



THE CHARLOTTE NEWS

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Is The Supreme Court In 'Retreat'?

In the highly seasoned opinions of certain watchers on the Potomac, the United States Supreme Court is on the run at last.

Much is being made of various "retreats" on fundamental legal questions and, naturally enough, these have been attributed to Mr. Dooley's observation:

"No matter whether the constitution follows the flag or not, the Supreme Court follows the illicit return."

Actually, the "retreat" is more in the nature of a holding action. Any other interpretation is presumptuous at this time.

The most dramatic development of the term which ended last week was not an "about face" in the court's philosophy but the developing split in the court's membership.

In sum, the term's decisions reflected considerable disagreement but also considerable restraint.

Several important cases found Chief Justice Warren and Justices Hugo Black, William O. Douglas and, occasionally, William J. Brennan Jr. in dissent. Despite these conflicts, however, there was remarkable unanimity on the race issue and important agreement on questions dealing with loyalty and security.

The court did not retreat a step from its 1954 decision on desegregation in the public schools. In fact, in a special session before the regular term opened, a decision signed by all nine justices reaffirmed the 1954 judgment and made it abundantly clear that court orders will not be abandoned because of strong local resistance. But later the court took a more moderate approach to the question of compliance when it upheld Alabama's pupil placement law. This latter decision was the utmost importance to North Carolina since its pupil assignment act resembles closely the Alabama law. Naturally, any discriminatory application of the principle of local pupil assignment will be subject to judicial scrutiny later. But it was important to Alabama—as it is to North Carolina—that some local flexibility be allowed in complying with the 1954 decision and that gradual compliance is not by its very nature unsatisfactory.

This virtual endorsement of gradual desegregation represented a triumph of moderation and it saved Charlotte's own desegregation process from being overturned in favor of sudden and complete integration at every level. It is perfectly true that situation may not last. All the court actually did was find that the pupil assignment principle, as outlined in the

Alabama law, was not unconstitutional on its face. The application of pupil assignment laws will obviously determine their final fate. But the South has at least been given an opportunity to demonstrate that they can be applied in good faith.

This was certainly an example of the court's restraint without retreat.

Likewise, there was certainly no retreat in the case which upset the government's industrial security program. In an 8 to 1 decision, the court ruled that neither the President nor Congress had authorized the denial of security clearance to defense plant workers without giving them an opportunity to confront and cross-examine their accusers. The court was clearly and properly mindful of the Sixth Amendment's guarantee of the "right . . . to be confronted with witnesses against him" and it was strongly hinted in Chief Justice Warren's opinion that some degree of confrontation would be necessary in any new industrial security program.

In an important 9 to 0 decision involving freedom of speech, the court struck down New York's pre-censoring of a movie based on the D. H. Lawrence novel, "Lady Chatterley's Lover," declaring, "The First Amendment's basic guarantee . . . is not confined to the expression of ideas that are conventional or shared by the majority."

There were sharp disagreements on decisions dealing with the powers of legislative investigating committees. But the court was unanimous on three other important decisions insisting that investigators employ scrupulously fair techniques. Anthony Lewis, who covers the Supreme Court for the New York Times, summed up the court's attitude in this manner:

"Frequently . . . the court was willing to tell government, 'You can't do it this way; you must use a fairer method.' But a majority was unwilling to put up absolute substantive barriers against government action by saying, 'You can't do it at all.'"

Decisions affecting double jeopardy and inspections without warrants were new to our liking but they were hardly illustrative of the dominant mood of the court in 1959.

That mood was largely one of restraint and of unusual effort to maintain a tolerable balance between freedom for the individual and protection of government against the subversion of society. The occasional conflicts and disagreements on the court itself represented healthy differences of opinion which strengthen rather than weaken democracy.

Boon To Tar Heel Patriots & Pockets

Even Sherlock Holmes and his loyal straight man, Dr. Watson, would have been hard put to solve the case of the conflicting missiles that sprang to life some weeks ago — or so we thought.

By some miracle, however, the Nike-Hercules-Bomarc rivalry has ended. To North Carolina's two-way satisfaction. Some of the nation's best strategic minds have blessed the Western Electric-Douglas Aircraft Nike program, a boon to Tar Heel patriotism and to Tar Heel pocketbooks.

Even if that case is solved, though, it is no time for Americans anywhere to drop their vigil on the Pentagon, where middle and multi-mindedness still prevail. Secretary of Defense McElroy, it will be remembered, jeopardized the Nike missile which is made in Greensboro, Burlington, and Winston-Salem and assembled in Charlotte when he urged Congress to force some choices on the Pentagon by cutting funds. Now his own "Master Plan" for air defense has put the Nike back in good standing, but the rival Bomarc program has yet to be killed. Gen. Thomas R. Phillips, military writer for the St. Louis Post-Dispatch, gives us the following incredible report:

It is accepted that the Bomarc is an obsolete, and even if successfully developed, an ineffective air defense weapons system."

Why, then, is the Bomarc not dropped? The Post-Dispatch asked that question and was told that heads would roll if it were cancelled. It would be hard to explain an expenditure of more than \$2 billion without a useful result."

So the Pentagon has reconciled itself to the already-operational North Carolina-made Nike series, for air defense, and

seems to want the Bomarc effort scotched. Yet it fears embarrassment!

The Pentagon has a case of cold feet. But it still reflects the public's unyielding lack of sophistication, now heartily encouraged by the administration in its anti-spending campaign. Without endorsing waste, the public must drag itself into the era of lightning turnover the costliest weapons are apt to be outdated before they are operational.

Given the Pentagon's timidity, the public confusion, and Mr. McElroy's failure to streamline defense priorities, it is any wonder that Mr. Khrushchev feels free to talk tough to ex-Gov. Averell Harriman in his Kremlin office?

Mr. K. is no fool. He sees that our weapon-producing program is building a "missile gap" because it is often geared to save face for Pentagon brass or to save political skin in Congress by guarding the pork barrel of defense spending.

We can make sure that the signs of feebleness are eagerly and craftily read in Moscow. The Russians must note that such defense thinkers as Gen. Maxwell Taylor and Dean Acheson are disturbed about the erosion of our conventional-forces strength. In Berlin, the middle middle has us over a barrel. We do have the ground forces to fight a limited war over the German capital; and our "policy" — which is that we will start a nuclear war to save Berlin — rings false. For all its importance, Berlin is not worth starting a nuclear war over. Surely these blunt facts account more than adequately for Mr. Khrushchev's "Hitler-like" talk to Mr. Harriman.

Tar Heels have their Nike funds back; but in Washington the fight for a realistic defense policy is only beginning.

From The Tampa Tribune

UNION BIKINI

Secretary of Labor James P. Mitchell, speaking to the convention of the International Ladies Garment Workers Union, said he had found a problem which the union had not foreseen when it recently undertook a drive to promote the union label.

"Yesterday afternoon," he said, "standing at my hotel window, watching the bathers, I wondered where they were going to put the union label on a bathing suit. There doesn't seem to be much room." — There's a simple

solution, Mr. Secretary. Just let the bathers wear the label instead of a bathing suit. Few onlookers would notice the difference.

Khrushchev predicts that our grandchildren will live in a communist America. Sounds of battling over property rights in toys, trucks and cookies, however, bring comforting reassurance that they are still little capitalists at heart. — Asheville Citizen.

Modern Scientists Set Up Weird New 'Private World'

By JOSEPH ALSOP

FISHER'S ISLAND, N.Y.

IT accepts signals from thermocouples, flow, pressure and other transducers. IT measures these signals, digitizes them and prints their values. A thermocouple reference oven can also be supplied, to permit IT to accommodate three types of inputs, which are automatically linearized over their entire range to within 0.1 percent of accuracy.

The foregoing specimen of prose is not a visiting Martian's first murderous attack on the English language. These secret sentences do not come easier, from any deep and abstract work of science.

GRAY FLANNEL PROE

These sentences were penned by Madison Avenue, in fact, by a hard-sell man in a gray flannel suit. Their publication was paid for with a great corporation's carefully budgeted advertising dollars. The IT of their mad drama is something called a logprocessor. IT also has pinboard programming. IT can log all variables automatically. And IT can scan off-normal alarm points between logging cycles.

All these remarkable facts are here recorded because it really ought to be a new advertisement when an advertisement is rather special. In an increasingly vain effort to keep abreast of our complicated times, this reporter reads "The Scientific American." Catching up on the most

recent issues during the holiday weekend, the reporter found the gem of prose quoted above, which was aimed at scientists and technicians with an itch to have their variables automatically logged.

BEAUTY AND SURPRISE

Maybe it is a bit ridiculous, moreover, to be surprised because even the advertising men have begun to speak a secret language. If you have read "The Scientific American" regularly in these last years, there are two things you learn. On the one hand, there is no end to the beauty and surprise of the strange world of modern science. But on the other hand, as the years go by, more and more provinces of this strange world are passing beyond the ken of ordinary men.

The beauty and surprise are the sufficient rewards of the unchained explorer of this strange world. The ride of an ancient lump of bronze, sea-corroded by more than 20 centuries in the Aegean, is read at last. And from this lump of bronze it is discovered that the old Greeks could also make computers.

A DEEPER NEED

Or orphaned monkeys are offered the old choice between a mother with breasts that give real milk, or a milk-less but soft and warm infant mother made of heated tawelling. And so it is discovered that the psychologists have been wrong all along; an infant's love of mother does not derive from



"He just got his new copy of 'The Scientific American' and doesn't understand a word!"

the material need for nourishment, but from some deeper need to be cuddled and soothed.

Or rockets bear telescopes and spectroscopes aloft, to acquire new data on the inner make-up of the sun that warms our earth. Or other telescopes soaring in balloons, bring back the somehow cozy news that the sun's gaseous inferno boils with the surface pattern of paraffin heated in a shallow dish. Or someone mingles dissociated cells from mouse embryos

and chick embryos. And thus it is learned that despite the most unexpected mixture, cells meant to build kidneys and cells meant to make cartilage will obstinately go on doing their kidney-forming and cartilage-forming duties.

IT'S UPSETTING

Even to the layman, there's something wonderfully stirring in this unending, painstaking, fantastic exploration of all the many universes we simultaneously inhabit, from the infinitesimal

ly great universe of the cosmos to the infinitely tiny universe of the life process itself. But to the layman, there is also something genuinely upsetting in the tendency ludicrously illustrated by the advertisement of the logprocessor — whatever that may be.

It is a tendency which has also caused grave concern among a few wise men of science, like Sir C. P. Snow and Dr. J. Robert Oppenheimer. It is the tendency of our once united culture to break up into two quite separate cultures.

SEPARATE WORLD

First, there is the culture of ordinary men, who may learn to read archaic Latin or ancient Chinese, but can hardly hope to read the scientists writing in their own language. And then, increasingly set apart, there is also the culture of the scientists, who write a kind of code for one another, and even have their own advertising copywriters nowadays, with a special hand well couched in the scientists' jargon.

The separation of the culture would not be so disquieting, if each did not blindly use the other. Left to themselves, the scientists would only use their rockets to explore the cosmos. Left to themselves, the ordinary men could not make intercontinental ballistic missiles, or any of the other instruments we now possess to change the balance of nature itself.

But rather than think any longer about the blind interaction of the two cultures, it is probably better to go swimming.

People's Platform

American Women Are Not Beasts Of Burden

Zirconia

Editors, The News: Dr. Spangh, in "How European Girls Differ," gives us some superficial quotes from Ariene Francis. She says, "We got the vote and lost our heads," and advises women to become subservient. Miss Francis has never tasted oppression and should keep her pretty mouth shut.

Marital harmony is based on love and understanding, NOT on authority and submission.

I would like to tell you about one successful "bossless" marriage: The husband knows more

than the wife. The husband knows about growing things and plans the garden. The husband has ability in handling finances. The wife has a sense of psychology and her influence prevails in matters of discipline for the children. Things are discussed on the basis of what's best for the whole family.

Now I would like to tell you about a European family I once knew: The mother slaved through 12 children (12 x 9 = 108 years of pregnancy). When the children grew up, the mother would suggest the girls (sev-

en of them) go to high school, but the father decreed that woman's place is in the home. Later the mother would suggest the girls be allowed to accept invitations to play tennis with neighboring youths, but fatherly foot came down on that. I would like to point out that the victims of this woman's "virtuous" subservience are now old maids hungry for motherhood and untrained for work. It is a miracle once they have escaped to join this "bossless" marriage and tell you about it.

There's a great deal more to a woman's function than to

"please her male" as Miss Francis thinks. I grant a woman an should comfort her male (and vice versa) but this constant emphasis on "pumping up the male" is more an insult to him than anything else.

—MRS. BOB LINDSEY

News Helped Clarify Issues In Election

Charlotte

Editors, The News: On behalf of our Education Committee I would like to thank you for the opportunity to thank you most sincerely for the wonderful coverage which The Charlotte News gave the issues which were involved in the consolidation vote. Ann Sawyer did a magnificent job in writing her stories and the editorial support which you folks gave the campaign helped to clarify the issues so that a favorable vote was given in the June 30 election.

This is just another example of the fine cooperation and wonderful job which you and your associates do in helping to build a better Charlotte.

—CHARLES CRAWFORD
Executive Vice President
Charlotte Chamber of Commerce

Other Planets Off Limits?

Charlotte

Editors, The News: Everytime I pick up a newspaper I can't help but wonder what is going to happen to this old world and what is going to happen to the United States. Will man ever go to the moon or any of those other planets? There is one thing we can be sure of and that's if the other planets have people living there God isn't going to permit an intial man to go there . . .

—MRS. A. H. FALLS

The State Becomes A 'Licensed Looter'

Charlotte

Editors, The News: The Revenue Bill enacted by the 1959 General Assembly, which you supported editorially, is a vicious low blow deliberately laid to the wage and salaried workers of North Carolina.

Its effect is that of garnishment and attachment of wages and salaries arbitrarily ignor-



ARLENE FRANCIS
Is She All Wet?

ing due process of law, wrapped in one vicious package deceptively labeled "pay-as-you-go withholding." I now challenge the editors of The News or any other supporters who ever they may be or whatever their position might be, to produce evidence to the contrary.

It is a licensed looter masquerading under a deceptive title. Its approach is stealthy. Its acts are vicious and its spirit is evil. It should not be permitted to become effective unchallenged.

—H. L. HATHCOX

'Laughing Luther' Was Not Outdone

Charlotte

Editors, The News: It must have been a great disappointment to North Carolina's many textile manufacturers when our Tar Heel governor, himself a worn-out tool of a large textile machine, visited a recreation area in Kiev, capital of the Ukraine, and only then remembered that he had forgot his bathing suit.

But laughing Luther Hodges was not to be outdone. He playfully plunged into the salty surf and ploved around among the petite bathers in a business suit, white carnation and all, thus giving his red toes an unscheduled demonstration of North Carolina-made drip-dry fabrics.

—A. C. BUCKLE

Drew Pearson's Merry-Go-Round

WASHINGTON
It looks as if the lobbying efforts of South Carolina's Congressman Mendel Rivers to get \$173,000 extra for a northern ship repair company had been largely stymied.

The South Carolina congressman, as previously reported in this column, has been pressing Vice Adm. John W. Will of the Military Sea Transportation Service to get more money paid for the Power Equipment Corporation in Brooklyn, for the overhaul of the USS Randall which operates under MSTs. Adm. Will okayed an additional \$104,294 for extra work on the ship.

Congressman Rivers telephoned him. On top of this, the Power Equipment Corporation put in an additional demand for \$173,150.61.

Admiral Praised

During the course of pressuring Adm. Will, Congressman Rivers also adopted the tactic of buttering him up.

On June 3, he inserted in the Congressional Record the following praise of the admiral:

Private Industry Favored

"Dutch" Will is synonymous with Military Sea Transportation Service. Think of one and you automatically think of the other . . . His judgment and decisions concerning MSTs have done astonishing things to bring about good will and admiration for the service which for years was thought of by maritime labor and management alike as a federal agency competing against private industry."

Then Rivers subtly praised Will for favoring private industry.

This year's fiscal report of MSTs shows a significant statistic, and one which even his harshest critics find difficult to refute. Out of MST's entire operating funds—\$425 million—78 percent went to private industry: Ship repair facilities, shipyards, steamship companies and what have you.

If this wasn't enough reminder that

the admiral should be kind to private companies like Power Equipment, Rivers added: "Whatever segment of private industry has the foresight to grab him (the admiral was then about ready to retire) will be fortunate indeed. . . . The experience of many commands, the mellowness and judgment that comes with his experience, and the insatiable drive to tackle baffling problems are qualifications which most surely will be sought out by the very industry which at first held Dutch Will in suspicion and within a few short years regarded him with great respect."

'A Most Wise Choice'

Then, just in case Adm. Will should retire before passing on the \$173,150.61, Rivers added a good word for his successor: "Adm. Will's relief has already been announced to be Vice Adm. Roy A. Gano, an able and gracious gentleman well-known in naval and commercial shipping circles, and a most wise choice to take over the worldwide com-

plexities of the Military Sea Transportation Service. . . ."

However, my energetic associate Jack Anderson upset the congressman's tactics. He began to bird-dog the story to find out why extra money was being awarded a repair company despite the opposition. . . . He was also interested in knowing why the congressman from South Carolina should help out a Connecticut Yankee working in Brooklyn. Anderson made so many inquiries that I can now report the Navy has refused to give the Power Equipment Corporation the additional \$173,150.61. It finally decided to award only \$16,000, which is less than one-tenth the amount demanded for alleged "extra work."

Significant Footnote

Note—Admiral Will has now retired to become president of American Export Lines, a company which receives considerable military cargo from MSTs.

South Carolina Congressman Stymied