THE CHARLOTTE NEWS

60th Anniversary Year

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FRIDAY, DECEMBER 10, 1948

THE LAW ON CAPITAL OFFENSES

AT FIRST appearance, the decision of Solicitor Basil Whitener to accept a plea of accessory before the fact in the Parrish murder trial would seem strange. The case involved what obviously was a premeditated shooting. The young sailor obtained a gun, boarded a bus in North Wilkesboro, rode to Charlotte, and went out to his wife's family home with the expressed purpose of shooting her and taking his own life. Instead he killed his brother-in-law and wounded his father-in-law. He confessed the crime, and his intentions, readily, and a note found on him confirmed his confession.

He could have been tried on a first degree murder charge. There was certainly enough evidence to support such a charge. Yet the Solicitor accepted the accessory plea which, under North Carolina law, carries a mandatory life imprisonment sentence.

From the Solicitor's standpoint, there was good reason to accept the plea. The defendant was a clean-cut young man, with a fine record as a youth and as a sailor. He suspected his young wife, from whom he had been separated, of an affair with another man. He undoubtedly was angered, and a little mixed-up about it all, but as indicated by the fact that he did not shoot his wife after all but other members of her family. It was not cold-blooded, careful premeditation in the usual sense.

Had the case gone to a jury on a first degree charge the jury might well have been reluctant to send the young sailor to the gas chamber, and would have returned a verdict of murder in the second degree. In all probability, that would have meant, say, a sentence of 20 to 30 years. As it was, the State got a life term.

Yet there is a fundamental weakness in this procedure. It is the duty of the Solicitor to examine the facts at hand, draw indictments accordingly, and then prosecute the case as vigorously as possible. When he alters an indictment because he thinks the jury will alter it if he doesn't, he is beginning to assume the prerequisites of the jury.

Yet he is virtually forced into such an action by the practical realism of the situation. North Carolina is one of six states in the nation which does not permit a jury to recommend mercy in capital offenses. If the State law had such a provision, both the Solicitor and the jury could stay within the limits of their duties with good conscience.

The commission to study the improvement of the administration of justice in North Carolina has recommended such a change in the law. Solicitor Whitener was chairman of the sub-committee which wrote the report. Such crimes as the Parrish case indicate the great need for the General Assembly to adopt this recommendation.

AN ANTIQUATED SYSTEM

SOME statistician has discovered that the average age of major committee chairmen in Congress will be about 74 years next January — and with President Truman 64 and Vice-President Barkley 70, this means the United States Government now rests in the hands of old men.

Not so long ago it was fashionable to speak about the overwhelming power of the "nine old men" of the Supreme Court; now both the legislative and executive branches of government come under the influence of officials in the "three score and ten" category. This, in itself, is not condemning, but it indicates the continuing tendency of our Government to rely on seniority — rather than ability — as a criterion of leadership.

Samuel B. Pettingill, a former Congressman, believes this American tradition probably remains as a hold-over from the old hereditary principle which much of the world discarded earlier in the 20th century. There are also several fairly good reasons for keeping the system, as Mr. Pettengill observes: "The practice of letting seniority decide avoids contests and bitterness. It promotes good feeling on a committee. Everyone knows who the chairman will be. It is said that the heredity principle of succession from father to eldest son was invented to avoid contests for power. Men preferred to take the chance of a nincompoop son succeeding his father rather than split the tribe into warring camps. That is what unity meant to primitive men. The practice amounted to a peace treaty written in advance."

The age of Congressional leaders isn't a cause of much concern—but the continuing practice of promoting on seniority is as dangerous in Congress as it is in military service or in the business world. (The United States got one of its best military commanders of the Second World War when President Roosevelt jumped Col. Dwight Eisenhower over dozens of senior officers to become ETO Commander-in-Chief.)

Abolishment of the seniority system in Congress would, in the long run, probably unseat more Congressmen from the South than from any other region. Southern Congressmen (running for office in a largely one-party area) generally have more assurance of attaining long seniority than officials from other more hotly competitive sections. But despite the advantage that acrues to them, Southerners should not favor a system as antiquated and ill-suited to the tempo of the times as this one is.

The seniority system was left undisturbed by the 1946 Congressional Reorganization Act although there were numerous recommendations in favor of reform. Framers of the bill failed to act on this hot potato largely because nobody seemed to know what should replace it. The crux of the problem still lies there.

Nevertheless, Congressional efficiency — and the best tradition of parliamentary democracy — demand that the 81st Congress give it immediate attention.

MORE POWER FOR THE PIEDMONT

POST-WAR demands for electric power having exceeded in spectacular measure all pre-war expectations, the completion of Duke Power's multi-million dollar hydro-electric plant at Cliffside is of major significance in the economy of the Piedmont section.

The well-being and progress of the section is dependent to a large extent upon the availability of reasonably priced power. The Cliffside plant with its capacity of 210,000 kilowatts adds materially to the supply and serves to protect this area against power shortages existing and threatening other parts of the country.

The size of the Cliffside operation is indicated by figures showing that only 39 per cent of its output would be needed to operate everything electrical in all of Charlotte and Mecklenburg County. It would serve the normal needs of a community two and a half times the size of Mecklenburg.

Nationwide the demand for more and more power grows. Charting the rising demand the *United States News & World Report* shows that the peak load in 1939 was about 29,000,000 kilowatts. This moved up to 31,000,000 kilowatts in 1940, skyrocketed to 45,000,000 in 1946 and on to 49,000,000 in 1947. This year's demand is estimated at 52,000,000 kilowatts, next year's at 55,000,000 with a peak load of 100,000,000 kilowatts being reached in 1960.

The demand is coming from every side, from the homes, farms and industries at a rate far greater than had been anticipated. New products and new methods have brought a constantly widening field for the use of electric power, a field that is expected to continue to expand for the next ten years.

The great plants for the development of atomic energy in Washington, New Mexico and Tennessee have made demands upon the power supply. Ultimately atomic energy itself may be a source of power. But we haven't yet attained that stage of development.

The importance of Cliffside's kilowatts to Piedmont power will be emphasized this evening at a banquet given by the Shelby Chamber of Commerce. Charles E. Wilson, guiding genius of General Electric, will be the speaker and the men who conceived the Cliffside development and brought it into being, Duke officials, will be honor guests.

From The New York Times

THOSE THURMOND VOTES

A MEMBER of the Electoral College remains constitutionally free to cast his vote for whomever he chooses. The Twelfth Amendment says so and the Supreme Court, refusing to order the Alabama electors to shift to Truman, needed no other authority. The only strange feature of this episode is that Governor Folsom of Alabama and those who backed him in his injunction appeal appear to have thought the Court could amend the Constitution by decree.

But constitutional freedom in this instance is not moral freedom. The Alabama electors pledged themselves to vote for J. Strom Thurmond for President. The Alabama voters could not and did not vote for Mr. Truman, because he was not on the Alabama ticket, but they did vote for Mr. Thurmond in preference to Mr. Dewey, in the proportion of about five to one. The instructions thus given at the polls the electors are now morally bound to carry out. So are the Thurmond electors in South Carolina, Mississippi and Louisiana.

If the electors in these cases could be enjoined to change their ballots so could electors in other cases, and every Presidential election would end in confusion. Our Electoral College system certainly needs overhauling, but until this has been done by the usual constitutional procedure we would better not tamper with it.

Just how much can a saying stand? Four years hence will they revive that one about "As goes Maine, so goes the Nation?" — *Joplin (Mo.) Globe*

Sequel To Halloween

People's Platform

Former Alcoholic Gives His Remedy

MONROE

Editors, The News:

I HAVE just finished reading in "People's Platform" of today's (Dec. 6) News an article on, "Alcoholism, Its Cause and Cure". This article is in the form of an inquiry consisting of four questions. I am only interested in the first two of these questions and I would like to answer them in order to help any alcoholic who may read this.

First, I think I am qualified to answer these questions because I have gone through the experience of an alcoholic in his worse stages. Seven years ago I had become an outcast, after trying to overcome drink by almost every help—to no avail. In "dry" sections of our country, or at times when cash was low, bay rum, "Jake", cake flavoring, etc., served me well as a substitute. One day I learned the cause and applied the remedy and not one time have I been overpowered by even one drink since that day.

Now, question No. 1: "If alcoholism is a disease, what causes it?" Surely it is not to be compared with polio, cancer or any other disease of the body, which may come on the just as well as on the unjust. If it is a disease at all it's of the soul and spirit. Remember, man is of three parts—body, soul and spirit (I Thessalonians 5:23). Cause of alcoholism? I am surprised at any minister of the Gospel not knowing this answer, and I am more surprised at the ones who do know the answer yet fail to show that poor blind man or woman how the cause may be overcome. Instead, they spend time reforming the body which may die some day and forget about the spirit which will live forever. The cause of alcoholism (which is only one of many sins of man) is the fallen nature of man, brought on all men through the fall of the first man (Romans 5:12). All sins are the fruit, outcome, of this one sin. Until the spirit of this fallen man has been reborn, this person is completely under the control of Satan and no man with the use of any weapon can alter that fact. Reform him, force him, jail him, or even take alcohol from him by law or otherwise, and you haven't given him one ounce more power to overcome that cause.

Now, question No. 2: "If we know the cause, what remedy would you propose—not for the disease, but for the cause?" (A good question.) Knowing the cause, sin, I propose the the only remedy—"Behold the Lamb of God, which taketh away the sin of the world" (John 1:29, John 1:11-13). This remedy not only removes one from under the power of Satan but it places one under the control of One Who has has power to, and does, overcome for us, not only drink but all condemnation. Ministers, if we lead those young people to Christ and "preach the Word" to our Christian assembly they can open whisky joints on every corner and I'll guarantee they won't last two months. Amen.

E. W. "GENE" LEMMOND.

Temperance, Not Prohibition

CHARLOTTE

Editors, The News:

THE Rev. J. Tilden Sherer would like the opinion of a man capable of writing on the "cause and cure of alcoholism." I am only a woman, as to my capability I will leave that to the reader to decide.

First one must realize what alcoholic beverages are made from. As near as I remember there are grapes, sugar, malt, hops, many different kinds of grain, yeast, water, etc., all provided by God as wholesome for our use, not abuse. Next is the original reason for the fermenting of the aforementioned ingredients which date from the early days of the Old Testament, where there was no water free from pollution. The miracle at the wedding feast at Cana of Galilee is proof of that. The same holds good in many countries today, and nowhere in the Bible is there any word forbidding the use of fermented beverages (I am now referring to the old original Vulgate, not to any Bible version that has been altered and deleted). It does forbid overindulgence, but that means in all things pleasing to the senses. So many people think that temperance refers only to alcohol. Very often children are reared with that idea, then later in life look for a thrill from tasting the forbidden fruit and fall victims when the truth would have been better.

There is no doubt that alcoholism is a disease contracted by many who are weak-willed, others who take it as an escape from worry or pain. There are magazine pictures in which men of distinction (so-called) are recommending their favorite beverage, they are being villified by the drys for that. I have known many fine men of distinction, integrity and valor who know how to handle all pleasures including a drink as a gentleman should. There are many here in Charlotte. To condemn all who do not believe in total abstinence and prohibition is to be very intemperate indeed.

Prohibition deprives man of his divine right of self discipline. I can't forget what the eighteenth amendment has already done to the youth of this country. Before its enactment they would never have dreamed of a bottle on the hip. It brought blind pigs, bootleg joints, corrupted the biggest cities, with hoodlums holding all the high offices; it started a decade of bloody gang wars, with courts helpless to punish the killers. It enriched criminals who got more dangerous with every dollar.

Princes, prelates and philosophers have tried for centuries to find a cure for or an outlawing of alcoholics, to no avail. Alcoholics Anonymous I am told is meeting with much success, and that it seems is all up to the individual. The clergy and lay people of all denominations must preach and practice self-control and self-discipline, if it can't be outlawed it must be controlled. Someone said an ABC store in town would be like putting a cancer on a woman's face. Any medic will tell you how much easier that would be to cure than one on her innards. These alcoholic cancers in the back alley joints are deadly and hard to find. An intemperate of any kind is my pet abhorence. A man who is the master of his emotions is a joy to know, he who is not then God help him. Prohibition reminds me of the Irishman who said: "To get a pig into Tipperary start driving in the opposite direction.

MRS. THOMAS CROWE.

The People's Platform is available to any reader who cares to mount it. Communications should be less than 300 words, typewritten if possible, and on only one side of the paper. Libel and obscenity will be deleted—otherwise anything goes. Each letter must be signed. — Editors, The News.

Will the American people ever learn that every dollar given them by the Government must be paid back in taxes in a ratio of about three or four for one?—Pittsburg (Texas) Gazette.

Marquis Childs

Old Habit Prevails

WASHINGTON

EVEN though the House Un-American Activities Committee appears to have documentary evidence of vital significance, the committee continues to behave with nervous excitability. In the face of material that, if substantiated, calls for the most solemn and careful procedure, the old habit of headline hunting prevails.

Favored reporters have their private leaks from committee members. These reporters make themselves champions of individuals and the particular thesis of individual committee members.

At a press conference in Washington, Rep. Richard M. Nixon of California, who made a spectacular and highly publicized flight to Washington from Panama, reads a deposition given in a civil suit, contrary to the rules of the court in which the suit was proceeding. In that deposition Whittaker Chambers accused Alger Hiss of passing out secret documents that were in turn given to a Russian agent.

Then Nixon makes a highly publicized trip to New York. There, six hours after reading the deposition containing the accusation against Hiss, he announces, "We're here to find out who gave this information to Chambers."

The end result is to create an atmosphere of hysteria, suspicious doubt and uncertainty. What should be weighed and considered with the utmost seriousness, since it involves the most abhorrent breach of trust and faith, is thus cheapened and degraded.

PUBLICITY DREAM

Contributing to the atmosphere of a publicity man's dream is the apparent rivalry between the committee and the Dept. of Justice. On the day Nixon held his press conference word came to the Justice Dept. that the committee proposed to hold special night hearings in New York as a kind of adjunct to the Grand Jury inquiry that has been reopened.

One of the leading newsreel companies asked the Department when the hearings were to be held so they could set up their cameras. The idea seems to have been that as witnesses came out of the Grand Jury room they would go before the committee and the klieg lights.

Grand Jury procedure under our system of law is most carefully guarded and the committee's proposal, as it was understood at the Dept. of Justice, caused something like consternation. That is why the committee members were met in New York by John F. X. McGohey, United States Attorney for the Southern District of New York, who is directing the Grand Jury inquiry.

A stormy session followed. But finally the committee seems to have been dissuaded from going ahead in a manner that might seriously have interfered with the Grand Jury. By law and by custom Grand Jury proceedings are held in secrecy so that witnesses may have full protection and, therefore, feel free to testify without fear of reprisal.

So many questions remain unanswered. The microfilms of secret State Dept. and Navy documents have presumably been in existence for 10 years or longer. Why should these films have gone undiscovered until Chambers, in his own good time, chose to disclose their whereabouts?

In the hearings last Summer the committee seems to have accepted everything that Chambers said as fact, without independent investigation. Presumably Chambers had the documents and the films in his possession all the time and chose to to disclose them only after he was pressed for evidence in Hiss' $75,000 slander suit.

There is, of course, a larger and far more important question. It is why Chambers, by his own confession, and others who may be implicated beyond doubt, should have betrayed their country by stooping to this mean and vicious espionage.

HOW NOT TO ACT

No gloss of misplaced idealism ever can be put over the contemptible work of the spy, the stooge, the saboteur. Only the completely materialistic end-justification philosophy of Marxist - Stalinist Communism can approve such methods. That philosophy is alien to all that is best and truest in the American tradition.

The public has a right to expect an earnest, concerted effort by government to find an answer to these and related questions. One again must point to the contrast with Canada where a royal commission after long, diligent and careful work behind closed doors gave out a report that is a model of thoroughness and an extraordinary revelation of motive and method. Once again the Un-American Activities Committee seems determined to demonstrate how this kind of inquiry should not be conducted.

James Marlow

Who's To Blame

WASHINGTON

THE Washington spy case is a very strange story in more ways than one.

This will try to show why:

For more than a year a special New York Federal grand jury investigated an alleged pre-war Communist spy ring in this country.

In this investigation it was aided by the Dept. of Justice which is supposed to protect this country against spies.

But the grand jury put up the shutters last Summer without nailing anyone as a spy or proving there was a spy ring.

Meanwhile the House Un-American Activities Committee began holding hearings on an alleged pre-war Communist spy ring here.

In this it was helped by its own staff of investigators who have had a lot of experience in trying to ferret out Communists.

The committee called in a batch of the same witnesses the New York grand jury had looked over.

WEEKS AND WEEKS

The committee hearings started last Summer and lasted for weeks. In walked Whittaker Chambers, 47 years old.

Chambers said he had been a member of the Communist Party from 1924 until he quit in 1937.

More, he said part of that time he had been a messenger for a Communist underground here in Washington.

And he said Alger Hiss former State Dept. official, had been a member of it

Hiss denied this over and over. And that's just about all that happened—so far as results go.

Nothing was proved, nobody was jailed, and Chambers didn't produce, beyond his own words, any evidence to back up his story.

In the Fall Hiss filed a $75,000 libel suit against Chambers.

Then—but not until then—Chambers suddenly did produce what may prove to be evidence of a real spy ring that operated here.

He dug out copies of State Dept. papers, highly secret, that he said had been given him in the pre-war days by men he said were members of the spy ring he had talked about.

LITTLE PRODUCTION

Suddenly, the Dept. of Justice, the New York Federal grand jury and the Un-American Activities Committee came to life again and began investigating all over. That's where it stands now.

But nobody pried those papers out of Chambers, neither the Un-American Activities Committee, with its staff of trained investigators, nor the Dept. of Justice, with its huge staff of trained investigators.

Chambers, all by himself and without prodding from them, came up with the first batch of papers. A committee order produced the rest.

It seems fair to ask: What kind of police work is that? Why didn't the committee and the Dept. of Justice dig harder into Chambers for some evidence to support his charges?

The committee now is blaming the Justice Dept. for not having done a more thorough job. That seems justified. But the same charge can be made against the committee.

In view of what's happened in this case so far—I think anyone with police experience could call it pretty sloppy work—it seems fair to ask these questions:

What kind of anti-spy protection do we have in this country anyway? Just how good is it?

Is it likely that the Soviets, who had a big spy ring in Canada, didn't, or don't, have even a bigger ring in this country?

The United States is, after all, far more powerful and potentially dangerous rival.

Just what has the Justice Dept. done about finding the answer to that one?

Drew Pearson's Merry-Go-Round

Everybody Wants To Get Into The Act

WASHINGTON

BENEATH the tragic seriousness of the Chambers-Hiss dispute over stolen State Dept. documents there is the humorous spectacle of a news-headline race between the Un-American Activities Committee and the Justice Dept.

The Justice Dept., believing in the old axiom that justice moves slow but sure, at first serenely took its time and let one high official recover from an acute case of week-enditis before working up fever heat over the Chambers-Hiss case.

Meanwhile, the Un-American Activities Committee, knowing it faced a hostile 81st Congress, saw this as the last chance to win back its huge appropriations and get a new lease on life.

The result was a deadline race which certainly bore out all the American principles of free competition. Here is the backstage story of what happened.

When ex-Communist agent Whittaker Chambers first testified in a secret deposition in Baltimore that he had received confidential documents from State Dept. Official Alger Hiss, Attorney Richard Cleveland, youngest son of the late President Grover Cleveland, acting for Chambers, immediately notified the Justice Dept. So also did Hiss's attorney, William Marbury.

The Justice Dept. then proceeded with the case as if it did not live in a goldfish bowl, and as if there was no Un-American Activities Committee to stir up the animals. It began a careful, painstaking investigation.

Midnight Ride To Maryland

MEANWHILE, Counsel Robert Stripling, real brains of the Un-American Activities Committee, heard about the Baltimore deposition and, never one to let grass grow under his feet, scurried up to the Chambers farm at Westminster, Maryland.

He and Chambers were old friends, and the ex-Communist agent was not averse to giving Stripling some additional microfilm documents which he had not given to the Baltimore lawyers, except that the lawyers had told him to say nothing and to co-operate with the Justice Dept., which had already started to probe the case.

So Stripling returned to Washington, got a subpoena, and sped back to Westminster, arriving there at 1 A. M. Friday. It was then that Chambers led him to the now famous pumpkin.

Incidentally, between Stripling's two trips, Chambers had transferred the microfilm from a squash to a pumpkin. Apparent reason for the switch was his own love of mystery, plus the fact that Stripling on his first trip had remarked on the big pile of squashes in Chambers' barnyard. So Chambers switched the microfilm from a squash to a pumpkin, putting a row of squashes in the shape of an arrow pointing to the special pumpkin.

Treasury Vs. Justice Depts.

MEANWHILE, the Justice Dept., still thinking that justice should move slow and sure, had scheduled new Grand Jury hearings in New York for the coming Wednesday. It is barely possible that the Justice Dept. also had in mind the fact that California's Rep. Dick Nixon, Republican chairman of the Un-American Subcommittee probing the Chambers-Hiss row, was en route to Panama and could not get back to Washington before Wednesday. If so, the Justice Dept. reckoned without its sister department, the Treasury.

The Treasury Dept., apparently not wanting to belie the critics who claim that Truman Cabinet members never let one man know what the other is doing, promptly took Congressman Nixon off his boat en route to Panama and flew him back to Washington by special Coast Guard plane.

Immediately, GOP Congressman Nixon scheduled hearings of his Un-American Subcommittee for Tuesday—one day ahead of the Justice Dept's. Grand Jury meetings in New York.

By this time, however, the Justice Dept. was shaking off week-enditis and really hitting the ball. Overnight, it stepped up its Grand Jury session from Wednesday to Monday. This would put it in the headlines one day ahead of the Un-American Committee hearing.

Nixon Steals Headlines

CONGRESSMAN NIXON, however, is a resourceful gentleman. With the Justice Dept. holding its Grand Jury investigation on Monday, he proceeded to call a press conference and issue a statement which completely stole the headlines.

He read part of Chambers' hitherto secret testimony, given in his Baltimore deposition, in which Chambers accused Hiss of giving him State Department documents for the Russians.

This was considered so secret that both the Justice Dept. and the Baltimore attorneys had refused to admit such testimony existed.

Nixon also issued a stinging blast against the Justice Dept.

"The committee is concerned," he said, "over the apparent lack of interest by the Justice Dept. in getting to the crux of this case."

After holding this sensational press conference, Nixon and his fellow Republican, Congressman John McDowell of Pennsylvania, climbed on a train and went to New York.

Awaiting them at the Pennsylvania Railroad Station in New York were U. S. District Attorney Jack McGohey and special U. S. prosecutor Tom Donegan, who has been trying to track down Communist agents before the New York Grand Jury for more than a year.

McGohey is a mild-mannered man. He doesn't talk much. But, starting from GOP election-campaign criticism that he failed to prosecute Communist spies and from Nixon's latest diatribe, McGohey said plenty. Behind closed hotel-room doors with Congressmen Nixon and McDowell, he pounded on the table and demanded that the Un-American Activities Committee not reveal testimony that was supposed to be secret. It must not, he said, jump the gun on the Grand Jury.

The closed-door session lasted for some time. After it ended, the two Congressmen appeared—meek and mollified. Nixon, who a few hours before had accused the Justice Dept. of "apparent lack of interest," now proclaimed:

"The committee is co-operating with the Federal attorneys and the Grand Jury 100 per cent. It is our intention to work together."

Just to make sure, however, Mr. McGohey put the two star witnesses, Alger Hiss and Whittaker Chambers, under Federal subpoena. This prevents them from making more headlines for the Un-American Activities Committee until the Justice Dept. is entirely finished.