THE CHARLOTTE NEWS

1888—Sixty-Fifth Anniversary Year—1953

THOMAS L. ROBINSON.....Publisher
J. E. DOWD.....General Manager
B. S. GRIFFITH.....Executive Editor
C. A. McKNIGHT.....Editor

MONDAY, JANUARY 18, 1954

The Constitution, Not Treaties, Is The 'Supreme Law Of The Land'

ON the eve of congressional debate on the Bricker amendment, it is important to clear away the confusion over the constant and repetitious use of the phrase, "Treaties are the supreme law of the land."

By quoting that phrase out of context, sponsors of the Bricker amendment have managed to convince many Americans that treaties take precedence over (1) the U. S. Constitution and its amendments, and (2) acts of Congress.

That is simply not true. This is what Section 2 of Article VI of the Constitution says:

"This Constitution, *and* the laws of the United States which shall be made in pursuance thereof *and* all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, *anything in the Constitution or laws of any State to the contrary notwithstanding.*" (Italics ours.)

The intent of this section and its meaning are perfectly clear.

It was intended to establish the legal relationship of the Federal government to the various states in those areas specifically made the responsibility of the federal government by the Constitution.

It means that the "supreme law of the land" is of three kinds:

1. The Constitution itself.

2. Laws of the United States (acts of Congress.)

3. Treaties.

But it also declares very specifically that they are "supreme" when they conflict with "the Constitution or laws of any state."

Nowhere does it say that a treaty is supreme over the U. S. Constitution when it is in conflict with the Constitution itself.

Nowhere does it say that a treaty is supreme over a subsequent act of Congress, when the treaty involves domestic law.

Constitution, acts of Congress, and treaties are the "supreme law of the land" when they conflict with state constitutions or acts of state legislatures. But neither an act of Congress nor a treaty that conflicts with the Constitution is legal.

The Constitution is the only "supreme law of the land." The U. S. Supreme Court has spoken out on this point several times. In Geofroy v. Riggs, the court said:

"It would not be contended that (the treaty making power) extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the states, or a cession of any portion of the territory of the latter, without its consent."

In the Head Money Cases, the Court said:

"A treaty, then, is a law of the land as an act of Congress is, whenever its provisions prescribe a rule by which the rights of the private citizen or subject may be determined. . . But even in this aspect of the case, there is nothing in this law which makes it irrepealable or unchangeable. The Constitution gives it no superiority over an act of Congress in this respect. . . Nor is there anything in its essential character, or in the branches of the government by which the treaty is made, which gives it this superior sanctity.

"A treaty is made by the President and the Senate. Statutes are made by the President, the Senate and the House of Representatives. . . If there be any difference in this regard, it would seem to be in favor of an act in which all three of the bodies participate. And such is, in fact, the case in a declaration of war, which must be made by Congress, and which, when made, usually suspends or destroys existing treaties between the nations thus at war.

"In short, we are of opinion that, so far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification or repeal."

And in the Chinese Exclusion Case, the Supreme Court said:

"The treaties were of no greater legal obligation than the act of Congress. . . A treaty, it is true, is in its nature a contract between nations and is often merely promissory in its character, requiring legislation to carry its stipulations into effect. If the treaty operates by its own force, and relates to a subject within the power of Congress, it can be deemed in that particular only the equivalent of a legislative act, to be repealed or modified at the pleasure of Congress."

In restatement, then, treaties are not supreme over the Constitution. They are not even supreme over a subsequent act of Congress, when they involve domestic law, and can be repealed or modified at the pleasure of Congress.

Why, then, should the sponsors of the Bricker amendment try to peddle the foolish notion that "treaties are the supreme law of the land?" In our opinion this is a smokescreen designed to obscure the real issue. In a second editorial on this subject tomorrow, we shall attempt to document that charge.

Lambert Schwartz, 1953's Young Man

LAMBERT Schwartz, who was named Charlotte's Young Man of the Year Saturday night, has served this community capably in such a variety of ways as to shame those of us who don't "find time" to do more for our fellow-citizens.

Name a community activity of 1953, and likely you'll find that Mr. Schwartz was one of the cogs who contributed to its success.

He was active in sports promotion, as chairman of the tri-state's Most Valuable Player award dinner, chief of the Soap Box Derby, a member of the board of directors of the Quarterback Club, one of the promoters of the Shrine Bowl and Carolina Golden Gloves program (and found time to tie with 1952's Young Man of the Year, Grant Whitney, as winner of the Jaycee Golf tournament.)

He served on Charlotte's Crime Commission, then spent several weeks, at the City Council's request, studying the Police Department as a member of a special three-man committee.

He served on the board of directors of the Symphony Association, Chamber of Commerce, Carrousel, Georgia Tech Alumni Association, Tuberculosis and Health Association, Temple Israel, Good-Will Industries, yes, and of the Bachelor's Club.

He went hither and yon on behalf of the Junior Chamber of Commerce, of which he is immediate past president, served on committees of United Community Service, headed the Chamber of Commerce's New Quarters Committee.

And while we're not sure when he tends to his own business he apparently does a good job of it, for this year he received national recognition as one of the outstanding operators in the linen supply industry.

Lambert Schwartz, by his unstinting effort and friendly manner set an example in community service that will be hard to equal. The judges who selected him named the right man, and we join in offering congratulations to him.

Traffic Violators Get The Velvet Touch

WE'VE no quarrel with the city officials who worked out a plan to reserve two spaces on Alexander St. so people who want to pay their fee for parking violations can have a place to park.

But how about the guy who hasn't run afoul of the law, but who has other business at the City Hall or County Courthouse?

How about the fellow paying his taxes . . . or listing them? Or his water bill?

And how about the citizen who would like to go to a meeting of the City Council, either as a spectator or on business? Or visit any of the other public offices in the two buildings?

Both the city and county officials have used public money to provide parking spaces for official cars used by deputies, officers, and other public employes. And the City has leased a vacant lot across 4th St. for the use of its employes.

It's about time that the two bodies give other citizens some consideration. Parking violators don't merit any special favors.

From The Nashville Tennessean

THEY'RE OFF

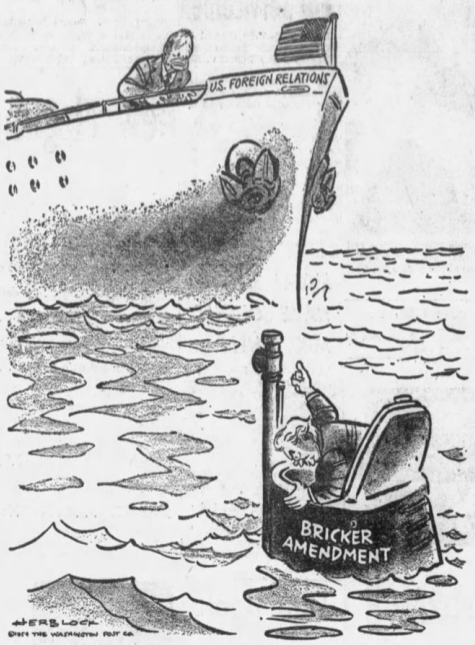
BY ACCEPTING a Tennessean's suggestion that it quit buying brooms and mops with holes in the handles, the Army estimates it will save $15,233 a year.

"It was simple," says the author of the idea, Mr. J. W. Hill Jr. of Jackson. "All the time I was in the Army, I never saw a broom hanging from a nail. They were always placed in racks to dry."

Now if somebody will just take it from there and suggest that the Army also quit buying the nails that the mops and brooms were never hung on, the economy movement will really be rolling. And then there are the hammers used to drive the nails. And the tool boxes to keep the hammers in, and . . .

Why is it that a person who snores never has insomnia?—BRISTOL HERALD COURIER.

'Hail To The Chief! Fire Away!'



Presidential Strait Jacket

Ike To Fight Bricker Plan

By MARQUIS CHILDS

AS VIEWED from the White House and the State Department, the Bricker Amendment limiting the treaty-making powers of the President would put the chief executive in a strait jacket so confining as to make the conduct of foreign policy all but impossible.

Several highly qualified authorities have been saying this for many months. They have been saying, too, that approval of the amendment by Congress was not a possibility but a probability. Arthur Krock of the New York Times has written a series of scholarly columns analyzing the way the amendment would constrict those responsible for the conduct of foreign policy.

The imminence of this threat has come home somewhat belatedly to the Eisenhower Administration. And it has been sounded, the signal for it being the President's press conference statement reaffirming his opposition to the essential clause of the Bricker proposal.

The reason the Administration has come tardily to an appreciation of what passage of the amendment means is apparently the conviction held up until the eleventh hour that Senator Bricker would agree to an innocuous compromise. After the Senator talked with the President a week ago, it was felt he had been won over and would agree to drop the clause at the heart of the proposal. In effect that clause says a treaty cannot supercede the laws of the states.

COMPROMISE OUT

But Senator Bricker has not agreed to a compromise. He says the controversial clause must come to a vote of the Senate. And he is confident he has the votes. After all, 64 Senators endorsed the proposed curb.

Bricker insists, and he can be a persuasive arguer, that the amendment will not interfere with treaties on the international level. It will only insure that treaties and Presidential agreements covering such matters as divorce and crime will not take precedence over the laws of the states. The Constitution, says lawyer Bricker, specifically reserves jurisdiction in these fields to the states and a treaty should not take it away.

But the line is a fine one and a host of constitutional authorities agree with the President and Secretary of State Dulles that the effect would be a serious limitation on the conduct of foreign policy. A committee of eminent lawyers including John W. Davis, a distinguished authority on constitutional law, has come out in opposition to the amendment.

Involving as it does legalisms taxing the interest of the average citizen, the Bricker amendment has not got into the sweaty arena of politics where such issues as farm prices and farm programs get threshed out. It remains something remote to most people and therefore almost by default it may be passed.

Yet, as the President said at his press conference, the amendment would mean a change in the basic structure of the Constitution and a return to the pre-Constitution phase of the articles of confederation with each of the 48 states having virtually sovereign powers.

MANION'S ROLE

One of the most zealous advocates of the Bricker Amendment is Clarence Manion, former dean of the law school of Notre Dame University. Manion has campaigned to get support for the amendment from American Legion posts around the country.

The White House may not have known this when the President picked Manion to be chairman of the important commission surveying Federal - state relationship. The commission is supposed to come up with recommendations for ending the costly duplication and overlapping of government functions. Manion has said that when he accepted the post, he had no intention of keeping quiet on the issue of the Bricker proposal.

But he was told rather pointedly the other day that it would be desirable if he got down to carrying out the work of the commission which has conspicuously lagged. If he were to devote himself to this undertaking, it was suggested, he would have less time to speak in behalf of a measure that the President feels will put crippling restrictions on the capacity of the chief executive to deal with day to day problems in a world in crisis.

There are other influential backers of the amendment. One of them is Frank E. Holman, Seattle lawyer closely associated with Bricker. The White House credits Holman with persuading the Senator to resist any compromise.

As for the President, he means to stand firm. His associates say he is even considering carrying the issue to the country in a major speech. Both sides seem to have cut off the avenues of retreat.

Quote, Unquote

Announced by a leading brewer is a beer prepared especially for women. It has, we assume, that haunting fragrance that lets you know someone lovely has just passed out.—**Florida Times-Union.**

Two motorists met on a one-way bridge. One stuck his head out the window and snarled:

"I never back up for an idiot."

"That's O. K.," grinned the second motorist amiably as he shifted into reverse. "I always do."
—**Louisville Courier-Journal.**

Besides the way of an eagle in the air and the way of a serpent upon a rock, other things which are too wonderful for me, and which I know not, include the way wheat in the past year has gone down 1½ cents a bushel and flour has gone up 55 cents a hundredweight. — **Lexington Leader.**

It is estimated that less than one one-hundredth of all the arguments that go on in the world ever result in somebody changing his mind. But it's such a pleasant way to waste time.—**Kingsport (Tenn.) Times.**

Success is like contentment — usually showing up when you've been so busy working you've forgotten all about it. — **Greenwood (Miss.) Commonwealth.**

Powerful Bloc To Oppose Ike's Farm Price Program

By STEWART ALSOP

WASHINGTON

PRESIDENT Eisenhower has announced that he intends to fight for his farm program. It is already obvious that he will have to fight with every weapon at his command—from patronage to the veto threat—to get anything remotely resembling this program through Congress.

The heart of the Eisenhower program is, of course, flexible price supports, to be determined within certain limits by Secretary of Agriculture Ezra Benson. Sen. Milton R. Young of North Dakota, a tall, soft-spoken man who may conceivably cause the Administration more trouble than any other senator except Joseph R. McCarthy, intends to make management out of the whole program with an amendment making 90 per cent supports mandatory. Young claims with absolute assurance a bedrock minimum of 49 votes in support of his amendment.

YOUNG'S BACKERS

Young counts—no doubt quite correctly—on virtually all the southern and border state Democrats, plus a smattering from the Middle West and farm states. He also counts on at least 13 Republicans to oppose the Republican administration on this issue.

These are Carlson of Indiana, Case of South Dakota, Cooper of Kentucky, Cordon of Oregon, Griswold of Nebraska, Jenner of Indiana, Langer of North Dakota, McCarthy of Wisconsin, Mundt of South Dakota, Schoeppel of Kansas, Thye of Minnesota, Wiley of Wisconsin, and of course Young himself.

The list is interesting. It includes a large number of those who in the past have most fervently denounced "give away programs" and "the welfare state." For example, Sen Mundt very recently deplored the fact that "some Republicans from large eastern cities" voted for "the welfare state program," under pressure from constituents with a "southern European background."

It would be difficult to deny that rigid, high farm price support has a certain "welfare state" coloration. Yet the most conservative politicians from the Middle West and wheat and corn areas have been able to rise above principle in this regard, and for a simple reason. The reason was bluntly stated by Sen. McCarthy at the Republican conference a few days ago.

Sen. Everett Dirkson of Illinois, chairman of the Republican Senatorial Campaign Committee, was giving an unctuously optimistic picture of Republican electoral prospects, when McCarthy brusquely interrupted him. In the recent special election in his native Wisconsin, McCarthy pointed out the Republicans had the best known candidate and most of the money in a traditionally Republican district, and yet they lost. It was time to face a few facts about the farm vote, McCarthy said, including the fact that the Republicans were rapidly losing it.

McCarthy has repeatedly warned Republican colleagues that the "Communist issue" will never win the election, if the Republicans lose the farm vote—and whatever else they may think of him, his colleagues have respect for McCarthy's political cunning. Indeed, the notion that anything less than rigid 90 per cent farm supports will doom the Republicans is becoming almost an article of faith among farm state politicians.

Yet the President was persuaded to favor flexible farm supports for a very simple reason. He was warned by many experts — notably including his brother Milton Eisenhower — that a rigid support system, continued much longer, would end in the collapse of the whole farm support system.

It is not generally known that the system has already broken down in certain areas. In some states, farmers are selling supmodities way under 90 per cent parity. This is not because they are indifferent to receiving full parity prices. It is because the warehouses and elevators are already bulging with the mountains of commodities the government has acquired, and there is simply no more storage space. To receive the parity price, the farmer must find storage space for his produce.

Given many more months of rigid supports, according to such an expert as Sen. Clinton Anderson, former Secretary of Agriculture, and there is likely to be no more storage space anywhere. Thus the rigid support system could very well turn out to be a tragic fake — and the farmers, Anderson believes, are hardly likely to be grateful to the politicians who foisted the fake on them.

Sportswriting Always Dull In The Rainy Winter Months

By ROBERT C. RUARK

I HOPE it is raining the day this piece runs, to match its mood, because it was raining when it was written, and I got to thinking about the old sports-writing days and was near about to cry. You may think the sports boys have it soft and easy, but from Army-Navy football day until opening of baseball's spring training, the sports writer is on very sparse rations.

Just from a sports angle alone, apart from the over-all lousiness of the weather, there is no real need for January and February in the calendar. About the only major sport going on in those months is basketball, which is unwritable unless there is a nice juicy scandal, with subpoenas and sheriffs and bookmakers and the star of a team hustled off to jail.

Of all the games I ever hated to cover, basketball was approached only by ice hockey, where every third motion is marked by whistles and loud squeals of "Foul!" and a lot of incomprehensible rules and no real point to what they are doing even if they do it successfully.

It is a matter of personal prejudice, of course, but I was never able to like a man if he was a basketball player, and professional hockey players were too much like professional rasslers to be dignified as sportsmen. Amateur players are plainly insane.

Now begins the first feeble stirring of the indoor track season, as well, with people rupturing shoulder muscles throwing metal balls around and popping their hearts in distance runs, and busting their knees over hurdles and wrenching backs vaulting, and nary a line of hard copy in the lot. If there is anything duller than a track meet it is one of those marathon runs that old men are always running.

Skiing may be great fun for the participants, and the expensive doctors, who put them back together again, but as fodder for the typewriter it is duller than the cat column for a dog lover. Not even the newsreel shots you see at every movie house at this time of the year can make much of skiing, past the point of watching a lot of masochists trying to freeze themselves to death whilst breaking their necks routinely. And you can't get any of it into print.

Boxing is about the easiest of all sports to write, except maybe baseball, but even boxing in winter is a paltry subject, because the promoters hoard the big shots for the huge outdoor arenas, and feed off preliminary boys and stiffs in the misery months.

This is the time of year when the sports-writing men separate easily from the boys, and hoary virtuosos like Joe Williams and Red Smith earn triple blood-money while suffering terrible torture. Me, I was never much good at it, which is why I quit sports. I couldn't stand January and February, and it sure came out in the copy.

Drew Pearson's Merry-Go-Round

WASHINGTON

ONE OF the interesting things about the present session of Congress is that Eisenhower's chief Senate opposition — aside from McCarthy—comes from a Republican whose record is vulnerable. Members of the Senate press gallery, who have a way of smelling out their senatorial onions, have even rated him the 96th senator.

He is John Bricker of Ohio, who has opposed the President on the St. Lawrence Seaway; who has drummed up a nation-wide drive to hamstring the President's treaty power with the so-called Bricker amendment; and who is spearheading the confirmation of a McCarthy man, Robert E. Lee to the Federal Communications Commission — an appointment which some White House advisers would just as soon have vetoed.

Yet if friends of President Eisenhower took a careful look at Senator Brickers record, the nation would wonder how he has the nerve to fight on certain issues.

On the St. Lawrence waterway, for instance, the senator from Ohio was picked for service on the key Senate Interstate Commerce committee in 1948, a committee which has much to do with passing or blocking various transportation projects, including the St. Lawrence.

Firm Retained

At about this time, the Pennsylvania Railroad, which opposes the Seaway, dropped the law firm of Henderson, Burr & Randal in Columbus, a very fine old firm in the senators home town, and retained the Bricker law firm, paying it $25,000 in 1948.

About the same time, Senator Bricker voted to pigeonhole the St. Lawrence project in his committee. Senator Taft took a stand just the opposite. So did the farm organizations of Ohio, the Ohio steel industry and the platform of the Republican Party.

In the years that followed the Pennsylvania Railroad continued to pay the Bricker law firm $103,000, or a total of $128,00. And Senator Bricker continued to oppose the St. Lawrence waterway. Furthermore, he admits that during this period, his law firm paid him a total of $69,000.

Every Republican president, or candidate for president, from Herbert Hoover on, and including Tom Dewey on whose ticket Bricker once ran as vice presidential candidate, has favored the St. Lawrence. Yet Bricker, whose state would greatly benefit from the Seaway, has consistently voted the other way.

Bricker Amendment

Now let's look at the Senator's record and his support for the Bricker amendment. This amendment is opposed by the Republican President, his attorney general and his secretary of state, on the ground that it would hamper the President's treaty-making power and put U.S. foreign relations back to the divided days of 1776. It happens that Eisenhower is more skilled in his knowledge of foreign affairs than most presidents and far more so than he is on domestic policies, yet some of his so-called supporters are clamoring to hamstring his authority.

Inside fact is that the Bricker amendment was sold to Bricker by his old friend, Frank E. Holman of Seattle. Holman is a past president of the American Bar Association, a distinction which he parades at every conceivable opportunity in connection with the propaganda campaign for the amendment.

Holman has likewise teamed up with or permitted the teaming up of some of the worst isolationist, anti-religious, semi-Fascist, organizations in the United States in support of his Bricker amendment.

In fact, it has been Gerald L. K. Smith's Christian Nationalist Crusade and Merwin K. Hart's National Economic Council, among others, which have yammered incessantly at the American public to "write your senator" in support of the amendment. Most of these people, incidentally, have only the vaguest idea of what the Bricker amendment is all about.

And it's highly doubtful that the American Bar Association, upon whose good name Bricker trades, would care to have itself associated with these extremist elements. And it's highly doubtful also that some of the senators, such as Lyndon Johnson of Texas, realize what forces have inspired their heavy mail.

Johnson, incidentally, though supposed to be the Democratic leader of the Senate and one who constantly harps on teamwork, deliberately ignored his own team, the Democratic members of the Senate Judiciary Committee, by coming out for the Bricker amendment. Democratic judiciary members, meanwhile, had written a contrary report, opposing it.

Bricker Is Ike's No. 2 Foe In Senate

Holman's Background

Meanwhile, Bricker's friend Frank Holman, not only has done nothing to discourage extremist support, but has definitely snuggled up to them. On Jan. 30, 1953, he spoke before the Women's Patriotic Conference on National Defense in Washington, after Congresswoman Katharine St. George of New York refused to speak on the same platform with such extremist speakers as Robert H. Williams, California racist propagandist and editor of Williams Intelligence Summary, Mrs. Grace L. H. Brousseau of Greenwich, Conn., who wrote the foreword in Joseph Kamp's book, "We must abolish the United Nations," acted as program chairman.

Williams is the man who published a picture of Eisenhower with Marshal Zhukov when they were in Berlin together, with the inflammatory charge that: "The Marxist machine is pushing General Eisenhower as its chosen candidate."

This gives some insight into the manner in which certain extremist pressure groups, masquerading behind patriotism, have mobilized public opinion to hamper the treaty-making power of the President of the United States.