

The Town Drunk's Right To Wobble

ANGRY guests of another Great Debate are whistling around the periphery of North Carolina's legal world. This is no tearful tempest. It involves such standard American institutions as the cop on the beat, the town drunk, the judicial mind and the "right to wobble."
The hearing began with a State Supreme Court ruling that tipsy Tar Heels may not be arrested for public drunkenness without a warrant—as long as they are not creating a "breach of the peace." From Manteo to Murphy last weekend, the town drunks were wobbling to their hearts' content. If they weren't causing a public rumpus, the law couldn't touch them without a warrant.

The problem has a serious side. Drunks are a nuisance. But a nuisance is not per se a "breach of the peace." If North Carolinians want to make it possible for peace officers to remove this nuisance simply and effectively, it will take some legislative carpentry. The next General Assembly simply will have to revamp state statutes to take care of the matter.

The history of this legal puzzle goes back to the Town of Gaston in the case of State vs. Mobley was charged with (1) public drunkenness, (2) resisting arrest, (3) simple assault. The cases found their way to Gaston Superior Court where, during the October, 1953 term, a jury rendered a verdict not guilty of public drunkenness but guilty of resisting arrest and simple assault. An appeal was entered.

The case before the Supreme Court not only cleared up questions about the drunkenness arrest but also about a citizen's right to resist arrest.
Police officers of the Town of Dallas had attempted to take the defendant into custody without a warrant. The chief of police testified that as he and another officer drove up to a service station, they observed the defendant on the ground, the driveway. "He was drunk. I got out of the car and told him he was under arrest for being drunk. I took hold of his left arm. Mr. Broome (the other officer) got hold of his right arm. We started to the car. He pulled on the ground behind the car and I hauled off and hit him beside the head and knocked my hat

off and my glasses fell out of my pocket. He started toward Mr. Broome. I swung at him and hit him a glancing kick. . . .
The defendant testified, as did a number of bystanders, that he was not drunk. He said that all the courts held that a person has a right to resist arrest by use of force as in self defense. But it cautioned that a person may only use such force as reasonably appears to be necessary to prevent an unlawful restraint of his liberty. What the uses excessive force he may be guilty of assault or—if death ensues—even of homicide.

Then the court noted that, under general common law rule, an arrest may not ordinarily be made without a warrant. It added that exceptions to this common law rule are defined and limited entirely by statute.

North Carolina has such a statute but it in itself is limited. In effect, it states that a peace officer can make an arrest without a warrant if he has reasonable ground to believe that a felony has been committed or a dangerous wound inflicted.

Public drunkenness is a misdemeanor, not a felony.
However, it is also law in this state that a peace officer or a private citizen on equal terms may arrest without a warrant a person whose conduct in his presence amounts to a breach of the peace.

So the test of the right of a peace officer (or a private citizen) to arrest without a warrant is not whether the offense is a misdemeanor but whether the arrest is necessary to suppress a breach of the peace.

The court ruled that mere drunkenness—unaccompanied by language or conduct which amounts to a breach of the peace—does not constitute a breach of the peace. It ruled that to create, public excitement or disorder amounting to a breach of the peace would not justify arrest without a warrant.

Obviously, this is a matter for the legislature rather than the courts to correct. It will mean broadening the power of arrest without a warrant to meet the minimum requirements of public safety and security. It will mean granting a peace officer the power to make an arrest without a warrant when a misdemeanor or other criminal offense is committed in his presence.

Flexible Price Supports At Last

THE administration has swept to a major victory for its farm program. This pleases us for several reasons:

1. The principle of flexible price supports, finally enacted, is sounder than the existing system of rigid supports. Flexible supports give the farmer a needed lever to help control production of surplus crops. There will of course still be surpluses. But insofar as flexible supports curb continued overproduction of the surplus product will be diminished, with resultant economic advantages to taxpayers and farmers.

2. The administration fought hard for the program of its secretary of agriculture. A few months ago critics were howling for Secretary Benson's scalp. The victory vindicates the earnest Mr. Benson.

3. The administration waged a fight for a principle in which it believed, a principle believed to be politically unwise, on the eve of a crucial election. This sort of moral courage in politics is infrequent nowadays.

One could detail the record on other issues, like reciprocal trade and tariff, on which the administration backed away from its program and failed to support

its lieutenants. One could compare, unfavorably, the action by Congress on the farm bill with the 1952 Republican platform and promises made then by candidates.

But the fact remains that Congress and the administration prodgers have done a courageous and desirable thing in changing the price support program. We commend them for it.

Estimable Gent

HERBERT HOOVER was not one of the better Presidents. He distinguished himself before he went to the White House, by his skill at administering a world food program. He distinguished himself after those four unhappy years in Washington, by heading up a painstaking and fruitful survey of the executive branch of government.

He has been neither profound nor wise in some of his recent analyses of world and national affairs. But he's an estimable old gentleman nonetheless and we don't hold anything against him, at least not on the day after his 80th birthday.

From The Richmond News Leader
OF JACK ROCKS AND LITTLE GIRLS

THE other day a young lady of our acquaintance, age about eight, came wandering into the house quite thoroughly bored with all the usual occupations of young ladies, age about eight, and plumped herself down on the floor. There was nobody to play with, she complained, and anyhow she was tired of playing fort. She had scoured a knee climbing a tree, and in a sense was hors de combat. It was hot. What, she inquired plaintively, could she do?

On this one subject, ladies, age eight, we are not an authority. Nevertheless, a helpful response was clearly in order: Why not, we suggested, play jacks? Or work on some doll clothes?

The substitute on the floor eyed us with that expression well known to all parents, in which scorn, derision, despair, and proper respect for old age struggle for supremacy. Ultimately derision triumphed. "Who makes doll clothes any more," And then, irrelevantly, "What are jacks?"

'Tis the truth, here was an eight-year-old who had never played jacks. Rope she had skipped. A doll she owned. But jacks? She did not know the first thing of "putting the chickens to roost," or "round the world," or "riding the camel's back." Why we can recall, from the days of our own childhood 15 years ago, that all little girls played jacks. They were virtuosos at it. From time to time, as a desperate last resort, even little boys played jacks.

no little girls play jacks. They clothe their dolls in store-bought clothes. A neighborhood inquiry failed to produce a single doll house. And whatever has become of hopscotch?

Our visiting princess, sad to relate, was not much impressed by a description of jackracks. Nothing we had to offer, save only some root beer, had any appeal. "Guess I'll jet off," she observed, and And flaps down, flaps up, she flew back to her spare station in the tool house.

Automobiles seem to have completed a style cycle. Once people complained about washing wire wheels. Now wire wheels are in style again. And just when we thought we were making progress by putting the spare tire in the trunk, back it pops on the rear-end. Anybody get a horse?—MATTOON (L.L.) JOURNAL GAZETTE.

The magazines are full of tips for home purchasers, and two good ones to remember are that the ranch house should be smaller than the city house, and the yard somewhat larger than the power mower.—ASHVILLE (N. C.) CITIZEN.

"It says here the man was shot by his wife at close range."
"Then there must have been powder marks on him."
"There were. That's why she shot him."
—LAMAR (N. C.) DEMOCRAT.



"You gotta handle labor with kid gloves nowadays . . ."

People's Platform
Why TV Shows Are Repeated

Charlotte
FROM time to time in your column, particularly in People's Platform, we have read criticisms of WBTB based upon the fact that some of our film programs are shown more than once in a week.

The original production cost for a half-hour film program for television (known in the trade as a syndicated film) usually runs between \$15,000 and \$30,000 per production. Typical examples are "G. E. Theater," "Private Secretary," "Badge 714," or the "Ford Theater."

Most television advertisers buy 52- or 53-week cycles. Assuming that a good half-hour film program costs, let us say, \$20,000 per production, simple multiplication of that figure by 52 shows that the advertiser has already spent his total budget of more than one million dollars. This expenditure he would incur before he even began to buy time and facilities on television stations in many parts of the country.

With the investment in the syndicated films so extremely high, many important advertising spots sought ways of controlling spiraling costs. Several years ago a major advertiser decided to experiment with the 52-week cycle. Instead of buying 52 half-hour films he bought only 30, fully intending to repeat 13 of them during the 52-week cycle. He tested this experiment of repetition in a number of television areas which were served by the original television station. In some cases the areas concerned were served by as many as seven television stations.

I have often thought that it would be interesting to test the reaction of two distinctly different groups—far removed from each other—the Quixotes and the Sanchos; the wildly idealistic and earnest prosaic.

You, too, are people of Sanchos and Quixotes, though perhaps not so far separated from each other as the Spaniards. The conservative American who runs much of the nation's business, and the liberal American, who sometimes gives into government and social progress.

I realize that this is an oversimplification, as most illustrations are. Yet your two-party system is two different types of human beings who live side by side in the United States. Their coordinated efforts make the greatness of this country.

Legitimate news is being pushed up just as much as ever. Here are two current cases:

1. Reaction to McCarthy—Last year the State Department sent cables to American embassies asking the reason for the alarming slump in U. S. prestige and popularity abroad. Without exception, American ambassadors reported that the No. 1 reason was McCarthy.

Today those State Department reports are marked "top secret" and are not available to the press. Furthermore, senators investigating McCarthy will not be able to get them. They do not involve the security of the nation, under the official announcement made by the President, should be available for publication.—THE AVE.

tion areas were very attractive to these advertisers. The practice of scheduling repeat shows has become widespread.
But what happens to you and to us . . . viewers in an area which is still to a large degree—served only by Channel 37. You and we unfortunately have no choice. When repeated programs, regardless of their caliber, are fed to us by cable from the networks, we have no choice but to accept them and pass them on to our viewers. Rest assured that for film programs which we originate locally we stand as firm as we possibly can against the acceptance of repeat performances.

It is also generally true that most advertisers choose the summer months for two distinctly different reasons: the repetition of their scheduled repeats because of the unavailability of casts, production crews and personnel and attendance agencies. Conditions to engage in new productions. Thus, to our distress and to yours—and we usually cannot tell when a repeat performance is coming up on the network until the action starts to unfold—we will probably be seeing "Big Town" programs, "Badge 714" performances, "Ford Theater" shows, and still more which we have seen before.

Please pardon the length of this explanation but we are sincerely conscious of the validity of our viewers' criticisms and we are anxious that they understand the nature of the problem before the face. We hope we have been able to clarify the situation to some degree at least. Meanwhile, it is our hope that many of our regular programs continue to please, inform and entertain.

You may be assured that we strive constantly to serve faithful 120 hours a week. —KENNETH TREDWELL JR., Vice President Jefferson-Brady Broadcasting Co.

AS OTHERS SEE US
U. S. Sanchos And Quixotes

BY JOSE FIGUERES
(Editor's Note: This article by Mr. Figueres, President of Costa Rica, is reprinted from "Central America and Mexico.")

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German Assets Proposition
Has Disturbing Implications

By MARQUIS CHILDS

BONN, West Germany passes the assets confiscated at the end of World War II to the German people has not only come from the United States Congress, the British Parliament and from inside Germany itself. It also has come from a powerful lobby of lawyers and publicists with large sums to spend both in Germany and America.

To America's wartime allies this plan to return the assets is disturbing because, if used, it would mean that the assets would be liquidated and the proceeds paid to those who had suffered direct losses by German attack. Thus, Norwegian shippers were to be compensated out of German assets in Norway. The German government was in turn to compensate the German owners. This was to be in line of the kind of reparations assessed against Germany after World War I, which proved so disastrous in their consequences.

A report of the Disken subcommittee to return German assets to Germans cited the Harry Dexter White case as evidence of a plot to destroy Germany. The case was a conspiracy to sell German propaganda, to the Neue Illustrate picture magazine, with a half million circulation, recently ran a highly publicized series under the title, "Those Who Wanted to Destroy U.S." drawing on the White case as put out by German propagandists. The case was also cited by Senator Joseph P. McCarthy's "American Liberty" incidentally, first gave German neo-Nazis a rich propaganda windfall when he charged American officers with being "traitors" who had taken prisoners accused of massacring American G. I.s at the Battle of the Bulge.

Congress, if the Disken bill passes, would have to appropriate about two hundred millions to cover the value of assets already liquidated. But of greater value would be the patents and trademarks that have been handed I. G. Farbenindustrie, the chemical combine that before the war was Hitler's giant.

Under the decartelization program Farben was broken up after the war into four separate companies. But this separation has been theoretical rather than real, since the four have closely coordinated their activities and in any event the value of their assets already liquidated. But of greater value would be the patents and trademarks that have been handed I. G. Farbenindustrie, the chemical combine that before the war was Hitler's giant.

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Secretary of State John Foster Dulles has approved the Disken bill on the ground that taking over the White case as put out by German propagandists. The case was also cited by Senator Joseph P. McCarthy's "American Liberty" incidentally, first gave German neo-Nazis a rich propaganda windfall when he charged American officers with being "traitors" who had taken prisoners accused of massacring American G. I.s at the Battle of the Bulge.

Kefauver, Sparkman Wins
Point Up South's Progress

By DORIS FLEESON

WASHINGTON
THE results in Tennessee added to those of the Alabama primaries show that there is no longer any reason why southern statesmen cannot elect their own leaders of the South has begun to shake the new dispensation in stride is clearly

KAUFMAN evidenced in the nomination of Senators John Sparkman and Estes Kefauver. Both these senators on their own motion had sought national preferment and had accepted the risks involved in being national candidates — Sparkman for vice president on the Adlai Stevenson ticket in 1952 and Kefauver for President.

In their races this year, all the forces of reaction coalesced behind aggressive young opponents. Against both Sparkman and Kefauver the charge was used that they were liberals, Democrats and internationalists. The effort also was strongly made to use the segregation issue against them.

The noise of the well-financed campaign against Kefauver had frankly frightened him and his friends. His three-home victory shows that the people of a mid-South state are not inclined to turn the clock back but take some pride in the fact that one of their own took national positions on the great issues of the day.

In supporting Sparkman, the people of Alabama similarly stood behind a senator willing to carry the banner of the national Democratic party and to serve on the United Nations Security Council.

Because of what they are and what they stand for, the Kefauver and Sparkman victories are much more important than their personal good fortunes. It has been a drawback both to their party and

their country that southern statesmen could not keep step with the Democratic platform and maintain their power at home.

The Northern liberals have dominated Democratic conventions and elected Presidents through the 1940's.

Yet the political skill of the South has begun to shake the new dispensation in stride is clearly

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Washington News Still Hushed Up

Drew Pearson's Merry-Go-Round

WASHINGTON
PRESIDENT Eisenhower's much-publicized order allegedly opening all government information to the public unless it involves national security is not doing so well.

But everyone is afraid to talk," she was told. "They send me back to you. Let me say it all right for the names for them to talk. I can get the names by Miss De Pury was, "No comment."

What for Rice
A method by which our huge surplus of surplus wheat could be turned into rice to feed the Orient has been discovered by Dr. Francis Weiss, author of "Food for the People."
Dr. Weiss points out that the method of turning wheat into rice was practiced in Biblical times and is as simple as it is old—namely by parching the wheat grain, which makes it taste like rice. It even looks somewhat like rice. Known as bulgur, it is a staple in rice and has more nutritional value.
When Sen. Hubert Humphrey of Minnesota heard of Dr. Weiss' rediscovered technique he immediately sent his agricultural assistant out to do some further research and came to the conclusion that it would be necessary to turn part of the best ways to combat communism in the Far East, especially now that we have lost the biggest rice bowl of the Orient—the delta of French Indochina—to the Communists.