# THE CHARLOTTE NEWS

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## JUSTICE WITH MERCY

NORTH CAROLINA is one of four states which still have a mandatory death penalty for certain capital offenses. Last Fall a special Justice Commission urged that the law be changed. Said the Commission:

We propose that a recommendation of mercy by the jury in capital cases automatically carry with it a life sentence . . . Quite frequently juries refuse to convict for rape or first degree murder because, from all the circumstances, they do not believe the defendant, although guilty, should suffer death. The result is that verdicts are returned hardly in harmony with the evidence.

Our proposal is already in effect in respect to the crimes of burglary and arson. There is much testimony that it has proved beneficial in such cases. We think the law can now be broadened to include all capital cases.

Last December Solicitor Basil Whitener accepted a plea of accessory before and after the fact of murder from a young sailor charged with killing his wife's brother and wounding her father. It clearly was a premeditated crime, but the Solicitor was reasonably sure that, under the circumstances, the jury would not sentence the young man to death. Had the Solicitor insisted on the first degree charge, the jury would have returned a verdict of second degree murder, carrying with it a penalty of 20 to 30 years.

With the accessory plea, he was sentenced to life imprisonment.

It is the duty of the Solicitor to examine the facts at hand, draw indictments accordingly, and then prosecute the case as vigorously as possible. When he alters an indictment because he thinks the jury will alter it if he doesn't, he is beginning to assume the prerogatives of the jury. Yet he is frequently forced to do so by the realities of the situation.

If North Carolina juries are permitted to recommend mercy in murder and rape cases both jury and Solicitor can stay within the limits of their duties with good conscience.

The Senate Judiciary Committee has approved the proposal. It is to be hoped that it will find favor when it reaches the floor.

## LESSON IN PATIENCE

WE MAY have produced more learned judges than Harold R. Medina; but surely we have never before had one with such infinite patience.

That estimable gentleman has already spent seven weeks listening to the monotonous mumblings and repetitious ramblings of a battery of slick lawyers representing twelve Communist leaders on trial in New York City. Now he's bogged down in the job of selecting a jury.

The first seven weeks were spent in tenuous, tortuous arguments over the legality of the grand jury which indicted the twelve Communists. The barristers used every trick known to the profession to confuse the issue and delay the trial. Through it all sat Judge Medina, imperturbable, calm, yet gently insistent that the attorneys move on with their testimony.

Then the court started examining jurors. The first 86 persons summoned were rejected. But Judge Medina refused to become excited.

One of the jurors said flatly that he wished to be excused because of his "absolute contempt" for the defendants. The judge, waving him aside, cautioned other potential jurors against such outbursts:

It is not fair to the defendants, and it is not fair to the Government.

We have our American traditions to maintain here, and getting a fair and impartial jury is very important to the proper administration of justice. Keep your mind open until all the evidence is in and the judge has instructed the jury.

That is the attitude Judge Medina has held since his historic role was first thrust upon him. He realizes — as we all should — that this trial, barring technical errors, will establish once and for all whether the protection of the U. S. Constitution covers those who advocate, urge or teach the overthrow of the U. S. Government by force. Nothing must be allowed in the record which will prevent a clear-cut Supreme Court ruling.

Once we get such a ruling, we will better know how, without violating our traditional liberties, to deal with people who boast that they would commit sabotage and espionage against the U. S. in the event of a war involving Russia.

## OPERATION SHERLOCK

THE House bill to create a permanent cloak and dagger corps for the U. S. will be greeted with mixed reaction by the American people who approve of the need for a Central Intelligence Agency while disapproving of the highly-secret method of creating it.

This week the House, after a brisk 40-minute debate, passed the measure by a lop-sided vote. The 348 to 4 majority indicates either (1) it is a good bill, or (2) Congress is quaking in its boots, or (3) both.

But let's see about this secrecy.

First of all, the debate, limited though it was, revealed that:

(1) The measure will merely provide permanent statutory authority for an agency which is now operating under executive authority; and

(2) Foreign "informers" would be given sanctuary in the U. S. at the rate of 100 a year without being subject to ordinary immigration restrictions.

That's information which would be of value to potential enemies. In addition, the bill was explained privately to many members of Congress who, in turn, explained it privately to Capitol newspapermen. Neither Congressmen nor newspapermen are noted for keeping secrets very long, and it's safe to assume that any foreign agents lurking around Washington will find out in a matter of days just what was explained privately.

It looks as if the American people were the only ones left out of the secret.

Even so, they will grant that a permanent corps of trained, experienced espionage agents is an urgent necessity. Our espionage in the past has been miserably inadequate, and the stakes in this troubled world are too big to permit it to remain so.

No one is asking the shifty Sherlocks to tell the public, in detail, just how they propose to operate. But we don't want this business of voting tax money for secret projects to become a habit.

## SWEET ARE THE USES . . . .

REMEMBER Father Flanagan's famous statement, "There is no such thing as a bad boy"? Lots of folks disagreed. But here's one that will cause blustering and denial the world over:

"There is no such thing as bad weather."

Who said it?

A meteorologist named Edward F. Stapowich.

Where?

In Nebraska, where farmers have been, this Winter, wading up to their hips in what they thought, all the time, was bad weather.

Wasn't though, says Stapowich.

Just a "different kind of good weather". The Pollyanna of the weather men apparently has never stood on Independence Square in a torrential downpour, waiting for a bus.

Maybe he's never risen on a Winter's morning and fired the furnace. Maybe he didn't shiver if he did.

Maybe he's never tried to drive through ten miles of muddy road with a " different kind of good weather" pouring down from the benign heavens.

Maybe he's never baked and broiled in July and cried to the sun, dispenser of "a different kind of good weather", for mercy.

Maybe he's never risen on a chill March night to search through a cluttered closet for just one more blanket. Maybe not.

Stop it, Stapowich!

From The Arkansas Gazette

## TEACHING EVOLUTION

HOUSE BILL No. 349, introduced by Representative Louis Watts of Drew County, would end an outdated and futile effort at thought control which has long made Arkansas a subject of ridicule. The proposed measure calls for repeal of the law which prohibits the teaching of evolution in tax-supported schools.

The law was passed as an initiated act in 1928 after the Scopes trial in Tennessee had unloosed a stream of emotions. People were confused and misinformed. It was claimed that evolution was against religion. Much was made of "man's descent from monkeys."

Certain aspects of Darwin's elaborate explanation are not accepted by all scientists. But all reputable scientists of any note do agree that evolution has occurred and is still going on. The evidence is overwhelmingly for it.

Every time an Arkansas livestock dealer improves his herd he follows evolutionary practices. Hybrid corn and the special varieties of rice and cotton developed for Arkansas agriculture were produced by evolutionary means. Every appendicitis operation furnishes proof that man has come from a more primitive type.

It is impossible to teach any science adequately without discussing evolution. If teachers never touched on the subject, students would learn about evolution from many other sources. Thought cannot be controlled.

The anti-evolution law is an intellectual reproach to Arkansas. It should be repealed, if for no other reason than to demonstrate our faith in the character of our school teachers. They are not going to contaminate the minds of their students.

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The forgotten Americans are the unborn, of the next two or three generations. — *Charleston (S. C.) News & Courier.*

## 'What Do You Make Of It?'

*James Marlow*

## Sad Sight

WASHINGTON

HOW does a one-man talkathon look? From where I sat it's a sad sight: Bleak, lonely, and boring.

Sen. Harry Cain of the State of Washington put one on yesterday. The sandy-haired Cain, who looks younger than his 43 years, talked for six hours and 45 minutes.

Seems Republican Cain doesn't like Democrat Mon C. Wallgren who used to be governor of Cain's State of Washington.

Cain has made this known many times before. In case anyone had any doubt of it, he threw his marathon talk yesterday.

Senate work came to a full stop. Never more than a handful of Senators sat around, listening or talking among themselves.

Stray visitors wandered into the galleries, stared down at Cain, listened blankly, and left.

Cain opened up the talk, fully prepared with a 264-page address, 79,000 words long, plus anything else he could think of to throw in.

He talked, waved his arms, pointed his finger sternly in the air like a magistrate passing judgment, raised his voice, lowered it, put a dramatic pitch in, took out the dramatic pitch, stepped forward, stepped back, put a hand in his pocket, took it out, looked very earnest, and talked.

The hours dragged on. The dim light filtered in through the skylight in the Senate ceiling, some newspapermen peeked in through the gallery doors to reassure themselves he was still at it and those who had to stay and listen to every word just stayed and listened.

STAY AWAY

If you ever hear that a one-man talkfest is going on, stay away.

All this started some time ago. Wallgren, before he became Governor of Washington, was a Congressman and a Senator. While he was in the Senate he became a great pal of Sen. Harry Truman.

They remained pals when Mr. Truman became President. In the last election Wallgren was defeated for re-election as Governor.

Mr. Truman remembered his old friend, and having won a new term himself, called Wallgren to the capital and named him to be chairman of the National Security Resources Board.

The job pays $14,000 a year and the board's job is to see that American industry can convert quickly to war production in case of war.

As soon as Mr. Truman announced the job for Wallgren, Cain got busy to block it.

The appointment can't go through unless the Senate approves. And before the Senate approves, the Senate's Armed Services Committee will have to approve.

This Committee has held hearings on Wallgren's fitness for the job. And Cain protested that Wallgren was unfit.

Politics, said Mr. Truman. "Personal prejudice," said Mr. Wallgren. Cain replied that his opposition was "firm and honest."

And there it stood. What Cain though he might accomplish by his long-distance talk — beyond what he had accomplished by what he said before — is not clear to me.

The Senate wasn't ready to vote on Wallgren anyway, and won't be for at least a week. The Armed Services Committee won't vote on Wallgren till next Tuesday and the full Senate can't vote on him before that.

But at least Cain managed to make the Senate wheels stop for a day.

*Marquis Childs*

## Demoralized Democrats

WASHINGTON

SOMETHING very like demoralization exists among Democrats in the Senate. They have a paper majority of twelve, which in practice is entirely ineffectual.

It is not merely the continuing filibuster that demonstrates the sad plight of the party that rode to sensational triumph on Nov. 2. On labor legislation, on taxes, on almost every controversial issue, there is simply no cohesiveness.

The newcomers on the Democratic side—particularly those who came in with aggressive, liberal objectives—complain of an almost total absence of leadership. No one, they say, is calling signals from the White House The majority, so the complaint goes, invariably rides off in all directions.

"Guidance on legislation!" exclaimed one of the newcomers. "I never felt so alone in my life. Why, I wasn't even told where the men's room was."

The seriousness of this situation now that more than two months of the session have passed is being pointed up by letters from back home. Some of the roiest promises in the Truman campaign were made in the farmers. As yet no farm bill has been put before Congress and no one on Capitol Hill seems to know what the Administration wants in the way of farm legislation.

From the rural areas the letter writers want to know why the delay. At the same time they see commodity prices dropping. This is bearing down hard on Senators Hunt of Wyoming, Douglas of Illinois, Humphrey of Minnesota, Kefauver of Tennessee.

The dissatisfaction centers partly on Majority Leader Scott W. Lucas of Illinois but most of it focuses on the White House. President Truman's press conference declaration in favor of a simple majority for shutting off debate had a dismaying effect on the leadership and on those who are theoretically being led.

Nothing had previously been said at White House conferences with Congressional leaders about the nature of the majority. The day after the press conference statement nearly 30 Democratic Senators from outside the South met to consider what could be done about the filibuster. No one, including even Sen. Glen Taylor of Idaho, Wallacite candidate for Vice-President, supported the simple majority proposal.

The block of Southern Democrats, disciplined by a common conviction and skillfully led, had previously shown that they were likely to win the rules fight. The President's statement alienated some who might have been willing to go along on a Constitutional majority—49 of the 96 Senators.

DRAMATIC SUPPORT

Even more important, it gave the Southerners tangible and dramatic support for their charge that a change in the rules could under certain circumstances mean imposition of the will of a minority. It robbed those who should have been on the President's side of any maneuverability for bringing about a reasonable and face-saving compromise.

Now the effort is being made to end the stalemate by agreement and debate could be closed by a three-fourths majority. This would, of course, be a complete triumph for the Southerners. But it may prove to be the only way to get around the road block of the filibuster so that vital legislation can be considered.

Many of the letters now pouring in show that the average citizen has no understanding of or sympathy with the rules fight. By those who took the Truman campaign promises at their face value it is regarded as an annoying and technical distraction. Why don't you, the cry is, get down to doing some of the things you talked about?

There is a larger issue of strategy at stake here. Many Senators believe that a proper approach by the President to moderate and progressive Southern Senators would have resulted in accepting of at least 60 to 70 per cent of the civil rights program. A definite setback gain would have been achieved, with little bitterness or rancor.

Instead, the President has chosen the head-on attack. One consequence may be the failure of the Congress at this session to adopt any civil rights legislation.

With respect to labor legislation the same head-on attack has put the President's friends on Capitol Hill in a bad spot. And here, too, there is a failure to bring together the leaders immediately concerned to try to determine what is the best that can be salvaged. A Presidential message is a token of good intention. But if campaign promises are to be translated into reality, it will take a lot more than good intentions.

*People's Platform*

## Men Of God Needed

CHARLOTTE

Editors, THE NEWS:

GEN. OMAR BRADLEY, Chief of Staff, United States Army, says, "Ours is a world of nuclear giants and ethical infants. We know more about war than we know about peace, more about killing than we know about living."

Our knowledge of science has clearly outstripped our capacity to control it. We have too many men of science, too few men of God. We have grasped the mystery of the atom and rejected the Sermon on the Mount.

"Ethical infants" lie in basinettes on the doorsteps of the modern church with her closed doors on prayer meeting nights, vesper services Sunday afternoon that leave darkened churches Sunday night; tall candles and brass crucifix and other attractive chancel furniture that has replaced the old-fashioned mourners' bench, "love-making for moderns" sins that has supplanted exclaiming against sin, interest in social reforms that has taken the place of concern about soul-saving efforts.

"Too many men of science; too few men of God," is a condemning indictment against the Church of Jesus Christ. It is evident we have become more interested in science than salvation, more interested in society than souls, more interested in gold than in God, more interested in church politics than the power of God.

We must become men of God! We must become more concerned about building the kingdom of God than trying to put across some pet plan. We must become more concerned about proclaiming the Gospel of the rejected, resurrected, returning Son of God than we are our own recognition and security. We must plead and pray, go and give, sacrifice and surrender to win men to Jesus Christ.

It is the Church that must rise above forms and fancies, rites and rituals, sectionalism and schisms to call America back to God, back to the Bible, back to high and holy standards of Christian living. It is a revived, revitalized, and empowered church that must point and lead the way to ethical giantihood. It is the church who must produce more men of God. They must be men who fearlessly follow God, daringly attempt great things for God, courageously attack men's sins against God, and boldly believe the unfailing promises of God.

It was a man of God who led three million imperiled people of God across a sea without ships. It was a man of God who stopped the sun and moon in their courses until victory over the Amorites was complete. And it will be men of God, sin-forgiven, sin-cleansed, Spirit-filled men of God, criss-crossing this continent with burning, blazing hearts that will lead us out of the morass of unbelief and on to certain triumph over all the nuclear Amorites.

Men of God shall conquer the giants, whether they be nuclear or nebulous, educational or evangelistic, missionary or ministerial, orphanage or offertory, preaching or publishing, church or conference. Let us be men, not children; let us be men of God, not men of gold.

—WARREN W. WOOD.

### Headed For Grief

OXFORD

Editors, THE NEWS:

GOVERNOR SCOTT'S highway and school program reminds me of what occurred at an old-time Methodist protracted meeting when I was a boy. Nearly everybody attending had an emotional upheaval, barring an uncle of mine by marriage. He was a very good man, but had never made any profession. Furthermore, he was rather profane. This particular afternoon seemingly everybody was shouting all over the church. One of the male saints, a very giant of a fellow, approached my uncle and slammed him on the back, saying, "Ed, don't you want to go to Heaven?" The expectant congregation quieted instantly, and my uncle, smarting under the blow, shot back at him, "Yes, but I'll be damned if I want to go there with a broken back." Confusion reigned and I convulsed almost.

Of course, all of us want highways and schools, but we don't want to get broken backs in getting them. We are now in a transition period. No one knows where we go from here, except we are not likely to go upward. Caution should be the order of the day. Furthermore, the probabilities are that we will have another chance to do something for both schools and roads. Of course, if Governor Scott anticipates a collapse and wants to have a state edition of a WPA ready made for adoption, his huge sums would be very handy. But he should not holdout on the people. He should be frank and candid about the matter.

Really, the current disposition of our leaders to want to do a finished job leaving nothing for their successors to do, is dangerous indeed as well as lacking in good common sense. No one can convince me that we can get $200 million dollars worth of roads built in four years in addition to what we can now and will otherwise spend on roads during the same period. Certainly, we can spend that sum, but not profitably and in the interest of the state. Fifty million would be more nearly what can be profitably expended. Twenty-five million for schools should be adequate, if we are dead determined to permit the counties to shift their school obligations off on the state, which should not be permitted. This giving-to-everybody-what-they-want governmental philosophy may be a good way to remain in power, but the inevitable end result is ruin. To the thinking people, this needs no argument, for it is axiomatic—something needing no proof. Yet we go on piling debt on debt at all governmental levels. Of course, we are headed for grief and aplenty.

—JOHN W. HESTER.

*Drew Pearson's Merry-Go-Round*

## Sullivan To Quit If Services Unify

WASHINGTON

SITTING in front of President Truman the other day, Secretary of the Navy John Sullivan gave virtual notice that he would resign if the new Armed Forces Unification Bill is passed by Congress.

Sullivan's statement came during a long white House huddle while the heads of the Army, Navy and Air Forces smoothed out the wrinkles in the bill which is supposed to cut out bickering, overlapping, and backbiting. Secretary of Defense Forrestal was also present, together with his successor, Louis Johnson, while Truman himself sat in part of the time.

During the long discussion of the bill, Secretary Sullivan made objection after objection. He was especially opposed to taking away the autonomous power of the Secretary of the Navy and making him take orders from the Secretary of National Defense.

After the new Unification Bill was finally complete, and after Sullivan had registered all his objections, Secretary of Air Stuart Symington turned to him and said:

"Are you going to support this bill when it goes up to The Hill, John?"

"My course is all too obvious," replied Sullivan, which to those present made it quite clear that he would resign.

President Truman, who was present, obviously heard the remark but said nothing.

NOTE—Sullivan is reported as a possible choice for Secretary of the Treasury when and if John Snyder resigns. Sullivan once held the job of Assistant Secretary of the Treasury under Henry Morgenthau, who eventually eased him out. Truman, who disliked Morgenthau, would like nothing better than to show what bad judgment Henry had by reappointing Sullivan to the Treasury.

### Congresswoman Grills ECA Boss

THOUGH it concerns every man who some day may have to shoulder a rifle, Congresswoman Helen Gahagan Douglas chose a secret session of the House Foreign Affairs Committee to give ECA boss Paul Hoffman a rugged grilling about the rebuilding of the German steel industry. However, the lady from California got few straight answers.

The attractive, plain-talking Congresswoman had before her a private report from French Government officials, emphasizing the dangers of reviving the war potential of one knocked-out foe, Germany, at the same time the democracies are trying to head off another competitor, Russia. So Mrs. Douglas asked:

"Does the United States Government intend to write off the tremendous sacrifice of American blood in the last war by putting the world timeclock back on a pre-Munich setting, when democracy had two potential enemies instead of one?"

If not, continued Mrs. Douglas, are steel plants marked for reparations, including plants stolen from the French, being kept in Germany?

"Can you tell me when the plants marked for reparations will be transported, and to what countries?" she demanded. "I mean all of them—including those plants in occupied Germany rightfully belonging to France."

### Plaintive Hoffman Passes Buck

HOFFMAN passed the buck first to Norman Collison, chief of the ECA mission in Germany, then to the State Dept.

However, in the next breath, he admitted that a number of the steel plants would have to be kept in Germany in order to build German production up to the 10,700,000 tons a year rate, which is the 1936 standard. German steel production now totals 7,900,000 tons a year.

"That isn't answering my question," persisted Mrs. Douglas. "I want to find out how many steel plants will be moved out of Germany, when, and to what countries."

Hoffman confessed that he didn't know, that the final answer would be up to the State Dept. and the nations involved. He then threw up his hands and appealed to the committee for support. "I'm doing the best I can," said he, a little plaintively.

### McKellar Lectures

PEPPY Purcell L. Smith, registered lobbyist for the National Association of Electrical Companies, got a snappy lecture the other day from crotchety Sen. Kenneth McKellar of Tennessee. Smith also got a very, very red face.

The Senate appropriations Committee was holding hearings on $2,500,000 to build a steam-electric plant for the Tennessee Valley Authority.

Smith's electric association was opposed—on the ground that the appropriation was unconstitutional and would be an "entering wedge" for the socialization of all industry. To support their campaign, Smith introduced for the record a letter from a CIO local in Ohio, opposing the $2,500,000 for the TVA steam-electric plant.

Next day, the Washington Post carried a full-page advertisement, paid for by the electric association, outlining the CIO stand.

Sen. McKellar promptly put the ad in the committee's record.

Then, turning to Smith, he almost roared: "Is this put in as a threat to Congressmen that CIO workers are not going to support them unless they adopt your views about this plant?"

"I cannot attempt to interpret the views of the CIO workers," replied the electric company lobbyist.

"Your real purpose," McKellar shot back, "was to prevent passage of this steam-electric plant. It is propaganda, pure propaganda that you are undertaking indirectly to threaten the Congress about this matter, and I want to say that, as chairman of this committee, I resent it very strongly.

"I do not think you should have done it," continued the Senator from Tennessee, catching a fresh breath. "I think you have done your association an injustice and it will be a remarkable thing if they retain you, with the big salary that you get of $65,000 a year."

Smith fidgeted, shifting from one foot to the other, but McKellar raced on.

"I think," he said, "they are going to have a hard time retaining and paying you that salary when you do such a silly thing, it seems to me, as putting in the paper propaganda of the kind I have just called to your attention."

"I think that needs no response, Senator," said Smith, and sat down.

Sen. Ferguson of Michigan eased the pain by commenting that the advertisement was "bad public relations," but that everyone had the right to come before Congress and plead his case.