

Herald and News

Editorial Page

The Courts On Trial

Whenever a particular grand jury indictment or trial jury verdict appears to some to reflect poor judgment, it is not uncommon to hear critical assaults on the jury system itself.

What these come down to is the notion that juries composed of ordinary citizens are often incompetent to deal with the complex issues involved in many criminal and civil cases.

Defenders of the system go beyond the fact that it is rooted in our judicial way of life. They argue that where matters of fundamental fact are concerned, jurors of average mental attainment and education are just as likely as a group of specialists to come up with a fair judgment.

Where cases embracing really baffling technical factors are at issue, blue ribbon juries of experts are of course called for — and commonly used.

Granting the validity of this general defense of the jury system, it can nevertheless still be contended that too many grossly unqualified persons find their way onto jury benches. This country's growth in numbers is enough to widen this prospect.

Judicial experts eager to improve jury caliber are beginning to attack the problem — at the federal court level first.

Atty. Gen. Robert Kennedy has sent Congress a bill to create a jury commission for each U.S. district court. Using questionnaires, these commissions would screen prospective jurors to make sure of getting qualified individuals.

Not the least of the present difficulty

arises from the fact that different federal courts have used different methods for obtaining names from which jurors are drawn. Some have used voting lists, others telephone books, and so on. On occasion this lays the basis for litigants' claims of jury discrimination.

The new bill would give the chief federal judge in each district the power to decide the source of names for jurors. But he would be barred from systematically or deliberately excluding any group in the population.

It is not only jurors but judges themselves who suffer criticism on grounds of incompetence.

To assist the president in naming federal judges, the American Bar Assn. has an advisory committee which reviews the qualifications of those under consideration.

When certain presidential choices do not turn out too well, the ABA committee sometimes is assigned some of the blame. In a new report, it reminds that it never advances candidates on its own but simply weighs the merits of those the administration has in mind.

The ABA says it has no responsibility either for the "political factors" which work to the end that most judgship choices are of the president's own party.

The limits of the ABA's advice are clear enough. Yet it performs a valuable function in lifting up the level of the judiciary. So, evidently, would any sane measure aimed at improving jury quality.



Readin,' 'Ritin,' & Rafferty

By FRED M. HECHINGER (In The New York Times)

Since the election of Dr. Max Rafferty as California's State Superintendent of Public Instruction, the question has been asked whether the appeal of his educational platform in California might also be alluring to the nation.

Last week, as a panelist on the Columbia Broadcasting System's "Great Challenge," he had his first national exposure since his victory at the polls. A New York studio audience repeatedly burst into applause when Dr. Rafferty drove home his views.

What was Dr. Rafferty's platform? He ran on "the Four R's—readin', 'ritin', 'rithmetic, Rafferty." He attacked progressive education and its patron saint, John Dewey. He opposed "life-adjustment education" with its stresses on "learning by doing" and its neglect of the academic subjects. He charged that textbooks lack educational substance.

In addition, his campaign had overtones of being opposed to alleged liberal indoctrination of pupils. He complained that old-fashioned patriotism was being neglected in modern American schools.

The New York appearance made it much clearer why and how Dr. Rafferty succeeds with the public.

Counting on a deep undercurrent of dissatisfaction with various—often ill-defined—aspects of today's schools, Dr. Rafferty aimed his fire at concrete villains. With a politician's insight, he knows that simply to ask for high quality or to deplore shoddy standards has little appeal.

Case for Catch Words He uses instead catch words—progressive education, Dewey, pragmatism, etc.—which have much the same impact in a public

discussion of education as "softness on Communism," "creeping socialism or the welfare state have in a public discussion of politics. They provide symbols of villainy, arouse emotions and build up a following.

Dr. Rafferty, after calling progressive education "pragmatic," said he wanted the schools instead to teach absolute and lasting values. Who would not willingly rally to that—especially if the values are not defined? Once one begins to outline them, one man's absolutes often turn out to be the other man's poison.

The more technical example of the audience-winning approach was demonstrated when Dr. Rafferty objected to the low caliber of textbooks. He added that a typical fifth grade history book was full of pioneers' household chores with nothing to say about the Monroe Doctrine.

Most intelligent observers of the education scene agree with Dr. Rafferty that textbooks leave much to be desired—partly because the subtle and open pressures by right-wing superpatriots have conspired to drain any possible controversy out of them.

And so the audience applauded, without giving any thought to the question whether textbooks for 10-year-old children might not actually be better off talking about how the pioneers lived than about the real meaning of the Monroe Doctrine, which is a difficult theme for even mature students of history.

Moderates Paralyzed

An even more interesting phenomenon is the reaction of the moderate or liberal educators to this kind of performance. They become paralyzed. Dr. John H. Fischer, president of Teachers College of Columbia University, a panel member who is normally

an eloquent spokesman for rigorous education, responded by trying to defend everything Dr. Rafferty attacked.

This was especially remarkable because Dr. Fischer has made a name for himself by opposing earlier trends at Teachers College which had insufficient stress on the intellectual content of public school learning. He had even spoken out against the abuse of Dewey's theory of teaching "the whole child" by those who interpret this to mean there are no priorities of intellectual content.

Yet, when faced with the "whole child" cliché in Dr. Rafferty's presence, Dr. Fischer merely retorted with the counter cliché that he had taught many children in his lifetime, and they had all been "whole children."

To Dr. Rafferty's charge that the schools fail to teach lasting values, Dr. Fischer replied that American boys fought well in World War II. But this invokes the reply that the Ethiopians fought well against the Italians.

The blanket apology by modern educators to hard-hitting polemics such as those used by Dr. Rafferty merely solidifies the audience's distrust of the moderates. They seem to say "all is well," when the audience knows that this is not true. This forges strong bonds between the attacker and the audience against what appear to be the vested interests to protect their domain. In the course, it is easily forgotten that Dr. Rafferty is a professional, too.

Real Issues Blurred

All this is of greater significance than a mere analysis of audience appeal. Unfortunately both sides blur the real issues. Dr. Rafferty is right that much needs to be done to improve American education, and the crowd knows this to be true. In fact, such leaders as Dr. Fischer know it just as well.

But by turning it into a conservative versus liberal battle, the effect is to make the Fischer forces stand pat in the defensive and to make the Rafferty forces move, but largely backward.

The picture is one of a reform movement, under way ever since the middle fifties. By that time, progressive education had made its contribution and committed its follies—both in considerable measure. Dewey himself had long renounced the permissive extremist for misrepresenting him. The university scholars came back into the public school picture and helped teachers to work out new directions toward a more academically minded school. Science made its enormous impact by driving home the importance of systematic learning—not through pre-progressive techniques of rote memorization but through discovery and understanding.

Much is still to be done to raise academic standards. But Dr. Rafferty is simply wrong in saying that more and more colleges are offering what he calls "household English." Agreed, that too many still must be offered remedial English, but the need for such courses is annually getting less and the number of students for whom even regular freshman English is too basic is growing every year. The danger in talking a rearward battle, to the cheers of the masses, against an enemy whose major forces have long fled is that the strategy of the future will be neglected. All the indications are that the clichés of the past—and even of the present—will not offer the quality education demanded for the future.



EDSON IN WASHINGTON . . . Jet Noise Creates Trouble In Cities

By BRUCE BIOSATT

Newspaper Enterprise Assn. WASHINGTON (NEA) — Everybody is getting into the aircraft noise abatement act.

Current developments involve the plane makers, the airlines, the pilots, the Federal Aviation Agency, the airports and their city fathers, the FAA and VA, Urban Renewal, the courts and Congress.

Right now some 160 suits complaining of aircraft noise are pending. They involve more than 1,400 individual complaints and \$14 million in claims. Big trouble spots are New York's Idlewild, Atlanta, Dallas, Denver, San Diego, Los Angeles, San Francisco, Seattle.

Nearly 250 additional suits are threatened, with upward of \$14 million more potentially at stake.

The cities which own the besieged airports are concerned. When the executive committee of the United States Conference of Mayors meets in Washington Jan. 18, noise damage suits will be on the agenda.

What frightened them was the United States Supreme Court's decision in the Griggs case. The court held the airport operator liable for damages sought by a man who had resided in a house in direct runway line at the Pittsburgh airport. Planes sometimes missed his chimney by no more than 11 1/2 feet.

Under Chairman Owen Harris, a House Interstate and Foreign Commerce Subcommittee recently heard a panel of experts on plane noise. The aim was to decide what role, if any, the federal government should play in meeting the problem the airports face. Legislation could develop in the 87th Congress.

Industry representatives conceded at the hearings that important noise control devices could have been built into today's powerful jets had the makers been alerted to the problem in the "design stage" years ago.

When complaints began, the industry spent \$30 million developing "organ pipe" suppressors for jet engines. In added load and drag, they cost the airlines \$36 million a year.

The big recent change is the so-called fan jet engine. It is quieter and, being more powerful, permits steeper climb out of trouble areas. One third of all United States jets now have fan engines, and eventually all will be thus equipped.

Experiments are going forward with sound-absorbing devices for the air intake. These produce the greatest nuisance, the high-frequency whine as a jet slips down for a landing. Other tests may produce a new wing surface that could ease the problem further by allowing still steeper climb and descent. This is years off.

The industry, the pilots and the FAA agree that further efforts to get at the problem by such flight procedures as power cut-backs, special climbs and turns are unlikely. These have reached the limit of hope.

A big, now, hope is to control or convert land use around affected airports. At new fields like Washington's Dulles International, FAA and industry noise specialists see a golden chance to keep residential building the necessary five to seven miles away from the ends of jet runways.

FAA experts are finishing a revised, vastly refined planning guide to help communities determine what "sound contours" they can expect from various kinds of aircraft. This is intended to aid zoning around new airports, and conversion of built-up residential areas to light industry and other uses considered "compatible" with jet plane noise.

FAA and VA already refuse to insure mortgages on new homes planned within zones where noise levels are rated too high.

Talks are in progress between FAA and Urban Renewal officials to determine whether URA might designate close-in residences as "noise blighted" and allot funds to finance their removal. As an alternative, it is being suggested that federal airport aid money might be so used.

The National Aircraft Noise Abatement Council, representing airlines, pilots and plane makers, plays a co-ordinating and advisory role in much of this effort. With 63 new fields planning to take jets by 1967, the work of the council and other interested parties seems just beginning.

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Whistling In The Dark

Time magazine reports on one phase of the tangled tax situation: "Among students of the economy these days, the most popular topic is How to Stimulate Business by Cutting Taxes. In the general enthusiasm, all but a few flinty-eyed accountants seem to have overlooked the fact that 1963 begins with taxes actually going up. Under a 1958 law, social security taxes will rise by \$1.8 billion this year—50 per cent of it to be paid by employers and 50 per cent by wage earners. This means that any income tax reduction that Congress may ultimately vote will be \$1.8 billion smaller than it looks. And if Congress rejects a cut in income taxes, U.S. corporations will add \$900 million to their costs in 1963 and U.S. wage earners will have \$900 million less to spend."

That is not all. The social security taxes, under existing law, rise at regular intervals

over a period of years. Should such a proposal as Medicare be adopted the increase will be well beyond those presently scheduled.

Still the story does not end. State and local governments, for the most part, are rapacious in their search for new or increased taxes. It is of small moment to the business or the family whether its income is reduced by the federal income tax, by the corporation tax, by the state income tax, by a sales tax, by an excise tax, by a property tax, by an unemployment fund tax, by a business license tax, or any other pocket-picking levy. What does matter is the amount of money left that can be spent as the earner wishes to spend it—and what that money will buy.

It looks as if those optimists who anticipate a great surge of consumer spending and business expansion, resulting from a federal income tax cut, are whistling in the dark.

IN WASHINGTON . . .



Physical Fitness Or Fad?

By RALPH de TOLEDANO

It used to be swallowing goldfish, crunching phonograph records, or crowding into telephone booths. Now it's hiking. To be somebody you've got to show that you can walk for long distances, preferably up the Chesapeake and Ohio Canal which runs out of Washington. The Washington papers are full of it.

There are advantages to this new fad. It keeps you out of doors. Though it may not provide the physical fitness that President Kennedy was seeking when he prescribed 30-mile jaunts, it won't get you into trouble unless you've got a bad heart or get a tetanus infection from a blister on your foot.

Far be it from me to spoil sport. That Old Rough Rider, Teddy Roosevelt, expected the troops to make those 30 miles in three days — and President Kennedy has merely revived the idea. But I can't understand what all the excitement is about — and it makes me believe that Mr. Kennedy is correct when he deprecates the fitness of the current generation.

It was a little shocking to me to read about the jubilation at various Marine Corps camps when a group of officers had trekked their 30 miles in 20 hours. I saw pictures of those Leathernecks. They carried no more on their backs than their clothes — and even so some of them were nursing blistered feet and pointing to their bruises.

I'm not so old that I can shake my finger and cackle about the good old days, or about the feats

of my own generation. But I did serve in World War II. Along with millions of others, I took basic conditioning courses. I know what was expected of us as a matter of course and with no heroics. I was Army, and we considered ourselves a lot tougher than the fly boys, but soft when compared to the Marines.

Many of us were city boys who hadn't had a day's physical exertion since we got out of college and out of compulsory physical education. But we were expected to be able to march 30 miles in eight hours — with a ten-minute break every hour. That's a steady clip of over four miles an hour. We did it carrying a heavy rifle and full field equipment on our backs. I don't know what that equipment weighed. We were told 60 pounds, but after a while it felt like a ton.

And we hiked under water discipline. The canteens on our cartridge belts had been checked to make sure no one was bootlegging any H₂O. Every hour the platoon sergeant would allow us one swallow of water — and after four hours we were given what Cocker thought were sandwiches and one mess cup of lukewarm tea. It wasn't a cold, bracing winter day, either. We look our hikes in the soggy heat of the Virginia peninsula, and by the time we returned to barracks our fatigues were soaking wet.

Some of the men fell by the wayside — and one or two we shoveled into trucks. But they didn't write off the drill for them. They had to have that 30-

mile hike under their belts before they were considered soldiers. But no one considered it a tremendous hardship. In fact, we were slightly exhilarated. Having fought for showers and stood at attention in clean uniforms for retreat, we thought of it as just another day. The younger men, the kids of 18 and 19, slipped down their chow and dashed off to the Service Club for an hour or so of dancing.

Of course, it was wartime. But the Army insisted on this kind of training because it had sent boys into battle at Kasserine Pass who lost their trucks and suddenly found that the only way to avoid capture was to use their feet. Many of them panicked. The Army learned its lesson.

But maybe this has been forgotten. I hold tremendous admiration for the fighting qualities of the Marine Corps. But I can't forget the pictures of the Marines who took President Kennedy's dare. You'd think they'd just climbed Mount Everest.

President Kennedy is absolutely right about the need for physical fitness and about the softness of many young people today. I hope he sees to it that every soldier and sailor in the Armed Forces can take the TTT prescription. But let's not make it a fad. For several days, the exploits of Administration hikers have filled up almost as much newspaper as the debate on tax reform. The stamina of our troops—and our young people—is a deadly serious business. It shouldn't be treated as some kind of sport.

Pick and Choose crossword puzzle grid with clues and answers.



WASHINGTON REPORT . . . Congressmen Dislike Domestic Peace Corps

By FULTON LEWIS JR.

Administration lieutenants in Congress will introduce legislation any day now to make "Bobby's baby" legitimate.

"Bobby's baby" is the Domestic Peace Corps, brainchild of Attorney General Robert Kennedy chairman of a Presidential study group that came up with the idea.

When members of Congress returned to Washington last month, they were surprised to learn there was a Domestic Peace Corps in operation. Neither house had ever appropriated any funds for the corps. No legislation creating such a group had even been considered.

In mid-January, however, an aide to the Attorney General, David L. Hackett, was busy contacting members of Congress to inform them of the endless good that a Domestic Peace Corps could perform. And operating out of offices on Jackson Square, a stone's throw from the White House, were twenty young men and women, the corps' first employees.

Two midwest Republicans, Representatives H. R. Gross of Iowa and Sam Devine of Ohio, paid an unannounced visit to corps headquarters. They found one Don McClure heading up the operation. He informed the lawmakers that he was "on loan" from the regular Peace Corps located just down the block.

Reps. Devine and Gross found that every employe in the office was "on loan" from some other Executive Department, the White House, the Treasury Department, and the Department of Health, Education and Welfare.

Congressman Gross, a crusty foe of government waste, concludes: "The staffing of this outfit on the basis of loaned personnel means that other departments of the government must be liberally overstaffed with stenographers and organizers, and what-have-you. Congress should be interested in finding out how they obtain these surplus employes that have available to move around with the greatest of ease throughout the government."

The revelations of Congressman Gross and Devine have angered members of Congress on both sides of the aisle. The reaction has forced officials of the Domestic Peace Corps to change their plans. Early proposals called for 200-

500 Peace Corpsmen to be in the field by mid-summer, whether or not Congress appropriated any funds.

Now, says a spokesman: "We'll wait till Congress gives us the money. It won't be until then that we can have Corpsmen out working in slums, on Indian reservations, and hospitals."

Note: Ohio Senator Frank Lausche, a dollar-conscious Democrat, is ready to oppose official creation of the Domestic Peace Corps when it comes up for Senate consideration.

He says that local communities have shown no interest in a Domestic Peace Corps. When the Federal government asked New York authorities to match a grant of \$250,000 for one "feasibility study," it received \$9,000.

"Does \$9,000 express a great local interest in the matter?" Lausche asks, and adds:

"We have legions of Peace Corps workers now in our country. We have ministers, priests, and rabbis; the parents in our homes; the teachers in our schools; the social workers in our governmental and private agencies; the recreational workers in federal, state and local governments; the police and juvenile court officials; and the parole officers. We are reaching the point where we will have more guides working for the government than we have people to guide."

Almanac

By United Press International

Today is Monday, Feb. 18, the 49th day of 1963 with 316 to follow. The moon is approaching its new phase.

The morning star is Venus and the evening star are Mars and Jupiter.

On this day in history:

In 1861, Jefferson Davis was sworn into office as President of the Confederate States of America. In 1930, the planet Pluto was discovered by an astronomer working at Lowell Observatory in Flagstaff, Ariz.

A thought for the day—Confederate President Jefferson Davis said in his inaugural address: "All we in the South ask is to be let alone."