



THE CHARLOTTE NEWS

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THURSDAY, JANUARY 29, 1959

Local Lawmen Support A Just Cause

PRIVATE prejudice and public apathy combined to defeat Motor Vehicles Commissioner Edward Scheidt's plan for intoxication tests in 1957.

If the law enforcement officers of Charlotte and Mecklenburg County have anything to say about it, 1959 will be a different story. City and county police representatives made a strong and welcome pitch for "some type of scientific tests for intoxication" yesterday and the double endorsement was firm enough to impress any legislators within hearing.

Another attempt will definitely be made to get appropriate legislation through this year's General Assembly. It is a major point in Commissioner Scheidt's program and it will be a major shame if Tar Heel lawmakers turn their backs again.

All that is required is that the results of scientific tests for intoxication be made admissible in evidence in North Carolina and that a scale of evidentiary values be adopted for the interpretation of these tests.

Section 20-138 of the state's General Statutes provides that it shall be unlawful for any person who is under the influence of intoxicating liquor to drive any vehicle upon the highways of North Carolina. The Supreme Court has said that a person is under the influence of intoxicating liquor within the meaning of this statute when he has drunk a sufficient quantity of intoxicating beverages to cause him to lose the normal control of his bodily or mental faculties, or both, to such an extent that there is an impairment of either or both of these faculties.

Impairment is merely guessed at today in most drunken driving cases. The law leaves the matter to eyewitnesses—mostly police officers—who can be very, very wrong. If the guilty are to be con-

victed and the innocent protected, the testimony of eyewitnesses must be supplemented by evidence of a more scientific nature.

There are several different ways to measure this. But all intoxication tests are based upon the generally accepted principle that there is a direct correlation between the amount of alcohol in the blood and the effect of that alcohol on the individual. Body fluids other than blood may be used in tests because alcohol concentration in the blood and in the tissues of the body which contain water. An equilibrium is attained, for example, between the concentration of alcohol in the blood and alcohol in the urine or in the breath.

The most common objection to alcohol tests is the argument that some people are less affected by a given concentration of alcohol than other people. This is true. Recognizing the varying alcohol "tolerance" of individuals, scientists have established standards for interpreting the tests that are fair to all individuals. These standards have been tested and approved by the American Medical Association and the National Safety Council.

No one should be forced to take a test. Physical compulsion directed toward an accused person to give a blood sample, blow up a balloon, give a urine specimen or submit to a spinal tap would constitute a violation of constitutional means of securing evidence. To give further assurance of fair play, the statute should not allow the prosecution to comment upon the defendant's refusal to submit to a test.

Nevertheless, such a law is needed to aid the judge and jury to reach more accurate and just decisions in drunken driving cases. The General Assembly should oblige.

By DORIS FLEESON

WASHINGTON
 WHILE Republicans were complaining at Des Moines about President Eisenhower's failure to lead his big party, the President was playing bridge at his Maryland mountain retreat with his cronies, George E. Allen, Allen is the Mississippi who has parlayed a few southern jokes into a host of corporate directorships and a handsome share of this world's goods.

THEY SIMMERED

During the first Eisenhower term the White House staff achieved at least an apparent parity between the President's work and play hours, his political and personal associates. But now, his relaxing has spent much more time with the Allen types and much less — if less be possible — with the Eisenhower staff.

As Samuel Johnson long ago reminded Lord Chesterfield, no man is well pleased to have his all-



"And What Do We Do About These Damn Eisenhower Republicans?"

neglected, be it ever so little. The Republican wheelers and dealers, especially members of Congress, but they recognized that the President's strange turn of party and, until after the 1956 election, managed a reasonable facsimile of nonchalance.

They were also able to pretend. Until Bernard Goldfine's vicuna fell heavily on the shoulders of Sherman Adams, that it was all the fault of Adams. The smashing defeat of last fall has now returned to the advantage of his party. But even the most conservative politician learns in the

practice of his trade that no one group can be relied on for counsel; that a balance of pressures is the only safe guide.

For the most part if the President did get political advice from his big business friends, it would be bad advice. This is not true of Allen, who came up through the political jungles. Allen could tell the President the exact score at Des Moines.

But Allen is playing the role with Eisenhower that he did with President Roosevelt and Truman — the role of the friend who presents no problems. So far as a long record shows, no cause or difficulty has ever seemed to him important enough to cause him to step out of character.

IKE'S COMPLAINT

The President, of course, has a defense in his quarrel with a party to work for which in important respects he is not suited. Now it is complaining that he is different, when it is not he who has changed.

What Washington is more curious about is what solution can be found for the next two years when the uneasy marriage of the two must persist. The government cannot fall, as it would in Britain, and the power — used or unused as it may be — still rests in the White House.

Civil Rights Now Is The Time

By WALTER LIPPMANN

WASHINGTON
 IT WOULD be a good thing if Congress could deal with civil rights legislation early in the session. For later on, especially in the spring and during the summer, there are likely to be many distractions. There will be the usual traffic jam of bills, and in all probability there will be speculation about the foreign aid bill. Now, and in the next few months, there is an opportunity to pay attention to the great issues involved in the field of civil rights.

It will be useful to take stock of the present position—as seen from the point of view of those who wish to realize, not to resist and to nullify, the enjoyment by Negroes of the constitutional rights which are now denied to them. More precisely, we may ask ourselves what is the situation in the field of affirmative action by Congress?

RIGHT TO VOTE

The answer, broadly speaking, is that legislation to protect the right to vote has a far better prospect than legislation directed against segregation in the public schools. It has a better prospect of being passed by Congress without a serious filibuster, and it has a better prospect of being accepted and observed in all but the deepest and darkest South.

There is, of course, a close connection between the degree of resistance to a bill in the Senate and the degree of resistance to a law in the states affected.

For all practical purposes one may say that civil rights legislation which is opposed by virtually all the southern states will in practice be nullified in the southern states.

THE ROAD AHEAD

Beginning in the late summer of 1957, it has become clear that the road to Congress, the road forward is that of legislation to protect the right to vote. This

was shown in the Civil Rights Act of 1957, the first civil rights legislation of any kind to pass Congress since the end of the Reconstruction period. This act authorized federal intervention in the states to protect the right to vote. It was passed without a filibuster when, but only when, the administration agreed to delete what was known as Part III, which would have authorized federal intervention against segregation in public schools.

VITAL DISTINCTION

This distinction between votes and schools is in practice today the distinction between what Congress may be able to deal with effectively and what it cannot now hope to legislate about or to enforce. If it could legislate, this distinction is at the core of the Johnson compromise on the rules about cloture to stop a filibuster. In this compromise the southerners in effect agreed not to filibuster against legislation to protect political rights if they retained the power to filibuster against legislation about social rights. Rule XXII as amended says that legislation may be killed by filibuster if the whole South is united against the legislation.

IKE'S REACTION

The existence of this distinction has now been confirmed as the working rule both by President Eisenhower and Sen. Lyndon Johnson. The President did this at the National Press Club conference on Wednesday, January 14th. He was asked this question: "In 1957 Congress passed at your suggestion a civil rights bill dealing largely with voting. Do you think the Congress should pass civil rights legislation dealing specifically with problems arising from school segregation?" The President replied, "I think when we get into the field of law here we may be very cautious. In 1957 Congress passed at your suggestion a civil rights bill dealing largely with voting. Do you think the Congress should pass civil rights legislation dealing specifically with problems arising from school segregation?"

JOHNSON'S BILL

A few days later, Sen. Johnson introduced his program to protect civil rights. It is a bill to extend the life of the Civil Rights Act of 1957. It is a bill to extend the life of the Civil Rights Act of 1957. It is a bill to extend the life of the Civil Rights Act of 1957.



People's Platform

A Commentary On South Carolina

Cheraw, S.C.

Editors, The News:

THE great state of South Carolina and its people are to be congratulated on the election of youthful Gov. Hollings.

Feature On Museum

Charlotte

Editors, The News:

PERHAPS you can imagine my surprise at finding the article on the museum program so soon and under the heading "Success Story for 1958."

People's Platform

Charlotte

Editors, The News:

Working people should also have a state minimum wage law similar to our federal law, as we have many who are underpaid in our state — in places such as large department stores, chain stores, and small industries. These people have to pay the same for food and the needs of life as those who work under the federal minimum wage law.

Do His Remarks Apply In Georgia, Too?

SEN. Herman Talmadge of Georgia must be aware that his constitutional amendment to give exclusive control over schools to states and localities is a pipe dream.

Because of its origin and purpose, it is unlikely to clear Congress or even the Senate. One might speculate that it is an enunciation of policy more than a seriously-conceived piece of legislation. In tandem with Sen. Johnson's civil rights bill, it would keep pressure off the schools while the South cooperates more steadfastly on voting rights for Negroes.

But Sen. Talmadge did dread his bill in statesmanlike terms. Remarking on "the unpalatable hypocrisy of using children as pawns of political expediency," he said, accurately, that the "real losers" (of closing schools to thwart desegregation) unfortunately will be those who will have the least to say about it—the

school children of the South and their parents."

Wherever directed, his words have a direct bearing on the present crisis in Georgia, his own state, which has been for some months the scene of a tense combat of words between parents and state officials. In these vital maneuvers, newspaper, clergy, and PTA spokesmen in Atlanta have made known their wish to keep the schools open even if it means some desegregation. But the state's political chieftains, including Gov. Vandiver and Sen. Russell, vow their determination to enforce state law and close them. The fact is that the parents of Sen. Talmadge's own state capital have had plenty to say about closing schools. The ruling political coterie has ignored them.

In the abstract, Sen. Talmadge has great concern for parents and children. But the fact remains that his petitions have been so far disregarded in Atlanta.

In The 'Hinterlands,' A Show Of Pride

CHARLOTTE'S captains of culture needn't shed bitter tears over The News' "revelation" yesterday that sports extravaganzas outdraw the arts in the Queen City.

The cheering thing is that attendance at cultural events has grown so during the past decade that anyone would dream of comparing it to the turnstile count at wrestling matches and baseball games.

Let's face it. Only a small minority of Americans read serious books, listen to serious music or seek serious programs. But it is more significant to know whether this minority is increasing or diminishing than to know how large it is, for historically it has never been more than a minority. What is more important to know whether popular

tastes are rising or declining than to know precisely how high they are, for they have never been especially high by disseminating standards.

What is most encouraging in Charlotte is that attendance at cultural events is increasing and that the level of taste in the community is rising.

This is certainly indicated by the number and variety of cultural enterprises the people of Charlotte support. It is reflected, too, in the high quality of the arts in this corner or what used to be called the "cultural hinterlands."

Call it mass culture if you like, but at least it is mass culture with a great deal of Charlotte's captains of culture ought to be proud.

Paul Flowers In The Memphis Commercial Appeal

'DIXIE' — 100 YEARS OLD

IT WAS a drear, cold day on the sidewalks of New York in the winter of 1859, and Daniel Decatur Emmett, one of the originators of the Negro minstrel, was having a hard way to go. Things were tough in show business and his boss had commanded him to write a "walk-around" or "hoary" song for a show. It's hard to write a song on order.

Dan Emmett had traveled in the South, and on that dreary day in New York he repeated a phrase frequently heard among show people, especially when things were bad. They thought of sunny skies and warmer air (who said that?) and sighed "I wish I was in Dixie."

The line burned itself into his mind. He hurried into a nearby tavern, unlimbered his violin, and Dixie was born.

The song gained immediate and immense popularity in New York and soon spread over the country. A year or two later, at a spectacular performance in New Orleans it was the grand finale; the words and tune so stirred the blood of the southern audience that it was adopted as the war song of the Confederacy.

So Dixie is 100 years old as 1959 gets under way, and while we are getting

ready for all sorts of Civil War Centennial observances, maybe we ought to look in practice with some special occasion to commemorate Dixie's 100th anniversary.

An efficiency expert is a man smart enough to tell you how to run your business and too smart to start one of his own. —GREENEVILLE PHEMOSOT.

In an exclusive photograph studio a society matron was looking at the new picture shed 'had taken. "Why, that picture's an outrage!" she stormed. "Now, I ask you, does it look like me?"

The photographer, flustered only for a moment quickly regained his composure. "Madam," he said, bowing slightly, "the answer is in the negative." —FORB MYERS (FLA.) NEWS-PRESS.

A curious little man sat next to an elderly, prosperous looking man in a smoking parlor. "How many people work in your office?" he asked.

"Oh," responded the elderly man, getting up and throwing away his cigar. "I should say, at a rough guess, about two-thirds of them." —HORN POINT ENTERPRISES.



SEN. LYNDON JOHNSON Right To Vote Comes First

Drew Pearson's Merry-Go-Round

THREE Soviet freighters loaded with arms, are steaming up the Persian Gulf toward the only part of Iraq that touches the sea—ominous evidence that that oil-rich country is slipping behind the Iron Curtain.

American intelligence has carefully followed the progress of the three Soviet ships. They carry the first Communist arms shipment to Iraq, which hitherto has relied upon western arms and until last summer was a member of the Baghdad Pact.

More than 200 Soviet military advisers have also arrived in Baghdad to help the Iraqi Army convert from British to Russian equipment. Yet when only nine American military advisers were slung in the former Iraq government of being an American puppet.

Outer Space

A secretary for Congressman Lawrence Brock, energetic new Nebraska Democrat, telephoned the House Docu-

Iraq is Slipping Behind The Iron Curtain

ment Room the other day for a particular bill. She couldn't say for sure, however, whether it was House Resolution 133 or Joint Resolution 133.

"It has something to do with outer space," she volunteered brightly.

Inner Hearts

What she sought turned out to be the Joint Resolution, whose subject is said to dwell in outer space but should be in the inner hearts of man—a proposed constitutional amendment to "recognize the authority and law of Jesus Christ."

Split On Civil Rights

There's a very significant backstage battle afoot inside the White House over civil rights.

When Gen. Wilton Persons, brother of the ex-governor of Alabama, stepped into Sherman Adams' job at the White House, he gave the staff fair warning: "I want you to remember I am wrong on

Staff's Reaction

the civil rights issue. I want you to fight me on it."

Today Persons is using his powerful influence to keep President Eisenhower from taking any leadership on civil rights, but the White House staff isn't following Persons' instructions. It isn't "fighting" him on it.

The Other Side

On the other side, Attorney General Bill Rogers is working behind the scenes to line up the full power and prestige of the White House behind the Supreme Court. He would like to ban federal projects, for example, in areas that re-

Personal & Confidential

New York's busy new Gov. Nelson Rockefeller has found time to make only one change in his Commerce Department. He rubs through the appointment of Oren Root as deputy commissioner. (Root is the man who started the bandwagon rush for Wendell Willkie in 1940 which nominated him.)

Personal & Confidential

As a result, the lines are drawn inside the Eisenhower administration over school integration. It is now following the advice of his right-hand man, Gen. Persons from Alabama.

Personal & Confidential

So, thank you again for another well-written and clear article concerning this museum and this community.

—JAMES W. MANLEY

Director Children's Nature Museum