No Political Dreamer . . .

Six great men of the Revolution stand in bronze on Virginia's Capitol Hill. Jefferson is pensive, chin in hand. Andrew Lewis, in the fringed jerkin of a frontiersman, looks to distant hills. Henry, as always, is the orator; Mason, as immortally, the writer, Thomas Nelson, a wealthy merchant, soldier, Governor, patriot, looks boldly upon the passer-by.

Last in the group is Marshall, and in our own tempestuous times his sad and brooding figure deserves close study. His head is thrust forward, his brow furrowed in thought; he holds in his hands the Law he expounded so forcefully.

Marshall was the great centralist. That is his reputation. He thought nationally. But we often have wondered, walking through the Square, what even so staunch a centralist as Marshall might have said of events today.

"What are the favorite maxims of democracy?" he asked the Virginia Convention of 1788. "A strict observance of justice and public faith, and a steady adherence to virtue. These, Sir, are the principles of a good government. No mischief—no misfortune—ought to deter us from a strict observance of justice and public faith."

Pleading for adoption of the Constitution, Marshall again and again emphasized that the Federal government was one of delegated powers. The powers, he thought, were "well guarded." And if powers should be abused, what then? "Those who give may take away. It is the people that give power, and can take it back. What shall restrain them? They are the masters who give it, and of whom their servants hold it."

How were these limited powers delegated by the people? Why, through their States, of course. Marshall was impatient at men who thought otherwise. How else could the people act? "No political dreamer," he said in the *McCulloch* case, "was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass. Of consequence, when they act, they act in their States."

No wonder Marshall broods in Capitol Square! No wonder the patina of a century leaves a shadow on his strong and virile face! Distorting the doctrines he laid down, ambitious men have indeed abused the powers delegated to them; and the people, in theory the masters, have in fact become the servants. "*No political dreamer was ever wild enough to think of breaking down the lines which separate the States . . .*" In the Twentieth Century, it is the commonest dream of all—no dream! It is a hard reality that free men, unwilling to be compounded "into one common mass," now struggle to resist.

The six great men have stood in the Square for nearly a century now. Above them, graceful in a saddle, Washington rides. These were the founding fathers. Their monument, begun in 1858, finished in 1869, was intended to summarize the enduring greatness of the sometimes conflicting views they brought to bear on the freedom of man and the power of the state.

Today we celebrate the birth of the Nation they sired. And we cannot turn from the Square without reflecting anew what a great legacy of political principles they left, for generations of lesser men to squander and destroy.

Fiscal Sanity—Six Years After

Moving with a certainty of purpose rarely seen in previous years, President Eisenhower seems determined to force the Democratic Congress into accepting inflation as *the* issue in next year's election. With the new fiscal year only four days old, the President is insisting that the Federal budget remain in balance and that something be paid on the stupendous $285 billion debt, which jumped $12.5 billion during the year that ended Tuesday.

Unfortunately, it is easier said than done. Back in 1952, Candidate Eisenhower was urging a swift return to fiscal sanity. Six years (and four budget deficits) later, President Eisenhower is pursuing the same objective, with perhaps a greater sense of urgency. The fiscal situation now is far worse than it was six years ago, or even a year and a half ago. Let Senator Byrd sum it up:

"Federal debt set its all-time record May 11, 1959," Mr. Byrd told the Senate in a speech earlier this month. "It exceeded the World War II peak by $7 billion. . . . The fiscal situation deteriorated faster in the past 18 months than in any comparable peacetime period to my knowledge.

"In six months," Senator Byrd continued, "we moved from estimates of virtually balanced budgets in fiscal years 1958-59 to combined deficits of $15 billion. In the process we have been forced to raise the statutory debt limit three times."

That is the situation facing Mr. Eisenhower as he challenges Congress to live within the $77 billion budget he proposes. The wonder of it is that the President should have to ask Congress to behave responsibly. Given the staggering debt now carried by the nation, with a dime of every tax dollar earmarked for interest, it is almost inconceivable that mature legislators would approve further deficit spending. Yet that is precisely what the President fears, with good reason.

Wary of presidential vetoes which he cannot override, Senate Majority Leader Lyndon Johnson is presently marking time on the awesomely expensive welfare program he unveiled last November. In coming months, however, Johnson is likely to proceed at a faster clip, oblivious of the veto. The wily Texan, rather than accept inflation as the issue of 1960, probably will attempt to portray the President as the man who killed Santa Claus. It might be an appealing pitch, for nondefense spending has increased 78 per cent in the past five years and many Americans doubtless believe it should continue to soar. Predictably, it will require great resourcefulness on the part of the President to perform the task he set himself six years ago.

Dan Emmett's Song

One of the more pleasant ironies of American history is called to mind by ceremonies held this week at Mount Vernon, Ohio, birthplace and burial place of minstrel man Dan Emmett. Laid to rest in the North, Emmett lives on in the South, although comparatively few Southerners are aware of who he was.

One hundred years ago, this Yankee found himself sorely in need of some sprightly "walk-around" music to revive a stale routine. Slumped in a kitchen chair in a New York City boarding house, Emmett groped for a tune and lyrics. Suddenly, inspiration struck. Grabbing his tin whistle, he composed furiously. In less than an hour, he had his song. The song was "Dixie."

Dan Emmett's cue came from the fact that show folk, inexplicably, always had wished themselves in "Dixie" whenever they felt low. An immediate success, "Dixie" spread like wildfire. The South took it as her marching song, as it remains today. And yet, the song ultimately became the property of the entire nation; unlike the imitative "Yankee Doodle" and "The Star-Spangled Banner," Dan Emmett's "Dixie" was truly, thoroughly American. On Independence Day, then, while we reflect on the ties that bind, let us think also of a Yankee's enduring tribute to the South.

City Mist . . .

By William E. Booth



By David Lawrence:

Court Ruling Is Confusing, Frustrating

AFTER EIGHTEEN years of operation of the government's loyalty and security programs, those procedures relating to industrial plants where defense work is done now have been frustrated.

The Supreme Court of the United States, by its latest decision this week, has cast doubt on the right of the Congress or the President to assure, through administrative action, the preservation of government secrets in defense plants.

In fact, there is considerable confusion as to what the court actually ruled invalid and what it struck down by implication.

The case concerns an $18,000-a-year engineer whose firm had a government contract on secret projects. He was accused of having, over a period of years, certain associations with Communists and of maintaining "sympathetic associations" with Russian embassy officials. His employers stood by him and testified that he was loyal. He was nevertheless deprived of his job as a consequence of a formal letter revoking security "clearance," sent by Robert Anderson, now Secretary of Treasury but then—in April 1953—Secretary of the Navy. A year later, the Secretary of Defense created a new security board, and the defendant was given a hearing and cross-examined extensively, but the sources of the information compiled against him were not revealed to his lawyers. "Clearance" was again denied.

FOUR OF THE Justices—Messrs. Black, Douglas, Brennan and Stewart—subscribed to the opinion of the court, written by Chief Justice Warren, upholding the defendant. But Justice Harlan, while concurring in the result, criticizes the Warren opinion because "it unnecessarily deals with the very issue it disclaims deciding."

Then, in another opinion, Justices Frankfurter, Harlan and Whittaker say they concur in "the judgment on the ground that it has not been shown that either Congress or the President authorized the procedures whereby petitioner's security clearance was revoked, intimating no views as to the validity of those procedures."

Justice Clark, in his dissenting opinion, however, seems to have no doubt about what the court decided, and he uses language concerning the court's attitude which, if employed by anybody else, would be denounced by various critics in the so-called "liberal" school of thought as "defiant" or as "undermining confidence in the Supreme Court."

In the dissenting opinion, Justice Clark—himself a former attorney general—says that to him the case is "clear and simple" in that the government refused to give the defendant "further access to certain government military information which has been classified 'secret.'" He adds:

"SURELY ONE does not have a constitutional right to have access to the government's military secrets."

The Clark opinion then proceeds to give chapter and verse showing that the security program was, in effect, authorized by the President and was in line with the procedures used in the first employee security program, inaugurated upon the passage of the Hatch Act by Congress in 1939, "in which the right to confrontation (of witnesses) and cross-examination has never been recognized."

The reason, of course, is that the government, and particularly the FBI, must protect its sources of information if, for example, it expects to continue to keep undercover agents at work inside the Communist movement. Justice Clark writes:

"It should be noted, though several cases here have attacked the regulations on the ground, this court has yet to strike them down. I shall not labor the point further than to say that in my opinion the procedures here do comport with that fairness required of administrative action in the security field. A score of our cases, as I have cited, support me in this position. Not one is to the contrary. And the action of the Court in striking down the program for lack of specific authorization is indeed strange, and hard for me to understand at this critical time of national emergency."

JUSTICE CLARK says flatly that the President and the Congress "have granted sufficient authority to Cabinet officers" ever since the attack on Pearl Harbor, that during the 18 years of operation, there have been frequent reports to the President and Cabinet officers on the subject in which the chief executive has acquiesced, and that the security programs themselves as operated have been noted in congressional hearings time and again when appropriations were being enacted.

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LETTERS TO THE FORUM:

Usual Version of Declaration Isn't Jefferson's Original

Editor, The News Leader:

Please pardon my year's delay in commenting on your editoral, "Birth of the States," which was published on the Fourth of July in 1958. I am in your debt for setting me out on a semi-continuous study of the Declaration of Independence and how it was drafted, how it was received by the Continental Congress, how it was approved and in what form, how it was proclaimed about the new nation, and, most importantly, how it is now presented to the people of the United States.

You editoralized that while Independence Day is celebrated by the American people as "the birth of a nation" this is done "only because of a fact that ordinarily is forgotten: Jefferson's immortal Declaration of Independence did not hail the birth of a sovereign nation; it asserts the formation of sovereign States."

Your points might be argued one by one, but not by me. I prefer, instead, to pull the rug out from under you by pointing out that you've been reading, and drawing your conclusions from, the wrong Declaration of Independence. You did not quote from the original which Congress approved the afternoon of that July 4 in 1776 nor could you have spent much time studying what Mr. Jefferson wrote before it was greatly changed by others.

Mr. Jefferson, with John Adams, Ben Franklin, Roger Sherman and Robert Livingston were named a committee to proclaim the separation from Britain and to give the reasons for such action, as asked in a resolution of the Virginia Legislature and put forward by Richard Henry Lee. The other committeemen trusted Jefferson to do the writing. He let Adams and Franklin make what changes they thought best, and with all five approving, his "clear copy" was presented to Congress. Debate began on it July 2 and Congress made 39 changes while Jefferson sat silently suffering.

When it was approved Congress did not pause to celebrate, but went on with the reading of a letter from Washington. As president of the Congress, John Hancock authenticated and signed it. The clerk, Frank Thompson, made it official and the Committee of Five was instructed to have it printed. John Dunlap's printing shop was kept busy that night as Jefferson and Franklin, perhaps with some help from Adams, checked the proof. Next morning broadsides were ready for the members of Congress.

Broadsides were sent to the governments of each of the States and to generals in the field, with instructions to read the Declaration to the troops. One broadside went through diplomatic channels to George III in England and through other channels came back to this country and is now in a great historical collection in Michigan. Thompson wafered one tightly in his Rough Journal of Congress and this document, now in the Library of Congress, is regarded as the first official text of the Declaration of Independence.

At the top of this broadside the superscription reads: "A DECLARATION by Representatives of the UNITED STATES of AMERICA." This is exactly the form used by Jefferson in all his preliminary drafts, and in all but one of the copies he made for such friends as Richard Henry Lee, and George Wythe. The same name, "United States of America," all in capitals, appears in the last paragraph. Jefferson used an all-inclusive plural when he referred to the New Nation as "FREE AND INDEPENDENT STATES." He uses the collective "they" in writing of the power to levy war, and others similar, but does not uphold the right or power of each separate State.

One paragraph from Jefferson's original, part removed by Adams and part left out by Congress, illustrates my point that he was not thinking of thirteen or fifty States but of one nation, when he wrote of the English people: "We might have been a free and great people together, but a communication of grandeur and freedom seems below their dignity. Be it so, since they will have it: the road to glory and happiness is open to us too, we will climb it as a separate state." He did not write "Climb as separate States, please note, but "as a separate state."

New York gave only tentative approval to the Declaration of Independence on July 4, and its positive assurance was received July 19 when instructions were given for what is regarded as another original to be engraved on parchment. This was ready in August and Hancock led all the rest with his bold signature. But at several points the scribe goofed, or was instructed to make changes. He substituted neat Old English for Dunlap's bold type and he changed the superscription to read: "The unanimous Declaration of the thirteen united States of America." The four slightly lowered words "of the thirteen united" are in very small letters. Further, when he came to the words in the text he wrote "united States." Your editorial may be excused for this is the version Americans usually see. But it is not the original and not Jeffersonian.

WILLIAM H. WRANEK.
Charlottesville.

Haddock: 'A Species Of Politico-Paternalist'

Editor, The News Leader:

Most of us are thoroughly familiar with the type of politician that thinks he knows what is best for us, even better than we know ourselves, a sort of species of "politico-paternalist."

Dr. Edward E. Haddock, a candidate for re-election to our State Senate, to a great extent, is of this type, but Charles Darwin, the great English naturalist, would probably have assigned him to an entirely separate classification, such as "politico-medico-conceits," for while Dr. Haddock thinks that he knows what is best for us, he strongly differs from the species of "politico-paternalist," in that he also thinks that all of us are mentally diseased, who firmly oppose intimate and shameful mixing of the white and black races in our schools, churches, swimming pools, and other places.

In December, 1958, Dr. Haddock spoke to about 200 persons at a YWCA day-long forum, in Norfolk, and on that occasion, he used medical terminology to lash out against closed schools, and to tell how the mentally diseased had spread hate, and how those (so-called) diseased persons had set up racial barriers in various organizations, churches, and professional groups in opposition to shameful intimate race-mixing.

At present, Dr. Haddock may think it is to his personal advantage not to resist the illegal edict of the Warren court for forced race-mixing; but perhaps as time passes, and his rights are taken from him, one by one, by this same tyrannical court, and his freedom lost, he probably will wish that he, also, had acquired some of that distaste of hatred that he has so strongly denounced in others, the symptom of which is unyielding opposition to tyranny!

Sincerely,
BRUCE DUNSTAN.

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