

THOMAS L. ROBINSON, Publisher
J. E. DOWD, General Manager
G. S. CHAFFIN, Executive Editor
R. A. MCKINNEY, Business Manager

SATURDAY, NOVEMBER 25, 1960

TRAGIC JUDICIAL ERROR

When trial and execution of Emmett Garner, related in Noel Yancey's story yesterday, is one of the strangest chapters in the history of North Carolina justice. If the facts are all there are in the right order, it is also one of the darkest chapters.

Garner was found guilty of first degree murder by a Mecklenburg County jury in September, 1947. He was executed on March 12, 1948. Now Mr. Yancey reveals that it was all a mistake.

Emmett Garner wasn't supposed to die. Judge Luther Hamilton said the reason he permitted the case to go to the jury on the question of first degree murder was in the hope that it would have a "whole some effect" on the community, where there had been a long series of killings and aggravated assaults. The judge felt that the Governor would commute the sentence if the trial judge recommended mercy.

Something went awry. Judge Hamilton first wrote Parole Commission Nathaniel Cross recommending that the sentence be changed to a 30-year term for second degree murder. He wrote:

"I cannot feel that there were in this case sufficient evidences of premeditation and deliberation to justify a first degree verdict."

The case went to the Supreme Court which heard only the record proper and not the testimony and the judge's charge to the jury. The Court upheld the conviction.

John Hamilton then wrote Acting Parole Commissioner William Dunn calling attention to his letter to Cross. Two days before the execution he wrote Dunn a second time, this time saying:

"I still am altogether convinced that, as our law is written, the prisoner should be allowed to die for the offense and if I had thought the Governor would hesitate to accept my recommendation in the matter, I should not have allowed the verdict to stand."

Others joining Hamilton in recommending mercy were Howard Godwin, clerk of court in Harnett, the sheriff, the arresting officer, and twelve members of the trial jury. There were scores of other petitioners.

Mr. Yancey's otherwise complete account did not cite the reason why Governor Scott failed to heed Judge Hamilton's recommendation. That, it seems to us, is an important detail and should be made part of the record. But more important is the fact that a Superior Court judge should risk a man's life to teach a community a lesson. Certainly judges are expected to enforce the law of punishment to the limit, but it is unthinkable that a defendant should be given a sentence more severe than he merits as an object lesson.

In this case a man went to his death through a tragic mistake. It is too late to correct that mistake. But it is too late to make sure that it never happens again in North Carolina.

PARTY REPRESENTATION IN CONGRESS

THAT always useful, Washington reporting service, Congressional Quarterly, has just come through with some new tabulations of party representation in the 86th Congress. Since the figures are in line with the news service's in a vigorous two-party system for the South, we pass them along for your consideration.

Twenty American states find themselves in the fortunate position of having two-party systems strong enough to produce a delegation to the new House of Representatives. They are:

State	Democratic Representative	Republican Representative
Alabama	10	12
California	10	12
Colorado	10	12
Illinois	10	12
Indiana	10	12
Kansas	10	12
Michigan	10	12
Minnesota	10	12
Montana	10	12
Nebraska	10	12
New York	10	12
Ohio	10	12
Pennsylvania	10	12
Texas	10	12
Washington	10	12
Wisconsin	10	12

Twenty-eight states will have one party delegation. Twelve of these will send only Republicans to the House: Delaware, Idaho, Iowa, Kansas, Maine, Nebraska, North Dakota, South Dakota, Oregon, South Dakota, Vermont and Wyoming.

LEVELING UP TRUCK SPEEDS

THE Greensboro Daily News, with a weather eye out for the private motorist, views the auxiliary truck motor invented by a Charlotte man as a blessed blessing. The Daily News admits that it will be a good thing for society if the big tractor-trailers would be outfitted with an extra motor to enable them to maintain a steady speed going up hills. But it wonders how fast the job will be running at the bottom of a hill if they're running at full speed when they start the down-grade.

"If the invention of this Charlotte man is put on one end of a trailer-truck, hadn't a governor better be put on the other?" the Daily News asks.

That's a good question, and the majority of the thinking community would probably agree that the answer is yes.

From The Greensboro Daily News

BETTER WATCH BOTH ENDS

FROM Charlotte comes reports that a Greensboro City man has invented an auxiliary motor on the trailer of a tractor-trailer truck which is capable of adding 150 horsepower in operation with either the front engine or separately and thus making these transportation giants upgrade at speed the rate at which the small's pace which now piles up and congests other traffic behind them.

Not only is claim made for this invention, but it has been tested and found not wanting as the paragraph from the Charlotte American states. Press dispatch telling about the contrivance relates:

On two trips between Charlotte and Raleigh this week a fully loaded truck with the new unit operated at passenger car speed on the highway. How tests will be made next week in mountainous country.

And right there let's note, or rather put on the brakes. Much as the Daily News gaves credence to these creeping trucks and their contribution to an irregular traffic flow which invites accidents, we have no desire whatever that they swing to the other extreme, as if they hadn't already done so on down-grade and along level stretches, and that they be increasingly greater speed menace. If the AP is correct, and it does on accuracy, the way the latter disregard it is one of the major contributions which is building up opposition for the truck. Perhaps they have to take on public opinion and the 1961 General Assembly.

If the invention of this Charlotte man is put on one end of a trailer-truck hadn't a governor better be put on the other? Meanwhile Mr. Yancey's supposed to happen to trucks which go zipping along beyond their 45-miles-an-hour limit on experimental or any other kind of trip which has them on the highway?



News From The Capital

Smith May Take Oath Monday

WASHINGTON
By TOM SCHLEINGHER
Charles E. News Special Writer

EVEN if Willie Smith isn't officially sworn in as junior Senator from North Carolina when Congress resumes Monday, he will still be available, going through the motions from Frank Graham's old office.

Chances are, however, that the freshman lawmaker will be receiving his colleagues with a warm handshake and a friendly "hello" from Senator Graham's old office.

Smith's premature acceptance would not be precedent-shattering. A number of newcomers chosen for short terms have been approved in the past without official accreditation. However, no Senator elected for the full six-year term has ever been okayed by unanimous consent until his election has been certified.

The new Senator will be in Washington briefly this week, on Monday, but will not take the oath until Sunday for the long haul, making the Maryland Hotel his headquarters.

The Senator said his staff would have no holdovers from the Graham crew.

When Smith reaches his office Monday, he'll discover that his three rooms have been refurnished with white paint, his furniture repaired and that even the medicine chest in his washroom has been equipped with new drugs.

But Smith will find also that he is moving into an office with a distinctly jaded air for North Carolina. Graham, of course, was defeated Senator. Broughton died. And Senator Umstead also was voted out. That's the recent history of Room 348.

THE latest battle of Mecklenburg is still being analyzed by the experts in the House. Congressmen are not only of the opinion that he had such a good organization in the key county.

The GOP's entire Tar Heel campaign centered on the loss of seniority. The House Republican said admitted being a Republican in any of his campaign literature or talks.

John Blair—who spent almost two months mastering the Hamilton Jones struggle—said it was "the most active political campaign he has ever been in." That includes over two decades of bitter battles. This column has realized that it would be close almost from the start. First, Rogers had ample money. He could also appeal to those bitter at Truman's policies. He could also appeal to those who didn't like the flying saucer. He could also appeal to those who didn't like the flying saucer. He could also appeal to those who didn't like the flying saucer.

Despite this wave of bitterness, Jones more than doubled his lead in the race to Mecklenburg to offset gains in the outer areas.

His strategy was to concentrate his efforts on

the box organizations in Mecklenburg, and to get these votes out. The intensity of this work was emphasized by the fact that Jones must be on both radio and TV for the week before balloting.

It was a true test of the personal, hand-shaking school over the mechanical, balloting technique, according to the House analysts.

Senator HOEY's committee report on homesteads and other undesirable in the Government is now being circulated among members for signature. Pressure is being brought on Senator Rogers and B. Russell (D-Ga.) to reconsider his refusal to take the job as Senate majority leader. If he sticks by his decision, it may be a long time before it is known whether the Democratic Senators will agree on a single candidate or engage in a party-splitting fight. The post won't be officially vacant until January.

There is a feeling among Democrats that Russell, with a solid bloc of Southern votes behind him, could easily get the job if he wanted it.

Even with Russell out of the picture, Southerners still have the dominant voice in the selection. With the Democratic membership cut to 48 in the new Congress, the Southerners and their allies in the Senate will have more than half the party total.

REPRESENTATIVE Bob Dougherty's Ways & Means Committee has been the chief news source for the House. The committee says the freshmen bill he is writing will probably pass the lame-duck House, but it will be stalled in the Senate until the House of Representatives is re-elected. The bill will be the only North Carolina to take advantage of the new House method for allocating offices. The House will draw their location from a hatbox. The House will draw their location from a hatbox. The House will draw their location from a hatbox.

It takes a baby approximately two years to learn to talk—and about 60 to 70 years to learn to keep his mouth shut—Black Mountain (N.C.) News.

Quote, Unquote
Plenty Of 'em
(George Meyers, Fayetteville Observer)

It developed that Ed Heyen and Robert

There is a nest of 'em in Congress.

It takes a baby approximately two years to learn to talk—and about 60 to 70 years to learn to keep his mouth shut—Black Mountain (N.C.) News.

Drew Pearson's Merry-Go-Round

THOUGH a large part of the American public appears to be convinced that flying saucers do exist, so far the Air Force has not been able to track down a single bona fide saucer.

This is despite the fact that U. S. aviators have spent hours upon hours chasing reports of flying saucers, but of such weird phenomena as midjets from Venus, shooting stars and even odd washups.

This column has been able to examine Air Force files, and it is quite evident that the Air Force has done a painstaking job of trying to establish whether or not flying saucers exist.

These files show that considerable time was even spent chasing the report received from movie actor Bruce Cabot, a space radio and a gear from the flying saucer, and of them supposedly arriving with the blonde flight attendant named Couler.

Dead on arrival, these space-traveling midjets had no cavities in their teeth and were those resembling human skin, according to the story told the Air Force. Furthermore, Couler was supposed to have as proof of this visit from Venus—a lunar clock operating on a 24-day cycle, a space radio and a gear from the flying saucer, and of them supposedly arriving with the blonde flight attendant named Couler.

In the little bit of evidence, Couler still claimed knowledge of the flying saucer, but refused to divulge its source and drastically revised his story.

To Keep Chinese Reds Cool

By MARQUIS CHILDS

WASHINGTON
THE GREAT Chinese people have been the most important factor in the world since anything that has happened in a very long time. Even the most confident experts and the most experienced observers are out of government have hesitated before the question of whether or not the Chinese Communists.

Only four or five people in Washington know what has really happened in the past few days. The best informed people in the world are the Chinese Communists. The best informed people in the world are the Chinese Communists. The best informed people in the world are the Chinese Communists.

These preparations are on the assumption that the delegation is coming with the realistic objective of averting war. If they are merely for a propaganda build-up to pave the way for further aggression, then nothing is to be hoped for.

All through the Korean War the actual and the potential peril have been so great that the average citizen may have become somewhat blasé to new alarms such as the threat of all-out war with China.

However, there have been no such reaction by one of dread and horror in the Far East as the State Dept. there has been no such reaction by one of dread and horror in the Far East as the State Dept. there has been no such reaction by one of dread and horror in the Far East as the State Dept.

CAUTION IMPERATIVE
In this kind of situation, Dulles and his staff are all well to talk about consulting with the political opposition. But on such delicate matters, the only safe consultation is obviously important.

Republicans should note that Dulles has been one of the three or four chief participants in all this extremely tough business. He is not because Senator Arthur Vandenberg, though he is all well to talk about consulting with the political opposition. But on such delicate matters, the only safe consultation is obviously important.

Miami Gamblers Flee South To Havana's Cooler Climate

By ROBERT C. RUARK

MIAMI
FIFTY-FOUR gamblers, gambling-adjacent chiefs and alleged big game poachers have been indicted here by a special grand jury the other day, and as a result, many of them have fled to Havana, Cuba, where they are now living in a state of high alert.

Books are not to be found. The lush gambling casinos are closed and the bookies are not to be found. The lush gambling casinos are closed and the bookies are not to be found. The lush gambling casinos are closed and the bookies are not to be found.

MASS INDIGNATION
This is one of the first results of mass civil indignation that the nation has seen in the recent past. It is a result of indignation against the national government of the United States.

ASSISTANT SNOOPERS
As assistant investigators Duke Sullivan and Jimmie Clark of Broward, one-time local of Frank Costello's syndicate gambling houses, have been fired, together with seven deputies. One of the deputies had been signed on by Sullivan and Clark.

The crackdown in Miami, for years a site of wide-open everything, has been a disaster for the city. It has been a disaster for the city. It has been a disaster for the city. It has been a disaster for the city.

When Sullivan's scrapbooks contained some 150 dossiers of documented hoodlums, now high in Miami's social and economic circles, the entire collection went to President Truman with the books. Mr. Truman said he had a "good feeling" about it. He had a "good feeling" about it. He had a "good feeling" about it.

Gen. Tom Clark saw the dossier and said it was a "good feeling" about it. He had a "good feeling" about it. He had a "good feeling" about it. He had a "good feeling" about it. He had a "good feeling" about it.

release 13 prisoners of war from Korean prison camps. Originally, the Army believed that most of these missing GIs had been killed in action and that the UN forces had never traveled the entire length of Korea without recovering the bodies of these missing men. It is believed they must have been killed in action and that the UN forces had never traveled the entire length of Korea without recovering the bodies of these missing men.

So far, Chinese troops have treated American prisoners almost as if they were allies, returning many of them to American lines. The Russian, the story may be different. This possibility is giving the Army great concern.

None of the last official count, 6,144 GIs were listed as missing.

Capital News Capsules

LADY DIPLOMATS—Madame Minister Perle Meets put up all sorts of excuses, but she's going to have to be satisfied with being a plain "Minister" instead of a full-fledged ambassador.

PERLE—The Russian, the story may be different. This possibility is giving the Army great concern. None of the last official count, 6,144 GIs were listed as missing.

NO AID FOR TIBET—U. S. Ambassador Austin has privately advised Mr. Salvador to give up his position to get the Tibetan issue. The UN, Austin said, has enough trouble in Korea without the Tibetan issue. The UN, Austin said, has enough trouble in Korea without the Tibetan issue.

TREATY FOR JAPAN—President Truman has told Secretary Acheson that unless Russia answers within the next month, he is in favor of going ahead and holding the Japanese peace conference without Soviet representation. The President told this to Acheson and John Foster Dulles during the trip to the conference which they reported that Russia has not yet indicated it is attending the conference.