

PERSONAL PARAGRAPHS BY JACK RIDER

Lawyer J. Frank Wooten is dead, and with him died an era in the courts of our area. At 77, after suffering a broken hip earlier in the winter, Wooten died largely from a broken heart.

In the past year or so he'd sit in the court rooms and watch his junior colleagues of the bar practice their trade. He seldom had a client. His hearing bothered him in court and far worse his style had gone "out of style".

Today the soft spoken, serious-minded young lawyers snicker at the bombast, the outraged innocence, the subtle humor, the belt-tightening belly-laugh, the Biblical quotation, the bitter irony and the earthy philosophy of the J. Frank Wooten type of lawyer. Wooten sat in court and watched these younger men as a tempestuous Ty Cobb must watch the polite young men play baseball today.

In the Lenoir County Bar there is no successor for Wooten. Today's lawyer depends upon the supposed solidity of "facts" and "law" and high court opinion. Wooten would have none of such flimsy, temporary tools. He dealt with people. He worked on judges and juries. He used every tool in the trade of the great actor. He could be outraged, humble, witty or flattering—whichever fitter the mood of the case. He could not quote law so accurately nor so profusely as his junior partners of the bar, but he had the penetrating common-sensical eye that could see through the intricate phraseology of the law and reach the "meat of the coconut".

Wooten laughed the sternest judge ever to hold a local court into submission. While other lawyers were nervously cussing Hunt Parker for his early devotion to court room decorum, Wooten was successfully winning the lifelong devotion of Parker with his famous jury speeches. Another dyspeptic and much-feared judge, Sumner Burgwyn, once tried to brow-beat Wooten into submission in open court. That was a mistake Burgwyn never made the second time.

Burgwyn, suffering from his constant melancholia, rudely stopped Wooten in the middle of a speech to the jury. After about 30 seconds to get his temper in rein, Wooten told the jury, "You 12 men are responsible for determining the guilt or innocence of this defendant." Then he turned toward Burgwyn and added, "That judge up there on that bench has nothing to do but tell you the law, it is your job and your job alone to try this case." Wooten's client was glaringly guilty and the jury so found. Burgwyn quickly gave the defendant an 18-month prison term. Wooten announced notice of appeal, and Burgwyn was awake enough to realize that his own rudeness in speaking to Wooten as he had was sufficient to secure a reversal in supreme court.

Burgwyn told Wooten, privately, a few minutes later that if he'd withdraw the appeal, he would cut the sentence to 90 days. By his courage under fire, Wooten had saved his client 15 months in prison and had won the respect of another judge whom most lawyers still shy from.

Younger lawyers were vastly amused when Wooten faced with a tough case would remark, "I gotta go home and get the Bible out. The law books ain't got much for my client in this case." Wooten knew that any set of 12 jurors was far more likely to be familiar with the Bible than with Supreme Court opinions. The Bible speaks in simple language, more familiar words and it speaks on point to practically all the problems of mankind. I believe a great many of these younger lawyers who profess such penetrating knowledge of the law would regret their client's better if they used some of the tools Wooten has now put down forever.

Price Supports



EDITORIALS

Never Forget That These Editorials Are The Opinion Of One Man, And He May Be Wrong.

Pious Hypocrites

The Washington (D. C.) Post and Times Herald has earned itself the reputation of being just to the right of the late Daily Worker insofar as its efforts to hasten state socialism upon these United States are concerned.

The editorial staff, including its prize-winning cartoonist have walls covered with plaques and scrolls testifying to the bleeding-heart slant of perverted liberalism which they practice.

The executive editor of this crying-rag for the "common man", one J. R. Wiggins, is now and has been for some little time chairman of "The Committee on Freedom of Information", of the American Society of Newspaper Editors.

No newspaper in the "land of the free and home of the brave" has more continuously worn its "concern for the public" nakedly for all to admire and some to emulate.

"The right of the people to know" is a

phrase Wiggins has built into a monument for himself and the paper who hires his pen.

Now, a prominent citizen of Washington, a noted author, air line executive, native of New England has written an open letter to the president, pointing out what the writer of the letter believes to be important considerations about the hasty effort to enforce immediate mixing of the white and negro races in the public schools of the nation.

This sacred cow of American journalism not only refused to publish this even-tenored letter in its news columns but has also refused to print the letter even as a paid advertisement.

And so, vulgarly and quietly one more bleeding heart liberal organ passes from the public scene, but not without leaving a scar on the body of journalism, a body that already bears wounds so grievous it may never recover.

The Chicken or the Egg?

One of the oldest questions confronting the curious mind has been, "Which came first: The chicken or the egg?"

Such eminent sociologists as Earl Warren, such scared theologians as NAACP Director Roy Wilkins and such practical politicians as Joe Nathan Daniels all deplore racial segregation in the public schools.

They offer as their major excuse for this mass attempt at cross-breeding the unequalness of negro schools.

What is a school? Is it terrazzo floors, mahogany desks, wall-to-wall carpeting, or is it books, teachers, ideas and students? In every segregated school in the South, either white or black the identical text books are used. In North Carolina the average salary of negro school teachers is higher than the average paid to white teachers. These salaries are based on experience and ability.

1945 have had identical text books and superior facilities to instruct them.

Currently apologists for the "Black-board Jungles" in New York and other metropolitan areas are blaming these schools on the South, and in fact are blaming these miserable conditions on everything except the real trouble.

That is the undeniable difference between the negro and the white man. This is not to argue, which is right or wrong, but is to say that the negro when judged by white customs simply does not stack up.

This is equally true when the white man is judged by negro morals. Negroes have far more practical approaches to a great many of mankind's problems than white people. But so long as the negro is a minority he must be judged by the standards of the white man and must accept the standards of the white man.

Nix to the Needle

Among other gimmicks being asked by Ed Scheidt to help his highway patrol better protect life and limb on the public roads is a compulsory medical test to determine whether or not a driver is "appreciably under the influence".

We veto the suggestion for a number of reasons. First of these being the serious invasion of an individual's rights and such a set up would prove burdensomely expensive to a majority of the courts of the state.

The present system for determining how drunk a driver may be is completely satisfactory. The sworn testimony of one or more witnesses on the appearance, behavior and attitude of a suspected driver are sufficient to convince any reasonable person on this point.

The problem with drunken driving in North Carolina is that the law as it exists now imposes upon the jury the combination job of jury and judge.

When and if a jury finds a defendant guilty of drunken driving they also automatically sentence him to the minimum fine of \$100 and minimum loss of driver's license for 12 months. This is a job that a jury should never be asked to perform. Juries are finders of facts, not judicial officers.

The problem of sentencing prisoners at the bar should be upon the judge. A \$100 fine and one year loss of driving license is not a fair sentence for every defendant. To one man this sentence is "small beer" but to another it may be catastrophic.

The law should be changed to eliminate the dual role now forced upon jurors and give back to the judge the responsibility of determining the degree of punishment. This should apply to all crimes, and not only to drunken driving violations.

The current law on capital punishment in North Carolina makes the jury determine guilt or innocence and also impose the sentence. This is not the part juries should play, and when this part is forced upon juries a serious breakdown results to the punishment part of the law enforcement process.

heating plant of the school.

Segregated schools in the South have no major problems of discipline, black or white. But put a negro in a white school and he is automatically equipped with a chip on his shoulder. Put a white child in a negro school and he is similarly equipped.

The negro who flunks a course at a negro school is just a dumb, lazy negro. But a negro who flunks a course in a predominantly white school, and with a white teacher is a "victim of white bigotry". The same rule applies when the white-black situation is reversed.

This situation exists in every school, elementary or secondary. When seven negroes were admitted to the law school at the University of North Carolina by federal court order, four flunked their courses straight through, but were passed by cowardly faculty members who preferred turning loose illiterate lawyers to facing the screams of the bleeding-heart liberals who would have immediately proclaimed that the would-be negro lawyers were "busted out" because they were negroes, and not because they were failing their courses. These same four negroes in any reputable negro school in the South would have been "shipped" summarily, and to the betterment of their race and its multiple problems.

Few eskimos could pass through public schools as we know them in North Carolina. But even fewer North Carolinians could pass the brutal test of survival above the Arctic Circle.

To each his own, is a phrase that has much food for thought in the mess we find our nation in today. However, in the faceless "common man" society pandered to by the supreme court and the so-called liberals of our time the reverse philosophy is insisted upon: "To each everyone's" which, after all, is what they strive for. Socialism.

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