

THE ROANOKE BEACON
And Washington County News

Published Every Friday in Plymouth, Washington County, North Carolina

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The Roanoke Beacon was established in 1889 and consolidated with the Washington County News in 1929.

Subscription Rates

In Washington, Martin, and Tyrrell Counties
 One year \$1.50
 Six months75
 Outside of Above Counties
 One year \$2.00
 Six months 1.00

(Strictly Cash in Advance)

Advertising Rates Furnished Upon Request

Entered as second-class matter at the post office in Plymouth, N. C., under the act of Congress of March 3, 1879.

Friday, April 2, 1937

Possessor of Friends

During recent days page advertisements have appeared in dozens of newspaper over the state, the text of the ads supporting United States Senator Josiah W. Bailey's stand against the President's Supreme Court proposal. Mr. Bailey tells in that text how he chose "the hard way," the ads carrying at the bottom, "Published by friends of Senator Bailey and Constitutional Government" and, in very small letters, "Paid advertising."

There are two very enigmating facts about the Senator's advertising program this far removed from the next primary. One of them is the fact that one Josiah Bailey has far more friends than we thought he had, and the other is the fact that they are such good friends they would release good dollars to buy advertising for him.

Without saying it is or it is not, we are just a bit suspicious that the money supporting the Senator's advertising campaign is coming from the same sources that the money came from to fight the reelection of President Roosevelt just a few months ago. The friends paying for all the advertisements are not numbered—not one of them, it is safe to say—among the masses who are appealing to the leaders of this nation to lead them out of bondage. The poorly paid textile workers in the Piedmont and the tenant farmers in the Coastal Plain never, it is safe to declare, paid a penny to tell how manly Mr. Bailey chose "the hard way."

And it is the "hard way," all right, for it appears that Senator Bailey has chosen to turn against the oppressed and cast his lot with those who apparently believe in government by the few and for the few. Senator Bailey was against the AAA and other agencies that pulled this country from the brink of destruction. "Unconstitutional, unconstitutional," the Senator is credited with having cried when courageous leaders tried to save the country. If that was the Senator's only objection to the AAA, then why doesn't he help remove that objection by favoring the only plan so far advanced to make them constitutional? The President's court plan makes clear Mr. Bailey's stand back yonder when he was, in body and soul, against the measures that proved of great help to the farmer, the laborer and those of little privilege. And then the Senator had the audacity to travel in eastern North Carolina in his campaign for reelection and bray about what had been done for the farmer just as though he was responsible for it.

No one can deny Mr. Bailey the right to his opinions, and the right to freely express them, but he should step out of the senate and stop accepting the people's money to fight back at them.

The President and the Supreme Court

By CLARENCE GRIFFIN

If the President's proposal to reform the judiciary had not come at a time when an impasse existed between the Supreme Court and the New Deal, it would doubtless have been hailed as an example of statesmanship of the first order. But, since it has come at so unfortunate a time, it is charged that this is a device by the President to legalize the New Deal by packing the court with judges who will reflect the attitude of the President toward national problems. But even the most bitter critics of the plan admit that there are many aspects of the proposal which are sound.

The proposal provides that no injunction may be granted against the Federal Government until the Attorney General has had a right to investigate the question, and, further, that questions involving the constitution shall have preference over other questions for review. That this will hasten judicial decisions on questions involving the Federal Government and thus greatly reform the static situation which now exists is admitted by even the strongest opponent of the plan. But the chief objection relates to the plan as it affects the Supreme Court by providing for appointing an additional justice for every one who fails to retire at the age of 70.

Such a program as this one is something new in the history of our country and is one which could only be instituted by a man with such popularity as President Roosevelt in a time of great national crisis. It is an elementary principle that constitutions, as other documents, must grow in meaning, sanctity, and protective value. There are two ways in which such instruments may grow. First, they may grow by interpretation; and, second, by amendment. The amendment progress seems to be the choice of the opposition. However, it is not improbable that if an amendment had been suggested the opposition would be equally as strong.

To the process of constitutional amendment there

seems to be three fundamental objections. In the first place, it may be doubted if an amendment could be agreed upon which would be comprehensive enough to cover the problems. In the second place, it is a process which works from day to day. It is slow and cumbersome. No better example of its inefficiency can be pointed to than the child labor amendment. This amendment has been pending for several years and is still far from its ratification. A further objection to the amendment process is equally clear. Once it is granted that an amendment could be ratified it must be remembered that it would still be subject to judicial interpretation by the same conservative majority of the court that has construed New Deal legislation. When one observes the way the fifth and fourteenth amendments have been construed, it would be heard to prophesy just what benefit would come out of an amendment.

Since it is obvious that an amendment is not practical in a time when immediate action is needed, it seems that the President's proposal is the only practical one. Yet it is charged by the opposition that it is an effort to place the judiciary under the executive branch of the government, and thus destroy the independence of the court. This suggestion is absurd on its face. Doubtless the President would appoint men of liberal outlook and thought on national problems, if his bill should become law, yet the court would remain as free as it ever has been. It must be remembered that judges do not always keep faith with the views of the Presidents who nominate them for their positions. For example, Mr. Justice McReynolds was appointed by President Wilson and was thought at the time to be a liberal, but he has proven to be the most conservative member of the court. Another example is that of Mr. Justice Stone, who was appointed by America's most conservative President, Coolidge, yet Justice Stone has been one of the most liberal men on the bench. Thus it seems that the judges who would be selected by the President would not necessarily have to conform to the views of the President but would still be left to their own discretion in determining questions of national interest. In the light of experience it seems that the suggested plan of the President does not in any way destroy the independence of the judiciary, but still leaves the court to exercise the same degree of freedom that it has always enjoyed.

To what extent the last election was a mandate for the President to reform the judiciary cannot be definitely ascertained. National elections rarely give answers to specific questions, especially those as far removed from the mass of the people as that of the supreme court. But it is certain that the last election was a vote of confidence in the President. It was a vote of appreciation for what he had done and a signal to carry on. To do this it is necessary that there be some assurance that legislation will meet with more liberal construction by the court than has been exercised in the past three years.

Harold Laski, the great English constitutional lawyer, recently observed that it had been hard to distinguish the philosophy of the majority of the supreme court from that of Wall Street for the past four years. The conservative majority of the court seems to have failed to heed the advice of Mr. Justice Holmes, who once said, "It is a misfortune if a judge forgets that what seems to him to be first principles are believed by half of his fellowmen to be wrong." The supreme court is not an infallible body administering absolute justice to all, but it is a body which, according to its own light, often makes decisions which tend to impede the progress of the nation. The trend of the modern decisions has been in the direction of protecting capitalism from any interference or control by the Federal Government. Such interpretation cannot be said to be aloof from challenge by the people who constitute the government and must suffer from the evil effects of such decisions. Many of the pieces of legislation that have been declared unconstitutional have been products which met with almost unanimous approval by Congress and the people and yet a bare majority of the court has declared that such shall not be the law of the land. That such a situation merits attention and concern of the people is beyond question. The only question relates to the best method of accomplishing this end. It seems that the present method is the best because it is more direct and quicker.

It is not improbable that this issue may be a beginning of a move which may largely abolish our traditional party lines. It may mean that a new conservative and liberal party is in the formation. But, even if such a result should follow it should not be feared because it would at least enable the people to more accurately classify their own representatives. It would be more difficult for men like our own Senator Bailey to be elected on one platform and conform to another. The people should rally to the support of the hand that has fed them. They should warn their representatives that constitutions are made for men and not men for constitutions. Only by the application of this principle can we say that we have a government for and by the people.

Chapel Hill, N. C., March 10, 1937.

Tainted Money

The United States Senate apparently thinks the \$50,000,000 art foundation of Andy Mellon's was purchased with tainted money, for it is stubbornly hesitating to receive it as a gift. However, it may be that the Senate thinks Mr. Mellon owes more than the amount the art treasure is worth and will not take anything unless it can get all.

The perplexing thing about it all is the fact that Mellon argues to give away a \$50,000,000 art collection and then turns around and argues against the payment of \$3,000,000 tax to the government. Old Andy is as sly as a fox, and it is more than likely that he has something up his sleeve, and one can just about rest assured that it is all for Andy and nobody else.

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MACARONI, 4 pkgs. 15c

Fully Aged — Best American
CHEESE, pound 21c

Colonial Tomato
JUICE, 4 large cans 29c

Circle FLOUR | SUGAR
 24-lb. bag, 85c | 10-lb. bag, 52c
85c | 52c

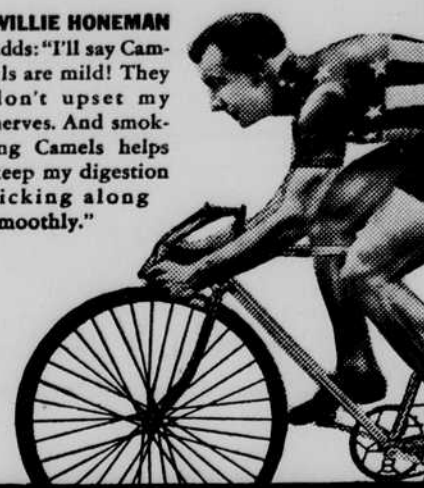
Medium Size
IVORY SOAP, 3 cakes 17c

Fresh Made—Hawaiian Pineapple
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Wholesome—Our Pride
FRESH BREAD, lg. loaf 9c

Champion Bicycle Sprinter says: "ME FOR CAMELS!"

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