

Perjury! Perjury! Perjury!

Perjury, in law, is "a willfully false statement of fact material to the issue made by a witness under oath in a competent judicial proceeding." Perjury has been too much used lately as a catch-all charge when others seemed unlikely to stand up. Indictment of a quiz show producer in New York is the latest example; he may be more a victim of persecution than a perjurer.

Let's examine what the definition implies and requires. Perjury isn't mere lying. It must be a lie "under oath in a competent judicial proceeding." Well, Albert Freedman, the indicted TV man, had been sworn and was before a grand jury, so that portion of the requirements is met.

Also, perjury must concern "facts material to the issue." A witness could testify truthfully about a case and then go on to say he planned to spend the next day walking among the craters of the moon. He wouldn't be guilty of perjury (though he might cast doubt of his reliability) if his activities the next day didn't bear on the case.

What was the issue before the grand jury? Before all else, whether a law had been violated. We know of no statute that says a show can't be rehearsed, prepared for in advance. That goes for quiz shows as well as Broadway musicals. Perhaps it's less than highly ethical to coach a quiz contestant—if this was done, which hasn't been proved. But we can't see, and we haven't been told,

how it could be against any existing, enacted law.

If it isn't, there was no material issue before the grand jury, and if there wasn't perjury was impossible.

The quiz show hullabaloo has been gaudy but trivial up to now. Indicting a man for perjury is far from trivial. It's rotten wrong if the prosecutor resorts to a perjury charge because he can't find a law that applies precisely to what the man has or may have done that the prosecutor disapproves.

Owen Lattimore was cleared of communist collaboration but then, in McCarthy-esque days of persecution, was accused of perjury for having denied doing what he'd been absolved of doing. This was a way of getting around the double-jeopardy prohibition against making a man stand trial twice for the same offense. This use of the perjury charge could keep a man forever in the courts: each time he was found not guilty, he'd be accused of having lied when he said he was not guilty. Fortunately, the perjury charge against Lattimore was knocked out, but he'd been put to agonizing trouble, and not everyone is sure to come to a happy ending.

Perjury is a specific, well defined offense. It isn't a wastebasket or a gimmick to let men skirt the law who are sworn to enforce the law. It seems to have been used that way in the recent indictment in New York.

Ho-hum Holiday

No, we didn't whoop and holler last week for Veterans Day. Fact is, we think it's a low-grade, second-rate holiday.

It made sense when it was Armistice Day. Then some of those folks who won't let well enough, or even excellent, alone had to change it.

What they called their logic was that the anniversary of the end of World War I was outdated after World War II and the like. If that's right, we'll have to say that on Thanksgiving Day we are thankful only for the blessings we enjoy on that day, not for those of the rest of the year. The World War I day could stand as a fitting time to be glad for the end of any and every piece of international bloodshed.

Mind you, we like veterans. But they already had, and they still have, a day of their

own in Memorial Day. True, it's especially dedicated to those of them who made the supreme sacrifice. At the same time, though, the ones who risked dying are remembered and honored. The two classes can't be cut clean apart in a nation's gratitude. So now veterans have two holidays, and the idea of the end of fighting has none.

That's the worst of it. Veterans Day is to praise veterans and their deeds. Their deeds were deeds of war. It begins to edge toward praising war. Armistice Day was a day to give thanks for the end of a certain war, for the ends of all wars. It was a day to pray that no new war would start. A day to honor peace has been stricken off the calendar and a superfluous day to honor fighting men has taken its place.

We call that a stupid swap.

In Praise Of A Melon

Two women in a local market paused and eyed a long, bright-hued melon that was familiar to neither of them. Finally they asked a clerk in the store about it.

"Well," said he, "it's a melon, and it tastes like a cucumber, and you eat it." Unless the Christmas rush frays nerves, this is likely to

They Won't Let Us Stop

Since we're generally thoroughly pleased with the results, we'd be willing to stop yacking about the election, but others keep coming up with remarks that call for comment. The song that a great many Republican apologists are now singing deserves some critical attention.

Its theme is that the party wasn't beaten, nor its principles, but that it unfortunately happened to choose a weak set of candidates. A Joseph Alsop column went all out with this a while back.

The "open secret" of what happened has long been known in horse-racing, Alsop said, and it's this: "You cannot expect to win many races if almost all your entries are spavined, strangled or afflicted with glanders." "Wherever," he goes on, "the Republican entry was not visibly ready to be carted off to the knacker's yard, this exceptional animal made a respectable showing or actually won his race." He mentions Rockefeller in New York, of course, as Republicans must these days when they seek a crumb of comfort.

Next, Alsop becomes downright vicious in

Thanks and Congrats . . .

—To Mayor R. B. Todd of Carrboro for his faith in the town, with every hope that he is right in looking past present clouds toward a bright future for the community.

—To Paul Minor on appointment as the second full-time Negro patrolman on the Chapel Hill police force with James Council as his companion.

—To Clarence D. Jones for his work through a difficult period as a member of the Orange County Board of Education, from which he now is forced to resign because of his election to the Board of County Commissioners.

—To Betty June Hayes, who ran for Register of Deeds and received, according to the official count, the largest number of votes any Orange County candidate got in the recent election—2,829.

stand as the worst bit of salesmanship of 1958.

One of the shoppers nervily bought a specimen, anyway. This is a good melon, and you eat it with relish. It tastes, really, like a honeydew with the lemon juice built in. If an apathetic clerk steered anyone else away, here's justice to the Christmas melon.

his description of the Massachusetts ticket, saying Republicans in that State seem to have picked candidates "by searching under stones, tracking down creatures that were making odd noises in the wall and other macabre experiments in natural history."

Well, that's a Republican talking about Republicans, so let it stand, though the reaction would have been interesting to connoisseurs of apoplexy if a Democrat had said the same in the campaign.

First, we submit that a day or so after the election is a sorry time to find out that most of your candidates are "obviously likely to repel the maximum number of voters," to quote Alsop again.

Second, let it be noted that many of the losers held the offices for which they ran, and were after re-election. They'd won before, and according to Alsop must have changed—in two years in the cases of members of the House—from voters' pets to repulsive monstrosities.

Third, though we can't call the Republicans the wisest politicians in all recorded time, we don't believe they were quite so dumb as to beat the bushes all over the nation for candidates with built-in guarantees of failure.

As an excuse, the loathsome-candidate chant may do about as well as any. The explanation is simpler: The Republicans nominated Republicans, and that made those candidates loathsome to voters in most places.

Astounding: What pains some folks take to find a parking meter with time left on it or otherwise save a penny.

Sports followers talking football.

Comforting thought while paying 1958 taxes: They're not as high as they may be next year.

For game birds, the darkest hour is likely to be just after the dawn.

Plan Of Action Is Proposed For Southern Moderates

(A speech by H. Franklin Williams, vice president of the University of Miami, accepting the Leonard L. Abess Award in Human Relations from the Florida Board of Anti-Defamation League.)

In the past the moderate has been a man in a secure position, esteemed by the majority because he has seemed neither to advocate radical change nor to refuse all possibility of change. In the Anglo-Saxon tradition where freedom has grown from precedent to precedent, the moderate has had wide support because he stood for legality and conformity.

He has been one of many. He has not had to sing alone, but has enjoyed the comforting sound of a chorus of voices around him, to which he can happily contribute his song.

No Longer

This happy situation no longer exists, because now and here in the South the stand for moderation has become controversial. In these troubled times it has even become controversial to stand for respect of the law. And this concerns me personally because, as a member of the administration of the University of Miami, I have the responsibility to make it clear that in what I have to say today I speak for myself alone, not for the University of Miami nor for any other organization of which I am a member. To such a pass have we come today.

The moderate in America sees our society as based on the fundamental moral principle that the individual personality, the individual freedom of choice, the development of the individual character are the basic purposes of a moral society. He has moved readily to the application of this principle in the political doctrine of equality before the law.

In the last few years the thoughtful moderate has had to face the question of race relations and has found himself forced to accept the position taken by the Supreme Court as essential if we are to have a moral society.

Conformist At Heart

Now the moderate is essentially a conformist, a man who de-



Walt Partymiller—York Gazette & Daily

sires to respect and obey the law. Having heard the Supreme Court state the law in a fashion which his conscience cannot refute, he desires to see that law applied and enforced. But, being a conformist, he also believes in order. All his past experience has led him to believe that adherence to the law and moral principles will ensure order.

Now he is told that the proposed acceptance of law will invite disorder. He seems to be forced to choose between two extremes, both repugnant to him. He is told that he can have principle without order or that he can have order without principle. This is his dilemma.

Moderates have reacted in different ways. Most of the moderates have fallen silent and become indecisive. They look for leaders who will embody the principles of law and order which they respect and find none. They have no rallying point.

Others have heard the statement, "I am ready to accept desegregation of the schools, but it is impossible to carry it through."

cause it stands clearly for desegregation.

Position Suggested

I would like to suggest that there is a position for the moderates that comes much closer than any of the stands which I have outlined to satisfying both demands of their consciences, the demand for law and principles, and the demand for order.

It is a position of movement. This position is a difficult one, one which sometimes calls for courage, and, in a world of extremists may involve some personal risk to the person who expresses it. It has, however, powerful backing in those parts of the Supreme Court's decision which are often forgotten, the parts which admit the possibility of local variation in the speed with which the decision is to be carried out.

Relying on that concept, the moderate can insist that we begin action at once. If conditions forbid action, we can at least plan for it. We must never sit down and wait for conditions to change, but must take an initiative to bring about the change.

Must Take Lead

This position means now in the South that the moderate cannot look around for a leader to follow but must himself take a position of leadership, on the assumption that because his position is in accord with the underlying principles on which our government is based, others will eventually follow and rally to him. In this fashion he can begin to move out of his dilemma. It may take a long time to reach the objective and to fully enjoy both law and order. But if he does not forget the objective, he can satisfy his conscience by striving toward it.

It may be useful to spell out the meaning of this position of motion for the individual man who regards himself as a moderate. First of all, he must cling to his fundamental beliefs. He must hold to the principle that if our society is to be good it must give respect for every individual, that it must offer every individual freedom before the law and freedom of opportunity.

Then he must satisfy himself that his adherence to this prin-

ciple and its expression in law as set down by the Supreme Court is compatible with the necessity for gradual implementation of school desegregation.

But Not Passively

The moderate must not view this view passively and himself. He must state his view and must believe that his view is based on principle and that others who will hold the view.

I can think of no better action and encouragement than this action than the award of last year's winner award, Representative Orr. His clear stand is not to be political since many people said it would speak at a time when he for re-election. He did the election, but was re-elected.

Another thing which the moderate must do is to seek organizations of like-minded individuals, organizations both to law and to the tenance of order. If he can find such organizations, responsibility to create

This position which I am proposing for the moderate is a deep-seated and almost faith in our free system of government and society. No one takes this stand unless he as we all must believe, the society is based on right

Will Not Stand Alone

If a man holds to what he will not stand alone. At the very heart of our If any one of us felt that along for right, he could himself what value there his vote, one among But our system is based idea that when we take or cast a vote conscience millions will be doing thing and that the voice be a single one, but one a vast chorus.

The times call for the now to sing a solo even not sure that he can tune, confident in the before long his fellow will join in the song of

'So Long, It's Been Good To Know Ya'



Lee Madden for The News Leader

Pilfering Is Postal Peril

Thefts of mail from householders' mailboxes again is at the top of the list of postal crimes, Postmaster General Arthur E. Summerfield has announced.

Chief Postal Inspector David H. Stephens reported to Mr. Summerfield that postal inspectors caused 7,495 arrests for mail crimes in the 1958 fiscal year.

A total of 7,401 convictions—98.7 per cent—were obtained in cases taken to trial.

Postal statutes most often violated last fiscal year were those involving thefts from mail receptacles, particularly home mailboxes. There were 3,835 arrests in this category in fiscal 1958, compared with 3,287 the previous fiscal year.

Mr. Stephens' report revealed growing numbers of criminals are victimizing householders in thefts from the home boxes.

Those who receive regular government allotment or pension checks are often victimized, and their checks stolen, forged and cashed. Ultimately, they get their money, but there are often delays which involve hardship.

In addition to home mailbox thefts, Mr. Stephens' report noted increases in mail frauds. At the top of the "best seller" list in the mail fraud fields, he noted, are such products as "miracle" weight reducers, "bee jelly" supposed to have magical curative powers, fake cancer cures and similar worthless nostrums.

A total of 351 mail fraud arrests were brought about by inspectors in the 1958 fiscal year. Involved in these 351 arrests alone, Mr. Stephens estimated, were fraud schemes which bilked the public of an estimated \$11,408,000.—The Postmasters Advocate

...Rush...

BY DAN ANDERSON

(Special for The News Leader) My bad luck made me oversleep just on the day I had to keep

A most important business date for which I didn't dare be late. As though at an electric shock I leapt from bed and raced the clock. Omitted shaving—didn't care. For looks so much as getting there—Decided I'd no time to eat, Broke speed laws over every street, And then upstairs for five flights flew, Arriving just when I was due—And heard a secretary say, "I'm sorry, but there's some delay. Just have a seat, please, and I know He'll see you in an hour or so."

A Reader's Sentences . . .

On The Tar Heel Strand

THE OUTER BANKS OF NORTH CAROLINA: 1584-1958. By David Stick. The UNC Press, Chapel Hill. 352 pages. \$6.

David Stick has lived on North Carolina's Outer Banks since he was 9 years old, and has engaged in a constant love affair with the fascinating region, of which this book is a brimming token.

He has gathered history, lore and facts of three and three-quarters centuries; if a main fault in his love letter must be picked, it is that he has so much information to present that sometimes it gets in the way of free-flowing narrative. This is in spite of the fact that part of the data he gathered spilled over into a previous, separate volume, "Graveyard of the Atlantic."

Europeans approaching the newly found continent came early to this shore-guarding strand, and it was here that first English attempts at settling took place, including the famous planting of the Lost Colony.

Tales of war—the Banks were of strategic importance in the Revolution and when the States fought; of violence—by men like the pirates who hid there, among them Blackbeard who was tracked to his hideaway and killed, and by the elements that made Hatteras and places nearby fearful to sailors; of industry, notably fishery with whales and at

one time porpoises among regular prey; of calm as even to the point of ice all these center around and make sections of the World history can regard that it was on that the Wright Brothers manded the way to be borne.

All this and more find in this record, including notes on almost every element.

Admirable illustration Frank Stick add much book's appeal.

As the Banks attract more tourists, which see their new destined way this book will serve as a guide, the more complete index.—Dan Anderson

What He Say?

Here is an exact quotation from President Eisenhower, according to the official transcript of a recent press conference:

Every single day there are new and tough decisions that have to be made within a foreign policy, but if you go back to 1947 and see the statements that are made about opposing the territorial expansion of communism by force, when you go back and see what our policy went into in the effort to develop collective security, mutual aid, technical assistance, that kind of thing that, well, at least will help to make the Free World stronger collectively and each individual nation as opposed to communism, that when you come down to it are the basic parts of the policy.

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