

**SENATOR  
SAM ERVIN  
★ SAYS ★**



In another far-reaching decision, the U. S. Supreme Court has ruled that the equal protection clause of the 14th Amendment "requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis."

The latest June 15 ruling, the fourth in a series which began on March 26, 1962 with Baker v. Carr, is certain to affect virtually every state in the Union. It further spells out the new court doctrine of "one man, one vote" on legislative representation, and applies it now to State Senates.

These four decisions represent a drastic departure from all prior Supreme Court positions. Until the Tennessee state legislature reapportionment case of Baker v. Carr, the Court had taken the position that this was a political question and not a judicial question. The majority opinion in the Baker v. Carr decision overruled this long held opinion.

The dissenting Justices said that the Court was entering a political thicket.

The June 15th cases involved state legislative representation in the six states of New York, Colorado, Maryland, Delaware, Virginia, and Alabama. Justices Harlan, Stewart, and Clark in strong dissents said that the Court was not applying constitutional legal standards and was forgetting the basic concepts of orderly governmental processes.

Justice Harlan stated the major problem involved in his conclusion: "These decisions also cut deeply into the fabric of our federalism. What must follow from them may eventually appear to be the product of State Legislatures."

Nevertheless, no thinking person can fail to recognize that the aftermath of these cases, however, desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal Judiciary. Only one who has an overbearing impatience with the federal system and its political processes will believe that that cost was not too high or was inevitable."

Therein perhaps lies the crux of the matter. The decisions conveyed an impatience by the majority of the Court with the established processes of government. Unfortunately, local and state governments are sometimes slow to perform their

duties in reapportionment procedures.

This attitude has brought the counter attitude that nothing is being done about the matter. Those who believe in local self government make a mistake when they fail to discharge their duties. There is always the insistent demand that the Federal government perform the task for them.

But, the latest apportionment decisions so far beyond the usual questions of representation and population. The doctrine has been expanded to include State Senates which have heretofore represented geographical and other diverse interests. It raises other possible Federal questions.

Will the Supreme Court continue this line of decisions to conclude that the United States Senate must be based upon population in its representation?

What of the Electoral College system of electing the President and Vice President? Congress has before it many proposals to amend the Constitution with respect to the Electoral College system, but no new plan has received a majority consensus. Admittedly, the Court is unlikely to enter these political thickets soon, but there are court decisions now which furnish the basis for concern.

I have no doubt that representation problems ought to be met. Yet, the question remains should the Court institute these reforms? I think not, for court decrees are unsuited for the political decisions best calculated to insure representative government.

**SENATOR JORDAN**  
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future. I have purposely refrained from discussing the matter publicly lately because I did not want my remarks to be taken as politically inspired or motivated.

At the moment, four immediate problems are facing tobacco. They are:

1. The proposed labeling of to-

bacco as harmful to health.

2. The need for additional research.

3. The over supply of tobacco above and beyond current market demands.

4. The Georgia-Florida acreage allotment court case.

Individually and collectively, these problems make it necessary for all segments of the tobacco industry — from farmers to manufacturers — and all others interested in the welfare of tobacco, to work out a unified working arrangement whereby the entire industry can put up a strong and unified front in meeting and solving problems.

Real progress is being made along these lines in meeting the question of labelling tobacco as harmful to health. Various tobacco organizations are working together in carrying the Federal Trade Commission's labeling ruling to the Federal Courts.

In recent weeks I have spent considerable time working out ways to put tobacco research on a crash basis. This is essential not only from the standpoint of the tobacco-health problem, but also from the standpoint of the quality problem and the problem of expanding foreign markets.

Recently Senator Ervin and I had a lengthy conference with President Johnson about this particular aspect of the tobacco problem. We urged the President to "beef up" the current tobacco research program and initiate measures to better coordinate the various research being carried on by many agencies having effects on tobacco.

It is my feeling that the labeling of tobacco would not prevent people from smoking. The big job ahead of us at the moment is to determine what there is in tobacco that affects health, if in fact there is anything, identify it and then remove it from tobacco. This can be done only through research.

In terms of current demand, the supply of tobacco is tremendously high. I think there is an urgent need to explore the possibilities of moving some of our surplus tobacco behind the Iron Curtain. I sincerely hope we can work out an arrangement through the State Department to move some surplus tobacco into Communist countries under a program similar to that in

which we sold surplus wheat.

The Georgia-Florida court case in which growers of Type 14 tobacco contend that the current 10 per cent acreage reduction should not apply to them is being handled as fast as possible. The Department of Agriculture has taken all the legal steps necessary to appeal a District Court's ruling in the case, but it will not be finally decided for at least several months. While this is a very serious problem, I am sure the Court of Appeals will uphold the basic tobacco program and the way it has operated in the

past.

While the price of tobacco is set by law for the current year, unless something is done to solve the problems we have then eventually the price will certainly be affected.

In reviewing these problems, which are by no means all that face tobacco, it is easy to see that we have our work cut out for us. As in the past, I intend to do all I can to solve these problems and I am sure they can be solved if all those interested in and affected by the tobacco program will work together in unity and harmony.

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