as written, means.

Yet, to outlaw school segregation, the Court had to toss out the window a considerable body of law, notably the Ninth and Tenth Amendments to the Constitution itself. Because that position was a false one, it was inevitable that trouble should follow.

The Court, in fact, found itself in trouble even before the opinion was written. It found so little law to justify the decision, it felt impelled to look for justification in the fields of sociology and psychology—important fields, to be sure, but wholly alien to a court of law.

It has been in trouble ever since. For six years now, it has been trying, first to justify the original false position, and more recently, to save face. The result has been a series of opinions on this question so bizarre as to stagger belief.

The latest of these was pointed out not by some Southern segregationist, but by The Saturday Evening Post.

A year ago, The Post recalls, the Supreme Court held (in *Greene v. McElroy*) that an industrial engineer, who had been denied access to classified information in a defense plant because of his alleged left-wing associations, must be restored to his job. He must be, said the Court, because he had had no opportunity to confront his accusers.

That opinion read, in part:

Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual... the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination.

But when a recent similar case (*Hannah et al. v. Larche et al.*) involved Southern election registrars accused of keeping Negroes off the voting lists, the Court held that the constitutional right of an accused to confront his accusers did not apply.

Unlike virtually every civil rights decision since 1954, this one, written by Chief Justice Warren, was not unanimous. Justice Douglas wrote a vigorous dissent.

These and other recent decisions, The Post com-

ments, "suggest that a citizen's constitutional rights depend on factors not mentioned in the Constitution." It then concludes that:

(Until a new case involving the right of accused persons to confront their accusers comes along, the ignorant layman can be pardoned if he is confused.)

Perhaps the ignorant layman can be pardoned, too, for wondering if the justices of the Supreme Court ever read the Constitution.

They read, no doubt, their own and previous decisions of the Court—which often are complex and obscure. But do they read the Constitution itself—which usually is simple and clear?

That question is prompted not by these decisions alone, but by many others in recent years—including several that had nothing to do with segregation.

On this point of confrontation, the Constitution says:

"In all criminal prosecutions, the accused shall enjoy the right... to be confronted with the witnesses against him." Note the word "all".

Is there any ambiguity there? Could any high school student fail to understand that plain, simple statement?

Yet the Court, entangled in the web of its own decisions, seemingly has failed to. For it has clearly held, in this latest decision, that the word "all" really means "some".

No Longer True

Once again, Macon County youngsters have shown what kind of stuff they're made of—winning stuff.

At the recent W.N.C. Fat Stock Show, they made a virtually clean sweep. F. F. A. and 4-H boys and girls from this county brought back home with them prizes for the grand champion, the reserve champion, the best county group of five animals, the best group of three; and all of the 25 calves from this county won blue ribbons. In the one field where Macon didn't take top place, showmanship, a youth from this county, Spike Maddox, placed second.

To him and the first place winners—Miss Genevieve Whitmire, Reagan Ammons, and those whose calves made up the county groups—we offer congratulations.

Macon youths have brought honor to their county so often in recent years, it begins to look like a habit. Most of us are beginning to take that sort of thing for granted.

That, of course, would be a mistake. Such honors don't come as a matter of fact; they come as a result of hard, intelligent effort. And the one thing neither adults nor youngsters here can afford is complacency.

Happily, though, our young people have dissipated a once rather general inferiority feeling—a feeling that "nobody in Macon County can do anything". That, it has been proved time and again in recent years, just isn't so any more—if it ever was.

Easy

(Brunswick, Ohio, Leader Post)

It's easy to recognize a well-informed man; his views are the same as yours.

New Look At F. D. R.

(Roanoke Rapids Herald)

The third volume of "The Age of Roosevelt," Arthur Schlesinger, Jr.'s comprehensive history of the New Deal, has recently been published. It is entitled "The Politics of Upheaval" and is chiefly concerned with the years when some of the first

damage on this region. This "New South," he says, "is the North's wishful image of what the North wants any present South to become; and this is, presumably, a South that accepts or submits to Northern views and becomes as much like the North as possible, no matter how great the injury to Southern beliefs and principles, no matter how extensive the cost in material and social terms."

Donald Davidson, long-time professor at Vanderbilt University and one of the great writers of the South and the nation, has written an essay in National Review which touches on this trial. In this essay, entitled "The New South and the Conservative Tradition," Prof. Davidson discusses the continuing struggle in which Southerners are involved as they seek to defend the high conservative principles of the American Republic.

Prof. Davidson cites the term "the New South" as one which is but a blunt instrument to inflict

challenges to the Roosevelt program were beginning to appear.

Many will strongly disagree with some of the conclusions drawn by the author and with some of the evaluations he makes of people and events in that period. Schlesinger is an avowed liberal and makes no pretense that his judgments are not colored by his political philosophy. Yet even conservative critics should find the book interesting. For that was an era of positive and colorful personalities, a time of social upheaval and realignment.

There are those who believe that the New Deal took America down the path of Fabian socialism. Schlesinger's conclusion seems to be that Roosevelt and the New Deal saved capitalism when the wheels had just about stopped. Whatever the reader's viewpoint as to this, the book is fascinating because Roosevelt emerges as an understandable human being in an age of significant change.

What Do People Work For?

(Stanly News and Press)

Someone remarked recently, "Most people nowadays work with just two things in mind: their paychecks and quitting time."

In other words, it is no longer popular to be concerned over doing a good job, or with making certain that you give your employer his money's worth.

Labor unions have, to some extent, fostered the growth of this feeling with their apparent advocacy of squeezing from the employer every possible advantage during their bargaining.

The advent of so many attractive forms of recreation has also tended to cause people to long for quitting time, so that they can be on the golf course, beside a fishing hole, or elsewhere.

Whatever the reason for this tendency may be, it is foreign to the best interests of both employer and employee. Further, it is the sort of cancerous thinking which eats away at the moral fiber of the nation and supports the "get by" attitude which seems to be becoming more and more prevalent.

It should be pointed out, however, for the benefit of those who may want to adopt the paycheck and quitting time as their two major objectives in a day's work, that the people who do adopt that philosophy rarely get promoted from their starting spot.

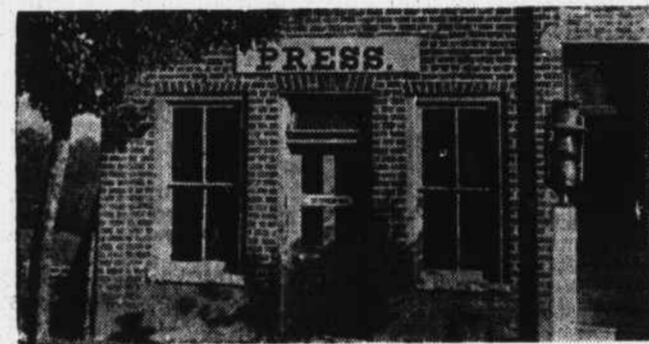
There will perhaps always be some who feel that the world owes them a living and that the least they have to do in the way of work the nearer their ideal they will reach. Such individuals are mentally and physically lazy. They, generally speaking, have neither the ambition nor capacity necessary for advancement.

On the other hand, there are still important positions becoming vacant with amazing frequency. They will go to the man or woman who has conscientiously sought to do a good job, to give full measure of work for the pay received, and has shown a sincere desire for greater responsibility.

If the "paycheck and quitting time" philosophy has become the motivating force in the life of the American working man, then it is a sad commentary upon the nation and its people. That philosophy can lead but to decay and failure.

DO YOU REMEMBER?

Looking Backward Through the Files of The Press



65 YEARS AGO THIS WEEK (1895)

H. H. Raby has groved out his whiskers, a la Burnside. Mr. Geo. H. Bidwell returned from Massachusetts to Corundum Hill last Friday.

Messrs. Lyman and Walter Deal returned from the Atlanta Exposition Monday evening.

Miss Anna Slagle is at Barium Springs, N. C., at the orphanage, where she has employment.

J. S. Sloan and wife, W. W. Sloan, Leon Sloan, Lyle Jones, Miss Laura Jones, Jimmie Lyle, and James Dryman left yesterday to visit the Atlanta Exposition.

35 YEARS AGO (1925)

The broadcasting station at Franklin is becoming widely known as P-E-P.

Someone ought to lay in a supply of ten's for use as real estate offices here next summer.

15 YEARS AGO (1945)

Cagle's Cafe has been sold to W. L. Keener, of the Gold Mine section, and will be operated by Mr. and Mrs. J. Phil Tate, son-in-law and daughter of Mr. Keener.

The Cowee P-T. A. and community have raised money over the past two years for a school lunchroom, which now is in operation.

5 YEARS AGO (1955)

Temperatures here during the past seven days ranged from a high of 71 to a low of 19.

H. H. Gnuse, Jr., of Franklin, has been reelected commissioner of the Smoky Mountain Boy Scout district.

Says The South Is Being 'Tried' For Failure To Conform

(EDITOR'S NOTE: The article below, from The Cleveland Times at Shelby, is reprinted here not because it represents the editor's viewpoint or the viewpoint of all Southerners—obviously it doesn't; but because it is a good statement of a viewpoint that must be taken into account for any real understanding of the South, past or present. Mr. Sensing, the author, is executive vice president of the Southern States Industrial Council.)

By THURMOND SENSING

With the opening of another school year, the American reading public will be subjected to innumerable newspaper and magazine articles that purport to describe what is taking place in the South.

Writers will be swarming into the Southern States because the South is on trial before the na-

tion. One section, of course, has no right to try another section, especially one like the South that has given scores of great men and millions of soldiers to defense of this country. Nevertheless, the trial which is, in fact, a kangaroo court proceeding, will be carried on in the "liberal press."

Donald Davidson, long-time professor at Vanderbilt University and one of the great writers of the South and the nation, has written an essay in National Review which touches on this trial. In this essay, entitled "The New South and the Conservative Tradition," Prof. Davidson discusses the continuing struggle in which Southerners are involved as they seek to defend the high conservative principles of the American Republic.

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individual comes first, and that government is a servant, not a master of men. Holding these views, Southern conservatives have much in common with the new conservatives of the North and West. Only the straw men erected by the "liberals" prevent a common front by conservatives in all regions. Nevertheless, such a front is gradually taking shape.

In the meanwhile, the South remains the bulwark of constitutional government in the United States. It is the storehouse of sound ideas about the way people can live together in state and nation. Prof. Davidson well describes the unique Southern contribution.



STRICTLY PERSONAL

By WELMAR JONES

A newcomer was speaking the other day of the unusual expressions he's heard since coming to Macon County.

What he said was not in criticism; in fact, he remarked that most of these expressions, though wholly new to him, were crystal-clear, that they said exactly what was meant, in a vivid way.

"But I heard one recently," he commented, "that left me puzzled. A woman was speaking of a minister we both know, and she said, emphatically: 'He's a trash-mover!'"

To the newcomer, the phrase conjured up the picture of a sort of garbage collector; yet he had noted that the woman spoke the words in a tone that was clearly complimentary.

"Just what did she mean?" the newcomer inquired.

A Macon native was quick to supply the answer:

"A 'trash-mover' is someone who, when he cleans up, really moves the trash; hence, the term means a hard, fast worker."

Only the other day I heard another mountainism, once in regular use here, but which I hadn't heard in a long time.

A man in the post office lobby, noting that the postal clerks were putting up mail a little longer than usual, commented:

"The mail must have got here later than common."

You don't often hear the word "common" used in that sense; yet what could be clearer? The mail was later than is commonly the case.

A variation of that that once was common here: the answer, when a person was asked, "How are you?"

"Why, I'm as well as commov." Another way the same idea of ten was put was:

"I'm just fair to middlin'."

Two or three weeks ago, I wrote a little piece about our use here of a word in a sense that you won't find in the dictionary.

That little piece ended right in mid-air. The person reading it

must have had a feeling something like he would have if, watching a motion picture, he saw a man jump off a high building, fall halfway to the ground, and then suddenly stop falling.

What happened, of course, was what often happens in newspaper shops. The last two or three lines of type were dropped or lost or in some way disappeared.

How that happens always is a puzzle to the folks who work around print shops, so it must be a mystery, indeed, to the reader who finds a piece ending in the middle of a sentence.

As children, we all heard the admonition, "If at first you don't succeed, try, try again." Well, I'm doing just that in this corner this week. I'm trying, once more, to get that piece in type, correctly and completely. Yet I have a sneaking notion something will happen to it again before it reaches the reader; for I've noticed, time and time again, that when you make one mistake about something, every time you try to correct it, you make another. (And that's true of all of us, not just those on newspapers.)

Anyway, I'm trying again. Here's that little piece again:

The word isn't in the dictionary, and that's too bad; because it conveys what is meant more clearly than any of the dictionary-sanctioned words that seek to say the same thing.

The word, which I'd guess is a mountainism, is "loafer." Used as a verb, mind you—not as a noun, which Webster does recognize.

"I'm just loaferin' around."

Could there be any question in anybody's mind what the speaker means? The word, indeed, creates an immediate mental picture of a fellow doing nothing, doing it in relaxed fashion, and enjoying doing it—and surely, "loaferin'" should be enjoyed.

Too bad the dictionary doesn't list it!

Too bad, too, that the ability to "loafer" isn't more evenly divided. Most of us fall either into the class of those who need to "loafer," but can't, or those who need to work, but won't.

BEQUEATHED REAL WEALTH

One Man's Last Will

(EDITOR'S NOTE: Below is the last will and testament of Charles Lounsberry, Chicago attorney. The will, the story goes, was written while he was confined in an insane asylum. In view of what the world is like today, readers may wonder if the man who was shut up in an asylum may not have been one of the few sane people, while all the insane were left free. The document, said to have been legally probated and put into Cook County (Ill.) records, is reprinted here from "The Record," insurance publication that is distributed locally by Macon Insurance Agency.)

I, Charles Lounsberry, being of sound and disposing memory, do hereby make and publish this my last will and testament, in order, as justly as may be, to distribute, my interests in the world among the succeeding men:

That part of my interest which is known in law and recognized in the sheep-bound volumes as my property, being inconsiderable and of no account, I make no disposition of in this, my will. My right to live, being but a life estate, is not at my disposal, but these things excepted, all else in the world I now proceed to devise and bequeath.

ITEM: I give to good fathers and mothers, in trust to their children, all good little words of praise and encouragement, and all quaint pet names and endearments; and I charge said parents to use them justly, but generously, as the deeds of their children shall require.

ITEM: I leave to children inclusively, but only for the term of their childhood, all and every flower of the fields and the blo-

soms of the woods, with the right to play among them freely according to the customs of the children, warning them at the same time against thistles and thorns. And I devise to children the banks of the brooks and the golden sands beneath the waters thereof, and the odors of the willows that dip therein, and the white clouds that float high over the giant trees. And I leave the children the long, long days to be merry in, in a thousand ways, and the night and the trail of the Milky Way to wonder at, but, subject, nevertheless, to the rights hereinafter given to lovers.

ITEM: I devise to boys jointly, all the useful idle fields and commons where ball may be played, all pleasant waters where one may swim, all snow-clad hills where one may coast, and all streams and ponds where one may fish, or where, when grim winter comes, one may skate, to hold the same for the period of their boyhood. And all the meadows, with the clover-blossoms and the butterflies thereof; the woods with their appurtenances; the squirrels and the birds and echoes and strange noises, and all distant places, which may be visited, together with the adventures there found. And I give to said boys each in his own place at the fire-side at night, with all pictures that may be seen in the burning wood, to enjoy without let or hindrance, or without encumbrance or care.

ITEM: To lovers I devise their imaginary world, with the stars of the sky, the red roses by the wall, the bloom of the hawthorne, the sweet strains of music, and ought else that they may desire to figure to each other, the last-ness and the beauty of their love.

ITEM: To those who are no longer children or youths, or lovers, I bequeath the power to have lasting friendships, the capacity for courage, and undaunted faith.

ITEM: To our loved ones with snowy crowns, I leave memory, the peace and happiness of old age, the love and gratitude of their children 'until they fall asleep.