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The Hungarians: Too Weak To Quit

THE Hungarian rebellion will never end. It is about time for reporters, presidents and premiers to stop writing it off. All the logical stopping places have been passed. In some equanimity the stopping place was before the beginning; in others, after Soviet troops re-entered the country. But even then the Hungarians were too weak to surrender. For surrender is a privilege and a refuge of the relatively strong. It is a device for husbanding strength and hope sufficient to rationalize existence under intolerable conditions.

Park Board: A Remembered Offense

IN ADDITION to a noted dollar vandalism, the Charlotte Park and Recreation Commission has a long memory. The commission is proceeding to seek legislation to penalize parents of children who damage or destroy public property at parks and playgrounds. It is a step in the right direction, and one that grows out of a rather large necessity.

Schools: Foggy, Foggy View Improved

A STRANGE and disturbing pall of misunderstanding has shrouded the McDowell County school case ever since it entered the sedate preserve of the federal judiciary. Its significance is great. But its significance cannot be grasped fully until some particularly muggy misconceptions are brushed aside. An inexact impression of an early ruling and faulty reporting by press associations of a recent decision by the U. S. Fourth Circuit Court of Appeals have contributed to the confusion. Negro plaintiffs from McDowell County have been attempting to get their children into the white schools of Old Fort. In an earlier decision the appellate court ruled that the plaintiffs would have to exhaust state administrative remedies before seeking relief for their grievances in federal court. This was widely interpreted to mean that such a case would have to go through the state courts before arriving back at the doorstep of the federal judiciary. It was assumed that this could mean a two-year delay.

What the Pope had, do not understand what they have wrought in Hungary. The equalization of tyranny is not working. The specified amount of honor, hunger and murder is not producing the specified measure of obedience. Yet the true tyrants, as Moscow's are, also are too weak to surrender. If he is not, communism is faster even than yesterday's edition of Pravda. So the tyrant pursues terror, and terror pursues him. Mussolini died upside down. Hungarian secret police were shot looking into the muzzles of patriot pistols. The Soviets may succeed in putting a gun in the back of every Hungarian, forcing them back to factories and away from the borders which 130,000 have crossed to freedom. But they cannot put down the rebellion against tyranny. That has spread to hearts outside Hungary, through all the world, and it will flame wherever the screw goes too deep, where people are made too weak to surrender.

Do You Think There Really Is An America?

the commission's part, vandalism has persisted. Offices, furniture and equipment have been smashed. No panacea, the proposed legislation cannot be expected either to stop vandalism or to make up for all damages. It would, however, forcefully demand the assistance of those citizens from whom it is most needed—parents of the children involved. And it would serve notice that the community is ready to try something together than public civics lectures to solve a chronic problem. The Mecklenburg delegation should present the financial responsibility proposal to the General Assembly—and push it.

Individual Liberty: An Anniversary News

It is argued that the statute does not provide an adequate administrative remedy because it is said that proceedings for admission to a school term will become moot before they can be completed. It is clear, however, that the appeals to the courts which the statute provides are judicial, not administrative remedies and that, after administrative remedies have been exhausted, judicial remedies for denial of constitutional rights may be pursued at once in the federal courts without pursuing state remedies. Presumably, the federal courts will have to pass on each individual case, determining whether a child has been barred because of race alone or for some other supportable reason under North Carolina's 1955 Pupil Assignment Act. Under the terms of the act, rather wide discretion is given local boards in assigning pupils for the "orderly and efficient administration of the public schools" and for the "effective instruction, health and general welfare of the pupils." But the federal courts apparently will not permit the use of the law as a mere delaying tactic. If the Pupil Assignment Act is used fairly and honestly, there will undoubtedly be some real breakthrough in North Carolina schools in the not too distant future. Any alleged discriminatory exercise of authority by local school boards under the terms of the act will be subject to prompt scrutiny by the federal courts. It is the hope of most thoughtful citizens that, while the federal courts should permit no defiance of the Constitution, judges will exercise extreme patience and understanding in perfecting legal remedies.

School Segregation Cases May Bypass State Courts

By JUDGE JOHN J. PARKER
Editors' Note: Following is the decision of Federal Judge John J. Parker in the McDowell County school case, which interprets the act as shortening the time involved in school desegregation. See today's editorial: "Schools; Foggy, Foggy View Improved."

WE THINK it clear that applicants are not entitled to the writ of mandamus which they ask, for the reason that it nowhere appears that they have exhausted their administrative remedies under the North Carolina Pupil Enrollment Act, and are not entitled to the relief which they seek in the court below until these administrative remedies have been exhausted. (See 27 F. 2d at 790.) In the supplemental complaint which they proposed to file in the court below they did, indeed, allege that on Aug. 24, 1955, they had presented their children at the Old Fort school for admission, that they were denied admission on the ground of race and that on Aug. 27 they and certain other Negroes had filed a joint petition with the school board asking that their children be admitted to the school. This petition was denied by the board in January 1956 and it was an appeal from this order of the board to the Superior Court and thence to the Supreme Court of the state in which the decision of the Supreme Court of May 23, 1956, was rendered. While the presentation of the children at the Old Fort school appears to have been sufficient as the first step in the administrative procedure provided by the statute, the presentation of a joint or class proceeding before the school board was not sufficient under the statute.



JUDGE PARKER A Course Charted

It is argued that the statute does not provide an adequate administrative remedy because it is said that proceedings for admission to a school term will become moot before they can be completed. It is clear, however, that the appeals to the courts which the statute provides are judicial, not administrative remedies and that, after administrative remedies have been exhausted, judicial remedies for denial of constitutional rights may be pursued at once in the federal courts without pursuing state court remedies. Land v. Los Angeles, 370 U. S. 274. Furthermore, if administrative remedies before a school board have been exhausted, judicial remedies may be sought in the federal courts on the basis laid therefor by application to the board, notwithstanding time that may have elapsed while such application was pending. Applicants here are not entitled to relief because of failure to exhaust what are unquestionably administrative remedies before the board.

These will obey the law, observe the standards prescribed by the legislature, and avoid the discrimination on account of race which the Constitution forbids. Not until they have been applied to and have failed to give relief shall the courts be asked to interfere in school administration. As said by the Supreme Court in Brown et al v. Board of Education, et al, 349 U. S. 294 U. S. 294, 299: "School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles."

FEDERAL COURTS
It is argued that the statute does not provide an adequate administrative remedy because it is said that proceedings for admission to a school term will become moot before they can be completed. It is clear, however, that the appeals to the courts which the statute provides are judicial, not administrative remedies and that, after administrative remedies have been exhausted, judicial remedies for denial of constitutional rights may be pursued at once in the federal courts without pursuing state court remedies. Land v. Los Angeles, 370 U. S. 274. Furthermore, if administrative remedies before a school board have been exhausted, judicial remedies may be sought in the federal courts on the basis laid therefor by application to the board, notwithstanding time that may have elapsed while such application was pending. Applicants here are not entitled to relief because of failure to exhaust what are unquestionably administrative remedies before the board. There is no question as to the right of the school children to be admitted to the schools of North Carolina without discrimination on the ground of race. They are admitted, however, as individuals, not as a class or group; and it is as individuals that their rights under the Constitution are asserted. Henderson v. United States, 339 U. S. 816, 824. It is the state school authorities who must pass in the first instance on their right to be admitted to any particular school, and the Supreme Court of North Carolina has ruled that in the performance of this duty the school board must pass upon individual applications made individually to the board. The federal courts should not condone dilatory tactics or evasion on the part of state officials in according to citizens of the United States their rights under the Constitution, whether with respect to school attendance or any other matter; but it is for the state to prescribe the administrative procedure to be followed so long as this does not violate constitutional requirements, and we see no such violation in the procedure here required. We are dealing here, of course, with the administrative procedure of the state and not with the right of persons who have exhausted administrative remedies to maintain class actions in the federal courts in behalf of themselves and other qualified to maintain such actions. Mandamus Denied.

Dulles' Foreign Aid Balloon Hit By Humphrey's Criticism

By DORIS FLEESON
WASHINGTON
When Secretary of the Treasury George M. Humphrey revealed last weekend his opposition to a big new program of economic aid for Great Britain and France, the people he really was arguing with were Secretary of State Dean Rusk and possibly President Eisenhower.

The original stories about administration plans to patch up matters with this nation's major allies through another Marshall Plan of some sort were planted by the secretary of state in a background dinner conference with selected correspondents. This is a recognized method of floating trial balloons on the often-tentative side of politics.

VOICE OF PRESIDENT
This particular one was ratified by Vice President Nixon in the first major post-election exposition of foreign policy to be delivered by a top administration figure. Nixon dealt with matters so important and so urgent there could be no question that it was the voice of the President.

WHEN the senators return, a prompt demand for the real score can be expected. The Senate Foreign Relations Committee is an exceptionally strong one on the Dulles side and it includes Republicans—Sen. Knowland and Bridges, for example—who work in terms of exact commitments and precise limitations.

NEW PROGRAM
But the vice president spoke of a broad new administration program of aid to Britain and France, Secretary Dulles indicated, too, that Congress would be asked to share responsibility for it.

Such reliability is one of the plainer imperatives of this country's relations with Britain and France. They have widely advised in parliamentary debate and



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People's Platform

Letters should be brief. The writer's name and address must be given, but may be withheld from publication in the discretion of the editors. The News reserves the right to condense.
Individual Liberty: An Anniversary News
Editors, The News:
HIS IT occurred to any of you readers that as we date our national independence from the Fourth of July, so we might date the individual liberty of the American citizen from the 15th of December? It was on that day 165 years ago that the Bill of Rights became a part of our Constitution. When someone says, "I've got my rights," or "Nobody's going to push me around," or "They can't do this to me," he shows his abiding faith in a protective freedom standing between every individual and unreasonable abuse. This protective shield did not spring full-blown into the laws of our land in 1791. Its ideas and phraseology had been written into the Virginia Declaration of Rights by George Mason of Thurston Hall in 1776. He fought for the next 15 years to make them a part of the fundamental law of the newly-formed republic. Let us read again these first ten amendments, for they are the rock from which our liberties as citizens have been born. —MRS. EDWARD W. BRODY

Rebellion Boosts Khrushchev's Power

WASHINGTON
One idea still in the planning stage is to set up a large airlift operation to carry food, clothing, and medical supplies into the satellite states, however, that this would risk war. CAB Rides Jet
Before the Civil Aeronautics Board okayed the new jet transport plane for civilian passenger use, it did a unique thing. Eighteen CAB officials took a somewhat hazardous experimental flight from Seattle to Los Angeles in the first model of the forthcoming Boeing 707. CAB board member Joey Adams took over the controls for ten minutes of the flight. Adams is a Marine reserve flier and has been checked out in both jets and helicopters. New Problems
It was the first time in history that the CAB has gone direct to an aircraft factory to obtain technical data. However, with a new age of air travel dawning, the board realized that unique problems will develop. Safety regulations, schedules, airline financing, all will become obsolete or revolutionized when the big jets take over the airways in 1959. Besides the Boeing plant in Seattle, the CAB visited the Douglas plant in Los Angeles where another giant jet trans-

Oil To Egypt?

It now looks as if Uncle Sam may be forced to supply oil to Egypt as well as Western Europe. The Egyptian government has asked for emergency oil to replenish her dwindling reserves. The State Department doesn't see how we can turn down Egypt as long as we are shipping oil to Britain and France.

Refugees

A confidential State Department cable from Vienna reports: "Total Hungarian refugees arrived, 92,325. Departed, 21,947." The State Department expects another 100,000 to sneak across the border to freedom during the months ahead. Most Austrians have given up their Christmas money to help care for the refugees.

Aid Lags

American aid still has not reached Austria in significant quantity. Congressman Jim Patterson, Connecticut Republican, is circulating a petition among his colleagues in Los Angeles where another giant jet trans-

Like An Old Drunk's Nose

LEAVES about gone, he said, yessir, just about gone. They were pretty this fall, too. Red and yellow and all. See that oak down there? By the spring, Yeah. Funny thing about that oak. Had the brightest leaves around here. Always does. Matter of fact, there's more leaves hanging onto it right now than on any hanging two trees you can see. Just look. Tell you a story about that tree. Fellow had this place before me buried a barrel of likker under it. Charred barrel, I understand. Reason he picked that place was because of the spring keeping it wet down there. You leave a barrel, or a keg either, of likker outside or bury it in a dry place, you'll lose half of it in a year's time by seepage and evaporation. Bury it, though, where it's wet, the moisture from the outside will counteract the moisture on the inside and you'll save your likker. That's what I've heard. Never tried it myself, of course.

Drw Pearson's Merry-Go-Round

Well, this other fellow picked that nice wet place. He got too close under that oak tree, though. A root grew through one side of his barrel and came out the other. When he went to dig up his likker, he had to saw off the root from both sides before he could lift out the barrel. Half the liquor was gone. The oak tree had drunk it up through the root. That fall and every one since, the leaves there get redder than any other tree. Like an old drunk's red nose, you might say. Don't know why it is. You reckon it could be that was sweet-mash likker and the extra sugar got into the oak tree's system and colors up the leaves so good? Of course, couldn't resist sneezing about the likker. That was the fellow had this place before me. A big appropriation is to be asked for that state's Development Commission "finance Florida's future." Most states are somewhat hard put to finance their present.—ARKANSAS GAZETTE.

Bickering

Secretary of State Dulles and Henry Cabot Lodge, our ambassador to the U.S., are bickering over American policy toward Hungary. Lodge wants the United States to support a new government. But Dulles says no. He thinks appealing Russia might bring a softer policy by the Kremlin. Dulles is anxious to reassure Russia that we have no ulterior designs on her satellite empire. Lodge, however, favors not only cutting off diplomatic relations with Red Hungary but also refusing to seat the Hungarian delegation to the United Nations. Natural Gas
It looks as if Speaker Sam Rayburn and Senate leader Lyndon Johnson, both oil-minded Texans, will not take the initiative in bringing up the controversial natural gas bill next session. They know the Eisenhower administration secretly wants the bill passed and has made a commitment to big oil campaign contributors. So Rayburn and Johnson figure they'll force President Eisenhower to ask them among his colleagues in Los Angeles where another giant jet trans-