

THE CHARLOTTE NEWS

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WEDNESDAY, FEBRUARY 26, 1958

Should The Supreme Court Be Curbed?

Should The Supreme

ALL assaults on the federal judiciary are not being mounted from below the Mason-Dixon line. One of the angrisst and most irresponsible legislative haymakers ever aimed at the highest court in the land was plotted recently in the heartlands of Indiana.

It is Sen Jenner's bill deprive the U. S. Supreme Court of jurisdiction in five separate series of distressingly liberal decisions the Indiana conservative would, for example, bar the high court from appellate jurisdiction in all actions taken by congressional investigating committees in internal security matters—including citations for contempt against winesses. Sen. Jenner would also cut off the right of appeal to the Supreme Court of any person dropped from the government payroll because of alleged subversive connections.

This effort to "curb" the court is being made, ironically, in the name of conservativism Actually it would after rather than conserve a time-tested institution of American democracy, an institution that is the keystone of American ilberty under law. It is, whether Mr. Jenner realizes it or not, an act of disturbing radicalism.

What this radicalism threatens is change of the most undesirable sort. It would operate in one way or another to lessen the judiciary's independence and subject it to the control of one or more of the other governmental divisions. No one who believes in America's delicate system of checks and balances really wants this to happen.

wants this to happen.

CRITICISM of the court and its decisions is perfectly proper. No institution of government — including the judiciary — stands beyond the reach of criticism. In 1898, Justice David J. Brewer, a member of the Supreme Court, said:

"It is mistake to suppose the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its justices should be the objects of constant watchfulness by all, and its judgments subject to the freest criticism. The time is past in the history of the world when any living man or body of men can be set on a pedestal and decorated with a halo. True, many criticism and control of the contract of the control of t

DEIN. Byria Brings Fion

Being essentially an aristocrat, Virginia's Harry Flood Byrd simply had no defense against widespread pleas that he forego retirement for another six-year term in the U.S. Senate.

Arguing against his acceptance of a fifth term was a six-year-old pledge to his wife that they would return to Virginia next year. Quite possibly there was a personal desire to quit, arising from the fact that his philosophy of government is in general eclipse in Washington. Either was compelling in the face of his state's obvious and earnest desire that he continue to represent it in the Senate.

Sen. Byrd's decision to continue is an

cisms may be, like their authors, devoid of good taste, but better all sorts of criticisms than no criticism at all."
"But." said American Bar Association President David F Maxwell in 1957, "the emphasis should be on the constructiveness of the criticism."
When the attacks are so reckless in their abuse, so heedless of the value of judicial review, that they tend to undermine the public's confidence in judicial remedies then they should be repudiated by thoughtful citizens.

CERTAINLY, the judiciary can be im-

CERTAINLY, the judiciary can be improved. No human institution is beyond improvement. We share the opinion of many of the Supreme Court's critics that politics is too big a factor in federal judicial appointments, for instance. We share widespread doubts about the wisdom of certain of the court's decisions over the years. But we also share the uneasiness of many political scientists over the prospect of hasty legislation to alter the court's appellate jurisdiction.

diction.

Sen. Hennings (D-Mo) recently drew an important distinction that should be observed scrupulously by the Senate subcommittee now conducting hearings on the Jenner bill.

the Jenner bill.

"Mr President," said Sen. Hennings,
"while I think free and open criticism
of the court's decisions and opinions is
healthy and desirable. I deplore, and
earnestly caution against, any hasty or
ill-considered attempt to limit the powers
of the court by changing its basic structure.

of the court by changing its basic setter.

"The governmental system established by our forefathers almost 170 years ago has served this nation well, and should not be changed except in unusual circumstances, and then only after the most careful study and thought.

"Certainly it should not be tampered with in a moment of passion or temporary pique."

MEN come and go. Issues come and Wgo. What must remain constant is a democratic system that guards deeply cherished constitutional rights regardless of the stress and strains of the times and the passions of the moment. This is true conservatism.

decision among both liberal and con-servative members of that body.

decision among both liberal and conservative members of that body.
Certainly there should be. The Senate,
at its best, functions as a place where
ideas are put to tests other than that of
shifting popular fervors. By reason of
his sincerity, intelligence and industry.
Harry Byrd has been able to serve responsibly and honorably those who
agree with his views and, by putting opnosing philosophies to the stern test of
his arguments. he has served the general welfare as well.

In order to admire Harry Byrd's character it is not necessary, thank goodness,
to accent Virginia as the center of southern enlightenment nor to worship at the
figurative shrine which ruling Virginians
have erected to him. Aristocracy, in
other words, has its vices as well as its
virtues.

But by his willingness to serve at per-

WE ASKED DR. ELMER H. GARINGER:

Are Charlotte's Schools Ready For The Space Age?

The Fundamentals

INTERVIEWERS: Then you do think that in Charlotte schools we are spending enough time on the fundamentals?

DR. GARINGER: Well, I don't know that I'd very say we were spending e no u g h time because that's under study all the time. Just recently, we spent three full half-days with our junior and senior high school principals going and raising the very question you've raised with me-whether on one was red oling enough. I think that's always necessary. As you know, our course of study in secondary science courses has know, our course of study in secondary science courses has changed alo in the last few years. And the secondary science courses has changed alo in the last few years. I would be compared to the last few years with the secondary science courses has considered to the secondary science courses have seen that the secondary science courses have been seen to be seen to b

Europe Does More

what they are doing. They are thirefore learning satills in Energible and in expression and are becausing acquained with some of modern-day life.

How Much Science:

How Much Science:

Interviewers: In this same junor high school group that is courses, how much work in science and foreign language is required?

DR. GARINGER: Well, course, that is just one of six periods in a day. The other increases the previous are given to wish a English and mathematics and souther periods in a day. The other increases are given to wish a English and mathematics and souther periods in a day. The other increases are given to wish a English and mathematics and souther periods in a day. The other increases are given to wish a English and mathematics and souther services are given to wish a English and mathematics and the server period has a subject in I. INTERVIEWERS: What are the basic requirements in the science. There is a six-period day, and servey period has a subject in the server acreated consideration on our state of the server acreated consideration on our transfer so that is a good question. We have science all the way through the elementary schools — that is, grades one through six And of course, the first formalized be-



time the child gets up to what is

They Don't Let Go

Ours Measures Up

It is very easy to check with these youngsters here. They represent the very best of their secondary schools. They have been sent over here for a year's study. And they're bright. But we haven't found that they know so much more than our own youngsters. Of course, they have a language different they have been different they have been different to the language different they have a language different they have been different to the language different they have been different they have been different they have been different they have been different to the language different they have been d

tive basis with these youngsters. NTERVIEWERS: If the school becomes more and more of a social agency wont it, more and more, find it necessary to set up different courses of instruction reflecting the differences in the backgrounds of students and the capacities of their farmilies to their armiles to note works went curricula have to become more gated, reflecting the capacities of the students themselves?

Grouping Children INTERVIEWERS: Do Charlotte schools group children on the basis of their varying capacities?

INTERVIEWERS: It is increas-DR. GARINGER: Yes, in the junior and senior high schools.

No Opposition

INTERVIEWERS: Would you say that parents generally approve or disapprove of such grouping?

DR. GARINGER: We've never had any difficulty at Central at all. I do know that there has been some opposition to it in some school systems, but we've never had any opposition to it here that I know of.

INTERVIEWERS: Do you think this grouping will continue to increase?

DR. GARINGER: I think so because it seems to me that it is wastedli to put children who do have a high degree of academic ability in a class with those who me to be the content and the theories must be content and the theories that would be suitable to them—that is, it either has to be wastered down so much that it doesn't interest the gifted or else it's so difficult that it's beyond the comprehension of the others.

Who Picks Courses?

DR. GARINGER: I would say that the leadership for that comes through our principals' organization, working with us at the central office. Of course, that always has to be approved by the Board of Education. INTERVIEWERS: Does the

as far as corned? cerned? DR. GARINGER: Yes, it does.

Fewer Electives

DR. GARINGER: Well, I think that is true, even today. A few years back, of course, the elective system just ran wild. In exty high school of any city of any sire, we had a great list of the course o to work with us on physical edu-cation and athletics. And they will work with us in terms of the state requirements, minimum require-ments, and talk to us about the wisdom of expanding that pro-gram. Now, the state gets its ob-jectives, of course, by having state committees made up of represen-tatives of the public school sys-tem, and they usually bring in some lay people. When a docu-ment is finished, it has the ap-proval of its committee members who are representative of the peo-ple at large. in a good city high school. There ought to be enough electives, however, to do just what you've indicated — electives that would take care of both the needs of the individual so far as his can pacities and his interests are corrend, and also the needs of the state. I don't think we can oversement to be a superior of the state of

Over-Emphasis?

INTERVIEWERS: Do you think

Crash Programs

INTERVIEWERS: We hear a lot about crash programs in educa-tion. Can you produce an edu-cated man on a crash basis?

cated man on a crash basis?

DR. GARNOSER: No. It takes a long, long time to preduce an edition of the cate of the

BERGVIOT

Incidentally a book has even out in the last few months, published really under treally under treally under treally under the College Entrance Examination Board, and the director of it is Dr. Will French, who was then a professor at the Teachers College (Columbia University) and his son was our first principal at Myers Park High School. The treatment of the book is "Behavioral Coals in High School." A group to the properties of th

'By The Way-What Course Are You Steering?'



Drew Pearson's Merry-Go-Round

hasn't been. Perhaps it's because this is his last term and he's tired of worrying too much about what the public thinks. Hagerty was fully aware of the bad public reaction to taking Mame and sissipation in to taking Mame and sissipation in the state of the public reaction to taking Mame and sissipation in the state of the public reaction to taking Mame and sissipation in the state of the public reaction to taking Mame and sissipation in the state of the s

Ike Unconcerned About Public Opinion

and saile White House press, secessing and seem having one of the roughest imes of his five years in office.

Weary Of Worry

Reason is that his boss has been more rotchety of late and much less conserved about public opinion. For a long time Gen. Elsenhower was more hip to white relations than was any recent under the resistant late of the work of the resistant late of the work of the time and the late of the was with him of

of mis surjective to represent a cut the Senate. Sen. Byrd's decision to continue is an accurate measure of his strong devotion to public service and of his conscientious regard for duty. These are admirable qualities in the man and in the senator. As a deliberative body the Senate would have been weakened by his retirement. Doubtless there will be elation over his virtues. But by his willingness to serve at personal sacrifice and by his abilities to serve, Harry Byrd brings honor to his breed.

Sen. Byrd Brings Honor To His Breed

Judge Parker: A Wrong Remembered THE excess of political fanaticism which cheated Charlotte's Judge John J. Parker of a seat on the Supreme Court—and denied the nation the full benefit of his great competence and character—is an old and bitter tale in these parts.

these parts.

It is illustrative of his character that Judge Parker himself was made neither old nor bitter by his disappointment. But the memory of wrongs is a strong safeguard against their repetition. Thus we noted happilly the other day that the Senate's injustice to Judge Parker 28 wars ago still is fresh in the memory of Washington.

Washington.
Congratulating the National Conference on Citizenship for its selection of Judge Parker as its new president, the Washington Post made these eloquent and fitting remarks:

and fitting remarks:
"Twenty-eight years ago, when Judge ago."

Parker was nominated to be a justice of the Supreme Court of the United States, think, to which there will be no dissent.

rong Remembered

he was made the victim of one of the
worst psychological lynchings in which
the Senate has ever indulged. Recause
he had followed an unpopular decision
of the Supreme Court and because certain factions were determined to emharrass President Hoover, Judge Parker
was pilloried as a foe of labor and minority groups, with virtually no regard for
the distinguished record he had already
made on the bench. Rejected by a vote
of 41 to 39, the judge accepted the decision without hitterness and continued
to gain stature as a liberal-minded jurist
of rare quality. Over the years he has
won the respect of even the groups who
fought him the most bitterly. As he presides over this far-flung conference of
citten groups, he will have the satisfaction of knowing that the conscience of
the nation has reversed the narrow, polittically inspired decision of 28 years

Here is an editorial jundament, we

From The Raleigh News & Observer

INFLATION IN BRASS

TRANSATIANTIC news dispatch the other day brought the word that some Britons bemoan the growth of bureaucracy in the armed services over there. The Sunday Graphic pointed out that there were 144 admirals, 132 generals and 10a for brass.

Our British course, more armount of the course of the cour

gon are that the United States has 508 Army generals; 63 Marine Corps generals; 424 Air Force generals; 297 admirals in the Navy. We may lack missiles but we certainly have no insufficiency in brass to argue about them.

a lot of brass.

Our British cousins moan easy. They don't know anything about inflation in rank. The latest figures from the Penta-