

Kinston Attorney Examines Broad Question Of States' Rights And Draws Interesting Civil Rights Points

This article is written on the broad question: Civil Rights by Kinston Attorney Major Matt H. Allen, who has made an intense study of the poser and who puts his notions on the subject clearly and well. We feel that Major Allen's article is well worth the time of every reader who has even a passing interest in the way our government is operated. Editor's Note.

By Maj. Matt H. Allen

The proposed "Civil Rights" laws are as little understood by the masses as are States' Rights under the Constitution. Neither will ever be understood by the great body of the common people until our schools, colleges and universities decide that the Constitution is worth preserving and that its preservation is the only hope for the nation. The great majority of the mischiefs done by governments are traceable to the ignorance of those appointed to administer them.

All students of history are agreed that the Constitution is a compact between the States and that all power not expressly given to the central government (except the part that is abolished) is reserved to the States. The result is that the United States can do only what the Constitution permits it to do, and a State can do everything that the Constitution does not forbid it to do. It follows that within the geographical bounds of every state two governments are operating simultaneously; that is to say, two governments operating at the same time and in the same place. The means devised to keep them from conflicting is the Constitution of the United States.

No person can have any intelligent understanding of the Constitution without a study of the debates of the framers of this great document. Just so long as the mass of the people are unable to understand the structure and administration of their government they will continue to be dupes of callow statesmen and professional office seekers and victims of misgovernment. It is indeed a sad spectacle to see principles and the lessons of history ignored, and the theories of men and political expedience accepted for our guidance, making vassals of our states and dependents of our people. As a result of unauthorized centralization of government we now have a mass of governmental confusion almost, if not, beyond human comprehension and impossible of democratic control.

The great question which now confronts the American people is whether or not a written Constitution is an effective barrier to the avarice of classes, the ambition of individual, the schemes of party, or the machinations of fanatics? This question must be answered in the negative unless the Constitution is fairly and impartially taught in our schools, colleges, and universities.

WHAT CONSTITUTIONAL QUESTION IS INVOLVED IN THE CIVIL RIGHTS PROGRAM?

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Civil Rights are the freedoms that the individual enjoys under the protection of civil government.

The fourteenth amendment was forced on the country by the bayonets of the Federal Army. I wonder how many teachers of the Constitution inform the students that President Lincoln was nominated by a convention in which no Southern State voted or could vote, and that his election was purely geographical, and that he came to Washington for his inauguration in the night time and in disguise, afraid to trust himself among a people of whom he claimed to be Chief Magistrate; that he was chosen by 39 per cent of the aggregate popular votes of the States; that he was inaugurated on March 4, 1861 and on April 15th, without authority of Congress, called out 75,000 troops, and that this call for troops without the authority of Congress excited alarm and indignation in the States of Maryland, Virginia, North Carolina, Tennessee, Kentucky, Arkansas and Missouri, which states had not up to that time passed any acts of secession; and that denunciatory replies were made to this call by most of these States; and I wonder how many people know or have informed the students that when Congress finally assembled on July 4th of the same year, it failed to pass a resolution legalizing President Lincoln's proclamations.

I mention these historical truths, not for the purpose of engaging in another discussion of the Civil War, but solely to point out there has in the past on at least one occasion developed a

strong infatuation and dementation of the popular mind, a kind of madness or political mania, which rendered protestations, promises and guarantees — no matter in what good faith they may have been given — of no avail, and which made our Constitution obsolete for the time.

Today we have a similar political situation in our nation and the majority of our would-be statesmen are afflicted with a political mania which has blinded our consciences to the point that they have completely lost sight of the Constitution and are about to ignore human law and human government.

The fourteenth amendment requires the States, in exercising their power, to distribute freedom, to make no distinction on account of race. It says no State shall discriminate. It does not and cannot forbid individuals to discriminate. Congress has passed a number of acts attempting to compel individuals to accord privileges to one race to stay at a hotel or enter a theater operated by a member of another race, and the Supreme Court has promptly held the laws unconstitutional. The power to distribute freedom among individuals has been and must remain within the States.

Congress now proposes to pass a law destroying the freedom of employers to employ any person they wish to hire, disguised as a law to regulate interstate commerce. It is so absolutely remote that a congressman mindful of his oath to support the Constitution ought to be ashamed to vote for it.

It is a matter of record that this proposal, to-wit: Fair Em-

ployment Practices Act, has been submitted to twenty different states for adoption. Sixteen of those states have rejected it absolutely. Not a single one of those states is located in the South. The proposal was submitted in the state of California to popular vote and more than one million majority of votes were cast against it by the people of California.

If this so-called Civil Rights Bill is passed by the Congress it may be held unconstitutional, but it must be remembered that the Supreme Court will decide in favor of the constitutionality unless it is clear that the law violates the great document which is our only hope.

Let it not be said that the Constitution of the United States is suffering from a fatal disease that is inherent in it, viz: That it was framed upon principles of binding together in a republican form of government dissimilar peoples with dissimilar interests and that this can only be accomplished through monarchical governments which are founded on force.

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