THE CHARLOTTE NEWS

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TUESDAY, MAY 1, 1956

Buses: What The Court Didn't Say

"WE ARE very quiet there," Justice Holmes once remarked of the U. S. Supreme Court, "but it is the quiet of a storm center, as we all know."

Surely last week a gust or two must have invaded the court's innermost sanctum. Its routine handling of a case involving segregation on intrastate buses was the subject of wide misunderstanding and confusion. As a result, both the judiciary and the press lost a few feathers in the storm.

The Supreme Court waved the bus case aside in a highly cryptic—but fairly characteristic—fashion.

It was the widespread impression—which the press innocently helped to spread—that the court had formally banned bus segregation.

According to the best legal advice available, the court did no such thing. It rejected an appeal from a Circuit Court ruling on technical grounds. The case now reverts to lower courts.

The final blow has not yet come. But the Supreme Court has warned the nation what to expect. That is that the separate-but-equal doctrine laid down in *Plessy Vs. Ferguson* in 1896 is on its way out in public transportation.

Experts find significance in the fact that the Supreme Court, in sending the bus case back to lower courts, did not disturb a judgment of the Fourth Circuit Court of Appeals that *Plessy Vs. Ferguson* was no longer applicable in public transportation.

But the *coup de grace* cannot come until the bus case works its way back up through the lower courts.

This is the reprieve the South can have. But there is no basis for hope that anything more than a delay has been granted.

The confusion over what the high court did and did not mean in its handling of the bus case is deeply regrettable.

A clearcut understanding of the legal aspects of this issue is absolutely essential. Misunderstanding merely adds to the trials and tribulations of troubled times in Dixie.

The court, in matters of such vast and far-reaching importance, should make every reasonable effort to keep its position clear. There must simply be no room for doubt. Too much is at stake.

In the quiet of a storm center one must never forget the force of the peripheral gusts.

Hoover: The Best Modern President?

U. S. NEWS & WORLD REPORT is out with a 10-page documentary on time spent away from Washington by modern presidents.

Footnote writers, wallowing about in a statistical bed of roses, must be agog. We're dizzy, for we tried to apply the information to the burning question of Eisenhower absences and failed totally. The "part-time president" issue can't be solved mathematically.

If presidential hooky indicates the quality of an administration, Herbert Hoover's was the best of the century. Mr. Hoover averaged 44½ days per year away from Washington, compared with Roosevelt's average of 130 days and Eisenhower's 124 days. If staying put more than Roosevelt makes Eisenhower a better president than FDR, it makes him a worse one than Wilson, Harding, Truman, and Coolidge, all of whom spent more time at their desks. What difference did it make, really, whether Harding was in Washington or away? The stealing went on all the time. Nor did it matter whether Calvin Coolidge kept cool in his office or on a trout stream somewhere. There was nothing doing, either way.

What matters is not how long a president vacations, but whether he goes to work when he comes back; who he left in charge, and whether he left emergencies hanging on the hook. We're for more and longer presidential vacations, provided presidents earn them while on the job.

That's the only question in absenteeism.

Bringing The Mountain To Mohammed

WHEN it comes to sending cultural missionaries into the hinterlands, North Carolina probably leads the nation. Its bookmobiles and its famous "suitcase symphony" have been bouncing into the backwoods for years. But thousands of Tar Heels have never had the opportunity to feast their eyes on an original painting by an old master. This realm of art has been a closed circuit.

The answer, suggests Raleigh's Sam Ragan, is an "artmobile."

The idea is an intriguing one and deserves consideration. The new State Art Museum in Raleigh is indeed magnificent. But everybody cannot get to Raleigh to enjoy it. A touring exhibit, representative of the museum's great treasures, could, esthetically speaking, bring the mountain to Mohammed.

After enjoying the artmobile's sample case, inhabitants of the hinters might indeed be tempted to view the whole collection.

Meanwhile, the educational effect of artmobile tours could be great. The experience of viewing an original painting is similar to hearing a symphony orchestra in live performance. Reproductions—in line or sound—are never quite as satisfying.

Art should be shared. North Carolina should make every effort to share its artistic treasures with as many of its citizens as possible.

The 'New' Klan: A Study In Fatigue

LIKE weary, asthmatic phantoms, they came in their bedsheets and hoods.

There was a fiery cross and a hate sermon and a mildly curious crowd of 1,000 spectators, including children who had never seen masked men outside of comic books. The Klansmen numbered only 73.

They came to Woodruff, S. C., like their ancestors—armed with righteous rage.

They came to cry out against unmanageable fate.

They came to shape their malice carefully.

They came—but there was something different this time. There was, mixed with the emotion, a certain tiredness.

There was an intellectual weariness in the arguments of the leader, a hooded man dressed in a bizarre red, blue, gold and black gown. There was physical fatigue in the attitudes and actions of his henchmen.

The evening wore on. And on. Hooded figures passed through the crowd distributing hate literature.

Some Klansmen wore no masks and, in the heat of the evening's work, others removed their masks to get a breath of fresh, clean Carolina air. Two sat down on the running board of the truck used as a platform for the speaker, hot and exhausted from their exertions. By the time the hour and a half meeting had ended some of the crowd had already left to be first away from the traffic. The others walked off quietly, kicking aside the pamphlets that had been left scattered on the ground by disinterested readers.

As the crowd moved away, two young boys used the light from the burning cross and the bare electric light bulbs to play catch with a ball. One time the ball rolled near the truck and, in answer to a cry from one of the boys, a hooded figure leaned over and wearily—almost weakly—tossed the ball to one of them. And the two young boys raced across the field, tossing the ball far up above the thinning light.

Drowsy eyes watched them from behind the hoods.

The Klan had done its work for the evening and it was tired.

So has the South tired of the Klan.

From The Tulsa Tribune

GET THAT DOLL OFF THE PHONE!

A PATENT has just been issued on a doll that—hold your breath—runs a fever and submits to having its temperature taken. An ingenious device inside the doll's head even makes its skin appear flushed when the thermometer registers more than the standard 98.6 degrees.

Great-grandmother's doll achieved a certain life-like quality by having eyes that closed when it was put to bed. Grandmother's dolls moved a step further and whimpered "Ma-ma" when properly squeezed. Mother's doll achieved what seemed to be, at that time, the ultimate. Bottle-fed, it didn't retain the liquid. Oh, no. It, to use the euphemism, also wetted itself. And now, for small daughter, the doll runs a fever.

Progress never stops. Small daughter, when she grows up, no doubt in her turn will have a daughter who'll demand even more life-like characteristics in her doll—possibly one that hangs on the telephone all day, wants to borrow the family car and stays out too late with the boy in the next block.

"Most of a person's enjoyment of food comes through the senses of sight and smell," says a gourmet. This isn't true of a boy, whose whole enjoyment of food consists of getting it into his stomach in the shortest possible time.—JACKSON (MISS.) STATE TIMES.

Maybe one reason it's said to be healthful to breathe through the nose is that it makes you keep your mouth shut.—GREENVILLE PIEDMONT.

People's Platform

Rock 'N' Roll: A Cry For 'Freedom Of Music'

Charlotte

Editors, The News:

IT ANTAGONIZES me no end to hear of such narrow-minded insolence as some of the people are reacting to rock 'n' roll music. In the first place, if they don't care for that type of music all they have to do is not listen to it. After all, this is a free country and no one is making them listen. As for a recent People's Platform contributor's statement that she loves her country well enough to fight her enemies: Well, I love it too—well enough to fight for its freedom. That includes freedom of music.

I most certainly do not consider the composers of rock 'n' roll music enemies. In fact, they are great artists. I appreciate the art of music very much, classical as well as rock 'n' roll. Rock 'n' roll is definitely music and it takes great artists to capture the interest of such a large number of people. God has gifted them with a great talent and I think we are fortunate to be able to hear them.

It is an entirely different matter when it comes to the people who cannot conduct themselves in a socially acceptable manner and the artists should not be condemned for these few people's indiscretions.

As for the reporter who was so "utterly shocked" and "sickened," I think he should find another field of endeavor for I'm quite certain that as he continues his career of reporting he will find many more incidents more shocking than rock 'n' roll participants and will not be able to endure them.

I noticed the letter writer mentioned people contorting their bodies and removing garments. Far be it from me to uphold such people; however, I seriously doubt if any more was revealed than ballet dancers who you see quite frequently on TV. Therefore, I don't see why there should be such an issue made of it.

As we all know it is mostly teenagers who participate in these activities and dancing is just part of growing up. It is nothing more than a completely harmless release of emotions.

All we need is for some of the citizens to encourage rock 'n' roll music in well-chaperoned community centers.

Mr. and Mrs. Public, can't you see that you now have come upon something that, if handled properly, can be a great asset by taking a large number of what may be delinquents off the streets and giving them supervised recreation. The first and biggest step in winning over people is getting their interest. This, you have right here in rock 'n' roll. So why not take advantage of it.

My hat goes off to the composers, musicians and promoters of rock 'n' roll music as well as to those of you who are able to recognize a good thing when you hear it, especially the few disc jockeys, Ted Thomas, Hound Dog, Chatty Hatty, Genial Gene, and others who have not dropped rock 'n' roll music.

If anyone cares to discuss this further, I shall welcome any comments.

—JUNE S. PARKER

"It takes great artists"

Bus Decision Doesn't Apply To Tar Heels

Whiteville

Editors, The News:

ACCORDING to press reports, even so distinguished a lawyer as Atty. Gen. Rodman has found confusion in respect to the recent ruling on so-called "segregation" in bus transportation, handed down by the U. S. Supreme Court in dismissing the appeal in the Columbia bus case, but, upon applying established rules of appellate procedure, Mr. Rodman concludes, correctly beyond doubt, that the decision cannot apply to North Carolina "because it is not a party to the suit," and for the same reason, the decision applies to no one but the Columbia bus concern, party defendant in the suit in question, and, until the case is tried and determined in the U. S. District Court at Columbia, the course that attorneys, reportedly, find it necessary to take, we have no decision "outlawing" so-called segregation in bus transportation in the intrastate transportation, or commerce.

Mr. Rodman, admittedly an able lawyer, is further quoted as saying: "It is impossible to say what the Supreme Court of the United States meant" by its opinion in the Columbia bus case, and the same can be correctly said of the now long and much heralded "May 17, 1954," manifesto or monograph treatise on such non-legal subjects as psychology, sociology and anthropology, plagiarized by the court from books on such more or less nonsensical subjects and . . offered by the Court as the sole basis for concluding that the long established rule of "separate but equal" school facilities for the races is not now, in this day of "great enlightment," constitutional, such separation from the white race causing the Negro to become a second-class citizen; that the Negro child is unable to acquire even the limited public school education presently available, unless allowed to occupy class rooms with white children, and that such separation causes the Negro to suffer from some kind of mental "inferiority complexes," unless he is permitted to mingle with the white race, not only in schools, buses and trains, but in public parks and on golf links.

I make the unqualified assertion, that no race proud, self-respecting, and intelligent Negro can accept the foregoing assumptions.

I wish to make a few further observations as to this much exaggerated "May 17th, 1954" decision, as follows: That decision applies to none of the 48 states; that it applies only to the five boards of education involved, as parties defendant in that case, consolidated under the title of Brown et al vs. Board of Education of Topeka et al., since under the established doctrine of "due process of law," no individual, county, state, or school, or any others, are in anyway bound by any U. S. Supreme Court decision, or decision of any court whatever, unless such individual, county, state, school, or others, have been brought into such case as parties thereto and thus afforded opportunity to be heard and defend their cause, from the inception of any such case until finally heard and judicially determined.

It follows from the above, unquestioned principles of law, that the "law of the land" in respect to the public schools of this state is to be found in Art. 9, Sec. 2 of our state constitution and the laws enacted by our state legislature, and, further, neither the Supreme Court, any other court, act of Congress or any state legislature, possess any authority whatever to compel, or even order, any child to attend a race-mixed school, or any school at all.

Any reader will find full support for this assertion from reading the celebrated Oregon School case, year 1925, entitled Pierce vs. Soc. Sisters, et al., 268 U. S., page 510, in which case the Supreme Court, then composed of nine distinguished jurists, so held.

Within permissible space, one more observation may be permissible: All that the notorious "May 17th, 1954" decision can possibly mean, is this: Where any child of school age, white or Negro, is otherwise entitled to enroll as a student in a given tax-supported school, such child cannot be refused admittance to such school upon the sole ground that such child is of the white or Negro race, but such child may be refused admittance on the ground that he is not a resident of the particular school district; that the class rooms are over-crowded and there is no room for the child in that particular school, that it is to the best interest of the child and school that such child be assigned to another school, as well as other reasons for exclusion thought proper by school authorities.

The general prevalent notion that the doctrine of separate but equal school facilities is a southern invention, the fact is this doctrine originated in the northern states, to illustrate:

In upholding this separate but equal rule, then in force in that state, the New York Court of Appeals, highest court in that State, many years ago, in the case of People vs. Gallagher, 93 N. Y. 438, Ruger, C. J., had this to say: "A natural distinction exists between these (white and colored) races, which was not created, neither can it be abrogated, by law, and legislation which recognizes this distinction and provides for the peculiar wants or conditions of the particular race can in no just sense be called a discrimination against such race or an abridgment of its civil rights."

In other words, the Constitution does not guarantee identity or community of civil rights, but guarantees only equality of rights, under the 14th Amendment, to citizens of this country, a distinction seemingly lost sight of by the present Supreme Court. That mixing of the races in the public schools, and similar public services, will never be permitted in this state; that any attempt to enforce this notorious decision, as it is misunderstood, will result in closing the public schools beyond any doubt, as suggested, as a final step, by the School Advisory Commission, in its most interesting and instructive report to the Governor, and that the further outside pressing of this so-called integration nonsense will cause the Negro race great harm and, probable loss of common school education, may, presently, be mere assertions, but time will show that they are true and, belatedly, the Negro will discover that his real friends are those who oppose racial integration in all forms!

—Wm. F. JONES

Hodges & Folsom Two Of A Kind?

Charlotte

Editors, The News:

BY permitting certain bus companies to defy our state law, which calls for segregation on buses, Gov. Hodges has shown himself. . . If he will not enforce the law it proves that he does not believe in states' rights. And if he does not believe in states' rights he will soon permit integrated schools. Hodges and the integrationists' friend, Gov. Folsom of Alabama, are cut out of the same cloth, seemingly.

—MRS. EDGAR MOORE

'I'll Never Forget What's-His-Name'

Rock Hill, S. C.

Editors, The News:

I HAVE been reading all about the memory course business in The News. I told my good wife that there was no need for worry on my part. I haven't forgotten a thing since I mislaid my fourth grade report card.

Now that fellow, Mr. . . er. . . ah. . . (take it easy; it will come to me). . . You know the guy who wears bow ties. Anyway, you know who I mean. He couldn't teach me a thing. I have one of those sharp, keen minds that never forgets a face or name. I recall the man who stopped a fellow on the street and said: "By George, you sure look familiar to me. Did I meet you at the Country Club? No! Don't tell me. Let me think. Must have been the last time I visited the old school. No don't tell me. Let me think. No! Who are you?" "I'm your brother, Joe," said the man.

—D. EMS.

'Unfortunately, Comrades, Many Britishers Had Been Antagonized By That No-Good Stalin'

Right Wing Revolt

New North-South Alliance Formed

By CONGRESSIONAL QUARTERLY

WASHINGTON

A LINK-UP of leading southern segregation groups and northern nationalist forces has been achieved, with possibly far-reaching consequences for this year's presidential politics.

Without fanfare and without public notice, the nationalists and the states rights advocates have found common cause in:

1 — A political strategy, aimed at throwing the 1956 election into the House of Representatives by backing independent presidential electors in the North and a third party candidate in the South.

2 — A statement of principles, including acceptance by the northerners of the doctrine of interposition permitting a state to use its authority to prevent enforcement of federal law.

3—A program in Congress centered, for the moment, on passage of a bill to guarantee a "states rights" interpretation of laws by the Supreme Court.

OBSTACLES

Formidable obstacles stand in the way of their success. The Eisenhower years have been a weakening of right-wing influence within the Republican Party. Strong forces, both in the North and South, are working to prevent a Democratic party split on the civil rights issue. But at this stage in the campaign, the third party threat is not being overlooked.

The coalition's political strategy began evolving last winter. On Nov. 19, For America, a 30,000-member group, long active in espousing nationalist principles, reorganized as a committee for political action. In December the first of three meetings was held to establish the Federation for Constitutional Government, a loose-knit association of white citizens councils formed in 11 southern states to fight the Supreme Court decision on school segregation.

In late February, John U. Barr of New Orleans, acting head of the southern federation, said he wanted alliances with other "organizations with different primary interests but similar ultimate objectives."

The overtures were accepted. Eleven members of the executive and advisory committees of Barr's Federation for Constitutional Government now sit on the national policy board of For America. One of these dual members, J. Evetts Haley of Canyon, Tex., a candidate for Democratic nomination for governor of that state, is playing the role of liaison man between the two organizations.

THIRD PARTY

In public statements, For America and the FCG disclaim interest in forming a third party this year. Barr says, "We're not in political action; we're just trying to build grass roots support for our program." For America says it "seeks support of (our) principles within both major parties" and "has never yet advocated a third party movement." Both groups say they lack financial support for a real third party effort this year. But they intend to increase their strength, hoping for a major effort in 1960.

But leaders of the groups admit privately their goals probably cannot be achieved within either of the two major parties.

For America has announced it is "establishing a program for the selection of independent electors in various states (who) would provide a hedge against the possibility that candidates of either party would continue to subordinate American to international interests."

Only 18 states list electors on the ballot and most of them also require naming the presidential candidate favored by the electors, so there is doubt how extensively the independent elector strategy can be used. So far, For America has not decided to name a candidate for president.

The tactic can probably succeed only if it is coupled with a full-blown third party movement in the South. That is what the newly formed alliance expects.

DIXIECRATS

The southern federation, which has on its advisory board the 1948 States Rights candidates Strom Thurmond and Fielding L. Wright may decide to throw its grass roots strength behind a similar Dixiecrat effort this year.

"I just don't think the South is going along with the Democratic Party," says Brig. Gen. Bonner Fellers, (ret.) national director of For America. "If you can get 100 electoral votes out of the way down there, you don't need many more to throw the election into the House of Representatives. That is the strategy and that's the ultimate threat."

In 1948 the States Rights candidates carried four states and won 39 electoral votes. A shift of just 25,000 votes that year in two states — California and Ohio—would have thrown the election into the House.

A double attack is in prospect for 1956, with one candidate to draw off votes from the Democrats in the South and another—or independent electors — to siphon Republican strength in the North. The goal: a showdown in the House, where the coalition could play one party against the other for maximum concessions to its point of view.

Their confidence stems in large part from a new-found agreement on principles, the subject of the second in this series of reports.

Drew Pearson's Merry-Go-Round

Nixon's Confidant Should Have It Easy

WASHINGTON

WHEN the Senate Investigating Committee tackles Vice President Nixon's close friend and confidant tomorrow, they will have to be extremely smart. For Chotiner is not only an attorney; he is one of the shrewdest public relations men on the West Coast.

Idea Man

He not only managed Nixon's campaign for the vice presidency, but his campaign for the Senate in 1950, helped his first campaign for Congress in 1946, and conceived the brilliantly executed cloth-coat-little dog TV report to the nation in which Nixon broke down criticism of his $18,000 personal expense fund.

Cross-examining Chotiner will be Sen. John McClellan of Arkansas who can be a penetrating prober when he wants to be, but who has latent sympathies for the Nixon-GOP side. Strongly backstopping Chotiner—if he needs it—will be such potent Nixon pals as Sens. Joseph McCarthy and Karl Mundt of South Dakota. Chotiner ought to come away unscathed.

Behind his career, however, if the committee probes deep enough are some highly interesting circumstances.

Tax Trouble

The immediate circumstance is that Sam and Herman Kravitz, the clothing manufacturers who had already been blacklisted for cheating the Army, were in income tax trouble. Doubtless that was the chief reason why, with a battery of seven eastern lawyers at their command, they reached across the U.S.A. to Beverly Hills, Calif., to hire an attorney with power in high places.

Last week the Kravitzes repeatedly invoked the Fifth Amendment when asked about their various troubles, and Chotiner has already told the Senate committee that he would invoke the right not to answer because of lawyer-client relationship.

Sen. McCarthy would have beat his breast and protested in front-page headlines if witnesses had done this to him. Nixon, when a member of the House Un-American Activities Committee, was also ruthless with witnesses refusing to answer. In the Kravitz-Chotiner case, however, McCarthy actually went on the Senate floor to alibi publicly for Chotiner.