

Other Editors

U. S. NEWS & WORLD REPORT

Our Vanishing Constitution

Only 175 years after our forefathers ordained the Constitution of the United States, the document has largely fallen into disuse. Some of the clauses that still remain in operation are being given and interpretation stretched far beyond their original meaning. We see an increasing power being exercised by the judiciary over the other branches of the Federal Government as the rights of the Federal Government as the rights of the sovereign States are gradually being extinguished.

One hundred and seventy-five years is a relatively brief span in world history, and few republics have been able to maintain for even as long as two centuries their original pattern of a democratic system.

The United States has the largest population that has ever lived under a republican form of government. But the safeguards of democracy are being rapidly demolished, and our system of government is being invaded today by the same deceptive Trojan horses that the governments of yesteryears encountered in those fateful periods when the doctrine that "the end justifies the means" became the political gospel of the day.

Our written Constitution, established in 1789 and amended in the intervening years to meet changing conditions, is being deliberately disregarded, and the doctrine of conformity by coercion is being espoused not only by our so-called intellectual groups but by vote-seeking politicians in our "great society."

The words of the Constitution, of course, explicitly specify that rights granted to the people cannot be taken away and that they can be surrendered by the votes of the people themselves—through the action of two thirds of both houses of Congress, and the ratification of three fourths of the State legislatures.

This method of effecting a change in the Constitution is sometimes called a cumbersome process, but the procedure for amending was

purposely made slow-moving so as better to protect the minority and save it from the intolerance of the majority. If we are to be governed by an unwritten constitution, the parliamentary formula of Great Britain has in it much to be commended. But as long as we pay homage to a written Constitution, we are duty bound to abide by it until such time as it is amended or a substitute is adopted by the process prescribed in the original compact between the States.

We can hardly believe our eyes, however, as we re-read the provisions of the Constitution that have been torn to shreds by the autocratic action of a judicial oligarchy. Here, for instance, are the exact words of two amendments included in the "Bill of Rights," adopted in 1791:

"Article IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

"Article X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The words "United States" mean

the Federal Government. Since it is stipulated that only the powers specifically designated to the Federal Government by the Constitution can be exercised by the executive, legislative or judicial branches of the United States Government, an attempt to usurp any other rights not so granted in a plain violation of both the letter and the spirit of the Constitution.

Yet today we see the Supreme Court telling the States how they shall constitute the upper and lower houses of this legislatures, how the public schools in States, counties and cities shall be operated, what taxes shall be levied, and how powers of local police to deal with violence and trespass must be curtailed whenever a disorderly "demonstration" or a "sit-in" is ruled to be mere "freedom of expression."

Certainly Congress has the power to regulate "interstate commerce", but nowhere in the Constitution is the right given to construe that phrase as covering the age-old uses of private property unless it is confiscated for public purposes and compensation is made. If, however, the phrase "interstate commerce" is to be applied arbitrarily to regulate the entire economic and social life of the nation, the Constitution vanishes.

We are witnessing, moreover, the impairment of the rights of the States to maintain order. For instance, to prevent or quell local



SENATOR JORDAN

REPORTS

From WASHINGTON

disturbances, federal troops have recently been sent into two States — without the request or the consent of the Governors of the legislatures, as is required by the Constitution.

The Constitution, as the protector of the rights of the States and of the people, is thus being eroded. Usurpation has been passively accepted. The only question now is whether public opinion can be aroused and will act in time. For our written Constitution — as the bulwark of human rights under a republican form of government — is rapidly vanishing.

More than at any time in the history of the tobacco program there is a need for unity among all segments of the industry to deal with a number of serious and far-reaching problems that are facing tobacco.

A great deal has been said and written about tobacco in recent weeks and it is unfortunate that the tobacco program became entangled in the recent gubernatorial campaign. During this time developments have taken place I would like to report. I would also like to make some suggestions about the

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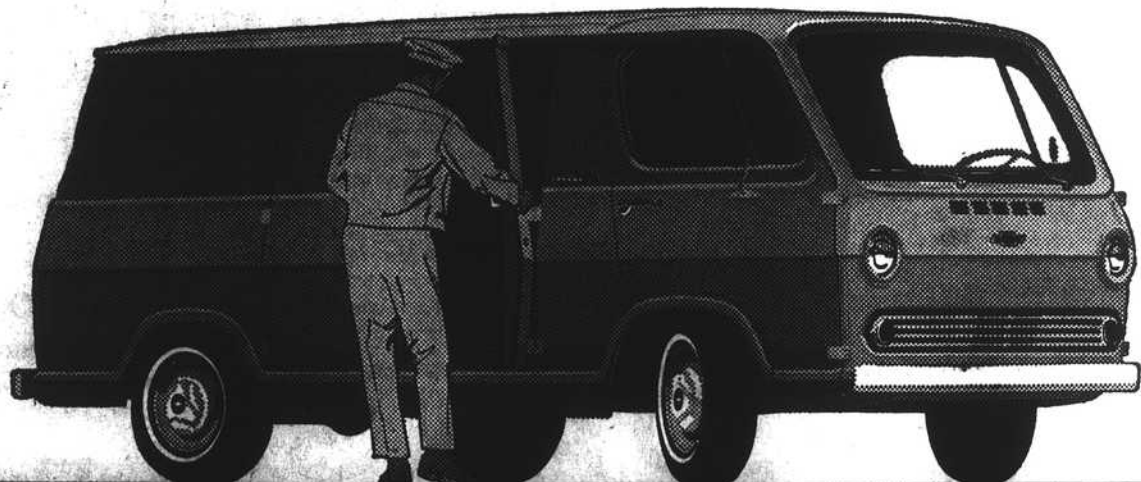
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