TUESDAY, JUNE 3, 1952

ONE GOOD PRECEPT DESERVES ANOTHER

YESTERDAY the U. S. Supreme Court, in the most momentous decision of our time, reaffirmed simply but resolutely an ele-mentary percept of our constitutional govern-ment—the exclusive right of Congress to make laws, the duty of the President to ex-ecute the laws, and the responsibility of the judiciary to interpret both laws and extra-legal actions in the light of their constitu-tionality.

tionality.

Called variously the "principle of separation of powers" and the "system of checks and balances", this basic precept was written into the Constitution as a protection against the arrogant exercise of arbitrary power by any one branch of government. It has not been seriously impaired in the history of the Reyublic until the last two decades, when a combination of factors—two strong chief exercitiest was a regal depress. executives, weak Congresses, a great depres

ecculives, weak Congresses a great depression, a monatrous World War, a struggle for survival between democracy and Communism, and public apathy — paramounted the Presidency and its duties over the law-making powers of the Congress.

On Ayril 8, 1952, President Truman selized the steel industry in an effect to avoid a strike that he thought would endanger national security. He acted under his own brood indepresation of inherent Presidential powers and without statutory authority. Overruled by a Pederal affertic curt and upheld by a Pederal appeals court, Mr. Truman's action was appealed to the Supreme Court by the steel industry. It was obvious that here was a clearcut test of Presidential suthority.

The Decision Of The Court

THE six-ma majority opinion was a model I of logic and unequivocal language. It made these points:

1. There was no statutory authority, not even an ect of Congress, from which the presidential seizure power could be implied. Nor did the Government, in arguing its case, claim any such authority.

2. Furthermore when Congress was de-

claim any such authority.

2. Furthermore, when Congress was debating the Taft-Hartley Act in 1947, it specifically rejected an amendment that would have authorized seizure in cases of emerg-

ency.

3. Nor is there any authority under Article II of the Constitution for the seizure. The President's powers as Commander-inchief of the armed forces do not extend to taking possession of private property in taking possession of private property in order to keep labor disputes from stopping

order to keep labor disputes from stopping production.

4. In fact, the language and the meaning of the Constitution is perfectly clear. "The Constitution is limits his (the President's) functions in the lawmaking process to the recommending of laws he thinks are good and the veloing of laws he thinks bad. And the Constitution is neither silent nor equiv-ceal about who shall make laws which the President is to execute . . The founders of this nation entrusted the lawmaking power to the Congress-alone in both good and bad times," said the majority decision.

That, in essence, was the majority opinion written by Justice Hugo Black, But it remained for Justice William O. Douglas, in a concurring opinion, to put his finger on the real danger from Mr. Truman's well-intentioned precedent (and, incidentally, to explain why most of the liberal members of the Court were found on the majority sided. Wrote Justice Douglas:

America pays "a price for our system of checks and balances, for the distribution JUDGE BOBBITT SHOULD CALL FOR RUN-OFF

JUDGE WILLIAM H. BOBBITT'S temporary indecision about calling for a second primary in the Supreme Court contest is understandable. We are quite sury, however, that when he analyzes the factors, and evaluates fully the enthusiastic support of his many thousands of friends, he will call for a run-off, as indeed he should.

a run-off, as indeed he should.

If you consider the hard, cold political facts first, this is the situation. Judge Bobbitt stands just where his advisers had expected him to be—second man in a field of six. It is true that most experts had figured Justice Itimous Valentine, the incumbent, would be in first place, instead of Judge B. Hunt Parker. But that doesn't change the fact that Bobbitt's hopes rested on victory in a run-off. Having hit the target in the first primary, it would be a mistake not to take aim on the second objective.

Secondly, the odds are in Judge Bobbitt's

take aim on the second objective. Secondly, the odds are in Judge Bobbitt's favor. By all rights the major portion of the votes divided am on g Allen H. Gwyn. F. Donaid Phillips, and Oscar O. Efird, should go to the Charlottean in another, election. All three of these are from the West. In the first primary, they garmered a total of more than 133,000 votes, whereas Justice Valentine, who was the only Easterner be-sidee Parker in the first primary, got only 77,000. With the West solidly behind him, Judge Bobbitt should win without great difficulty.

ficulty.

And it is important to the State that he win. Judge Parker is an able judge, with fine intellectual attainments. But among lawyers, who should know, Bobbitt is rated as better qualified. The State Supreme Court should be the repository of the finest legal talent in North Carolina. The Court needs Judge Bobbit.

of power among the three branches of government. It is a price that may neem continut to many. Today a kindly President crease and to keep the site furnaces in production. Yet thomorrow another President might use the same power to prevent a wage increase, to curb trade unionists, to repiment labor as oppressively as industry thinks if has been regimented by this seizure.

Where Do We Go From Here?

TODAY the steelworkers have quit their Toba. The big blast furnaces are being cooled slowly to avoid damage. Steel production, basic to our wartime and peacetime activities, has ground to a halt. The Government has already banned shipment of steel from warehouses to consumers, in order to conserve the available supplies for military purposes. Meanwhile, the war in Korea drags

Mr. Truman. as chief executive of the na-tion, has only two alternatives, neither of which offers hope of accomplishment.

which ofters hope of accomplishment.

1. He can try once again, by persuasion, to encourage a settlement of the wage dispute. While such a gesture would have no official weight, it would help marshal public opinion behind the need for a quick resumption of steel production.

tion of steel production.

2. He can still employ the Taft-Hartley Act as a last resort to keep the workers on the job for 80 more days. In our opinion, this course would be inadvisable. The time for the use of Taft-Hartley has passed. Rightly or wrongly, the President, on last Dec. 22, the president of the time for the use of Taft-Hartley has passed. Rightly or wrongly, the President, working until the seiture order on April 8, just a few hours before the second strike deadline. They have slready gone through the "cooling off" period, which is one of the twin pillars of Taft-Hartley, and the report of the Wage Stabilization Board is the rough equivalent of a Presidential fact-finding report, the other pillar. The President would be on questionable moral ground, even though it would be legal for him to haul out Taft-Hartley at this late date.

There are those who believe that Congress

There are those who believe that Congress ought to tackle the problem immediately. Justice Jackson reflected that viewpoint when he wrote in his concurring opinion, "A

talitarian dictation.

The Supreme Court has reaffirmed a basic precept of the much-abused U. S. Constitution. It is time to return to a basic precept of good labor-management relations — collective bargaining in good faith.

the neighborhood and present level, that was unmatched in any other state contest. And they stand ready to work just as hard in a second primary. The second primary is a device that belongs to the people, not to the candidates, it is a device set up by their own General Assembly to assure the people an opportunity to choose a majority candidate or conversely, to guard against the nomination or election of a minority candidate. It is a device to be used for the people and by the people.

We are confident that when Judge Bobbitt weighs all these factors, he will realize that it is his duty to give the people of North Carolina a chance to select their favored candidate for their highest court.

JOHN DEWEY

JOHN DEWEY, least of all, would have tried to sum up his philosophy in a few words. Nor would it be possible to sum up the effect of this great American thinker on the world. Most of us have been influenced by his teaching, for even before the turn of the century his pragmatic philosophy of leading students to find out things for them. selves by experimentation, to learn by doing had been strongly felt in American edu-

cation.

Not the least of Dr. Dewey's legacies are
the distinguished pupils who listened to his
rambling dissertations, in Chicago, New York,
China or Turkey, and left his class to inquire
into a range of subjects as vast as the interests of the old professor.

terests of the old professor.

History may find that America, in its brief cultural history, produced in Dr. Dewey another Socrates or Spinoza. The present generation at least has lost, in the death of the sturdy New Englander, one of its most provoking and thoughtful teachers.

'Progressive Movement' Has **Turned Into Supergovernment**

By RAYMOND MOLEY

to push Federal power into this cap the assessing character of the progressive movement was therefore a greater intervention by government in private economy a nd life, and the enlargement of Fed. the states of t

NEW ORDER WAS HIGHLY SUCCESSFUL

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In the first years of the twentieth century progressives movement and protests, against the presence of powerty and injustician in and protests, against the presence of powerty and injustician in and protests, against corruption in government of protest, of which Lincoln Steffens was the most colorful historian, chalesged and the folial actions of the folial actions of the folial actions and the folial actions of the folial actions o

at the pour.

NEW DEAL COMBINED

MANY THEORIES

The New Deal or theretory or a while, none of these gained complete accendancy. But after two or three years the Federal Administration turned to more governed to the property of the propert



In The Texas Pattern

The GOP's Louisiana Purchase

QUUTA INEQUITIES

By JOSEPH ALSOP NEW ORLEANS
CEN, Robert A. Taffs man in this state is National Committeems John E. Jackson, a portly, sauce and ; rosperous isavyer who has ruided with passes for the Louisians Republican Party for just short of (wenty years, A visit to John E. and a short look at John E.'s record, are highly instructive experiences.

At the moment, National Committeeman Jackson is a bit prickly and defensive. On his office walls, portraits of such Republican statesmen as Sen. Bricker and John D. M. Hamilton smile reassurance to him. All, they seem to say to him, will be well at Chieago. But all has not been well in Louisiana.

to him. All, they seem to say to him, will be well at Chicago. But all has not been well in Louisiana. In brief, John Minor Wasdom, another New Orleans lawyer with important connections, a confortable fortune and an eccentric constitution, a confortable fortune and an eccentric constitution of the work in the Louisiana Republican Party some years ago. About twelve months ago, the magic of the anne of Gen. Dwight D. Elsenhower brought Wesdom a sudden influx of supporters and co-workers. With John E. Jackson Inphiling a bitter recipiest with the property of the property

Jackson.

Eisenhower Ballots Ignored

Jackson responded like the brave fellow he is.

He used his remaining control of the state Republican committee in the Texas manner. He ignored the ballots of the pro-Eisenhower Watdomites. He millified their undoubted legal victories. And manority instead of the Wisdomite majority, to arm a solid pro-Taft delegation to Chicago.

No impartial observer here doubts that this pro-Taft Louisions delegation is a simple product of John E. Jackson's force or character. Even John Louision of the product of the

had the majority of Republican voters on his side.

There are all tund of majorities, he explains rather portentiously. There are force majorities, which consider the properties of the properties which are peaceable and good, you wouldn't count the heads of a mob when you were about to be attacked. You wouldn't just say, I give up, I currender because there were a lot of people in the mob. You wouldn't do that, would you?

you'r.

John E's definition of a mob appears to be any considerable number of Republicans not ruled by Jackson. In this state, up to 150,000 people vote the number of registered Republicans, which means Republicans with any say in the party affairs, steaf-lij declined under the autute Jackson stewardship to the tridiculous all time low of 1,500.

site argument for such projects the various valley authorities. Its realization as a primary poiof the Democratic Party is
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vitable if the left wing of that
ret the necessities of war prepution offer a perfect screen for
extension. Prof. 1981, **Paymond Maker.**

No non. of course, peaks more nightly of the
two-party system than John E. Jackson, although

he says nothing can be done about it without "sub-trimital money and substantial patronage." But the fact is, the one-party system has made John & what he is today, noursishing him in a highly satis-factory manner. His ideal Louisians Republican party is one that can-be conveniently assembled in a small back room, for the sole purpose of choos-ing litteen Republican delegates each four years.

Such a party may not win votes in Louisiana, but it will win rewards in Washington, when and if a Republican President has been nominated with the help of Louisiana's fifteen.

Reece-Jackson Combination

Recce-Jackson Combination

Tory: A couple of years ago the Republican

Story: A couple of years ago the Republican

National Constitute, in its wonderfully humorous
way, named none other than John E. to head a
committee to promote a powerful, popular Republican Party in the South. A little later, John A.

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leaders who satisfy this Old Guard craving.

In one respect, the Louisians pattern sharply differs from the Texas pattern. Whereas in Texas there was a strong popular surge for General Eisenhower, no one could possibly call the movement that defeated Join E. Zackson in Louisians a truly popular to the Company of the Texas field. Jackson's trun large numbers set the Texas field. Jackson's trun large numbers with Company of the Company of

wildows handreds. The whole thing was on a very.

Wildows handreds. The whole thing was on a very.

But in two other respects, the Louisians pattern

Fresenbles the Freats pattern. First Jackson's year

delegation was named in arrogant defines of the

delegation was named in arrogant defines of the

time Republican majority bere'; and however small

the majority may be, political honesty demands

that the majority shall rule. Second, John E. Jack
that the majority shall rule. Second, John E. Jack
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People's Platform Put 'Em In The Army

ABILENE, Texas

Editors, The News:

WONDER what our boys in Korea who are fighting and drying for the freedom of tiberty loving people think of some of these young clede men who are staying out of uniforms in the preceiving an education, and are swiping girls' uncervair. Don't you know that our boys in Korea feel disgust and hatred toward college men who are larging the foel' so as to cause people of the nations to think we are nothing but a country of moreas?

hatous women morons?

I never served in Korea But I served two years in the European Theater during World War II. Personally, I think these young college men should be put in outdoms and sent to Korea, and let our boys over there come back home.

— JOHN W. BURKS

Drew Pearson's Merry-Go-Round

NSIDE facts in the continuing prisoner crisis on Koje
I sland are not toe naysterious. First the natural clear of U.S. millary men to handle prisoners
with as little manpower as possible.

This has always been American policy. The best U. S.
troops are saved for the front.

Troops are saved for t

land.

The situation did not get serious on Koje Island until
the United Nations command began screening prisoners in
an effort to find out which ones wanted to return to the
Communists, and which ones wanted to return in South
Korea.

Florida Bonanza

FloriDA's enraged Gov. Fuller Warren has made national headlines rampaging up and down the state, braying like

U.S.'Drifted' Into Koje Island Trouble

a bull moose against the Senate Crime Committee. But behind all his bluff and bluster is a sordid story of underworld ties that is only half told. Because it had to cover a lot of other states, the Kefauver Committee let Warren off easy.

Under Florida law, Governor Warren swore, in an affidavit, that the total contributions to his pubernatorial campaign in Pul Collad only 84.555. Yet William H. Johnston hat their contributions to Warren in 1986 second 4800,000. Section 102.63 of the Florida statutes at that time limited the total contributions to a Governor's campaign to \$15,000.

William Johnston, who alone admitted donating over

to \$15,000.

William Johnston, who alone admitted donating over \$100,000 to Warren's campaign, was the known boss of four Florida dog-racing uracks and an old-time associate of such hoodlums as John Patton and Frank "The Enforcer" Nitt.

Overnight State Contractors
JOHNSTON set up fire salesman M. C. Almes in business
in Tallahasaee with a \$10,000 "loan" in exactly the
same month Warren was inaugurated. Overnight, Almes besame a prime uppiler of road-building materials to contractors working for the state of Florida. Almes walked
in, virtually out of the blue, and suddenly began doing a
in, virtually out of the blue, and

lush business with the road contractors.

Another company formed right at the time Warren and Another company formed right at the time Warren cooked in obtaining over \$300.000.000 formed in the contraction of contraction work, plus "negotiated" equipment retual contracts to the state of over \$100.000.000 fofficially, Jaxon Construction in owned by Charles E. Cobb. Actually, Jaxon Construction in owned by Charles E. Cobb. Actually, Jaxon Construction in owned by Charles E. Cobb. Actually, Jaxon Construction in owned by Charles E. Cobb. Actually, Jaxon Construction in the firm are John Rush, Johnson Formed Construction of Santa Corollary and Santa Company's preferred stock as security for the Johnson, Johnson Company and Santa Company of the firm are John Rush, Johnson Company and Santa Company of Santa Crime Committee Company was charged by the Senate Crime Committee Committee of the Santa Crime Committee Committee Committee.

Despite all 'his, the governor of Florida still sits non-antly in his office in Tallahassee,

crisis that challenges the President equall or perhaps primarily, challenges Congress"

crisis that challenges the President equally, or perhaps primarily, challenges Congress'.

For our part, we would prefer to let the lassue simmer awhile. The emergency may be as grave as the President believes. In that case, the opponents in this gigantic struggle may be depended upon to come to some agreement soon. For they both represent bulwarks of American democracy that would be the first to crumble in an uneven war with Communist Russia.—private comercials that Beyond that we lead to the conviction that. Beyond that we lead to the conviction that Depond that we lead to the conviction that the property and trade unlosine.

The suppose that the present the conviction that the private pressures that soon assert themselves on both labor and management may be more effective in forcing compromise themselves on both labor and management may be more effective in forcing compromise than any act of government short of to-tallitation dictation.

The Suppene Court has reaffirmed a basic