

Candidate Wants New Demo Ballot

The Atlanta Journal; August 28, 1968; pg. 2A,7

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Take Judges Out of Politics?

The Atlanta Journal; December 15, 1968; (Journal-Constitution Magazine; pg. 6)

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State Court Reform Introduced in House

The Atlanta Journal; January 15, 1969; pg. 1A,5

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House Panel Leaning to Judge Election Plan

The Atlanta Journal; January 27, 1969; pg. 7A,3

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Selection of Judges Sparks Hot Debate

The Atlanta Journal; January 29, 1969; pg. 2A,1

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Crime Code Due Monday

The Atlanta Journal; June 29, 1969; pg. 1A,1

Steve Ball, Jr.

Maddox Picks Felton For Supreme Court Job

The Atlanta Journal; August 29, 1969; pg. 1A,2

Steve Ball, Jr.

DeKalb Race

A new political party formed in Atlanta's Kirkwood area has drafted Negro civil rights leader Hosea Williams as a candidate for state representative from House District 76 in DeKalb County.

Mr. Williams, in Chicago for the Democratic national convention, could not be reached for comment on whether he will accept the nomination.

However, his wife said Mr. Williams is "receptive" to the idea but probably will await the outcome of the petition for signatures endorsing his candidacy before committing himself to the race.

THE 76TH District, located in the City of Atlanta in DeKalb, resulted from DeKalb County's new redistricting plan which was approved during the past General Assembly session. Known as Kirkwood, the area is predominantly Negro.

The reapportionment plan allows citizens in that area to elect one state representative. Two other Negroes have announced for the race. They are James Dean and Charles Turner, both Democrats.

The new party supporting Mr. Williams will be known as the Party of the Christian Democracy. Its chairman is John Evans.

Young Man Arrested in Rape Cases

A 20-year-old man charged with two counts of rape, two of attempted rape and one of prowling was being held in Atlanta City Jail Wednesday.

Homicide Detective E. A. Clements said the charges against the man, David Sevjar Huggins of a Penn Avenue Northeast address, grew out of reported incidents, beginning last June 22, in the same general section of the city's north side.

According to Detective Clements, the young man said he had been "peeping" in windows off and on since his early teens.

The suspect was taken into custody Tuesday following a surveillance of some two weeks by the homicide detective squad in the area of the reported incidents.

A Model Project

"I was just writing a book all about St. Jude's, and it made me see how far we've come," Jackson was saying one day last week at the tidy second St. Jude's. Now he is executive vice president, handling the business end, and Herbert Beadle is the director who works directly with the men. Beadle gave up Episcopal parish work in Houston after 16 years to come here ("I saw the effects of alcoholism, and the reasons for it, counseling people out there for that long.")

The men are still referred to St. Jude's House through the Emory University Alcohol Project, with which Jackson and Beadle work closely. They go through a two-months orientation period where they learn about alcoholism and St. Jude's, then an unlimited period during which they try to whip the habit through the use of Antabuse and group therapy sessions led by trained volunteers from the clergy ("We never bring religion into it unless the men ask something about it,") and finally a three-months period where they are prepared to go back "outside." Most of the men work and live out of St. Jude's, paying \$20-a-week for room and board if possible.

A place that can handle only 42 alcoholics at a time is no final solution for a city this size, of course, but it has already served as a model for many other St. Jude's. "We used to be a halfway house," says Jackson, "but now we're a treatment center. Hell, they don't even swallow those Antabuse pills anymore. Now they take it in liquid form, in orange juice, and the men call it a 'Beadle Cocktail.' That's progress."

Candidate Wants New Demo Ballot

By TOM GREENE

A candidate for a seat on the Georgia Court of Appeals, charging that the Democratic party primary election ballot was deliberately rigged to favor his opponent, has asked that it be revised and alleged errors corrected.

Gainesville attorney William L. Norton Jr., who is opposing Judge George P. Whitman Sr. for a seat on the Court of Appeals, wrote Democratic party Executive Secretary Joe Sports complaining that Judge Whitman was erroneously identified on the ballot as the incumbent.

Judge Whitman was appointed to the appeals court last year by Gov. Lester Maddox to fill the unexpired term of Judge John E. Frankum, who was elevated to the Supreme Court. The remaining four years and two months of that term must be filled by election this year.

MR. NORTON CONTENDS that because Judge Whitman was appointed, he is not legally the incumbent but is in the same category as the Gainesville attorney, a candidate for the unexpired term.

He complained that Judge Whitman was identified on the ballot as the incumbent, which

gives the judge an automatic 25 to 30 per cent advantage on votes.

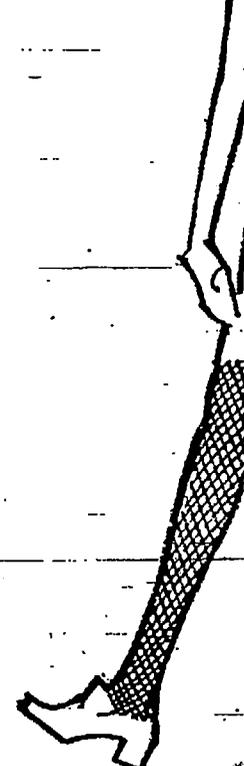
Mr. Norton also said that the appeals court judges were erroneously identified on the ballot as "associate justices" when in fact they are known as judges. Associate justice, he said, is the term used for those on the Supreme Court bench.

The attorney said he already had complained to the Democratic party office about the errors and had been told the ballot was approved by the secretary of state and attorney general's offices.

But, he said, he investigated and found that Mr. Sports had been informed by representatives of those offices that the ballot was in error and advised to change it.

Secretary of state Ben Fortson, Mr. Norton said, told him that Judge Whitman would not be identified as the incumbent on the November general election ballot. That was confirmed by a spokesman in Mr. Fortson's office.

Mr. Norton asked that the ballots be revised and, if necessary, reprinted. The party primary ballots are drawn up by party officials and are printed in the individual counties.



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UPON THE INTEGRITY WISDOM
INDEPENDENCE OF THE JUDICIARY
THE SACRED RIGHTS OF FREEDOM



Judge Robert H. Hall of the Georgia Court of Appeals has been speaking out publicly for six years on the nonpolitical selection of the state's judiciary.

TAKE JUDGES OUT

Many Georgia jurists have wanted for 75 years to change the way they're chosen

ONCE upon a time there was a high-and-mighty judge in Georgia who had opposition for reelection. He wasn't a very popular judge, but he was very powerful, and he began calling up lawyers around the state asking for their support.

Most, of course, pledged or feigned fealty, but at last, though it is hard to believe, a dissenting opinion was heard. "Judge, I'm sorry, and there's nothing personal about it, but I can't go along with you this time," an intrepid lawyer said.

Pause. Long pause. Then here came the judgment.

"Well," said the candidate-judge, "there may be a time when you need me, and I just want you to know I remember my friends."

Also, the story goes, the judge-candidate called up a big businessman. "I've been hearing from a good many of my friends about my campaign, but I haven't heard from you," the judge said. "I wondered why."

"If you'd helped us out when we asked you to, you wouldn't be having to campaign," the big businessman said.

As a matter of fact, there could be more truth than fiction in these hypothetical conversations. The wheeler-dealer judge is rare, but it could happen in this or any other state where judges run for office.

Occasionally a Superior Court judge in Georgia has opposition, but even those who do are usually reelected. Judges of the Supreme Court and Court of Appeals are hardly ever opposed, and none has been defeated in 47 years. Yet they all have to be elected—the appellate judges every six years and the Superior Court judges every four years, with a few exceptions—and this automatically puts them in politics.

FOR at least three-quarters of a century, leading lawyers and jurists in Georgia have been advocating reform in the system of selecting judges.

"The people want good judges and will adopt any method that will get good judges," Atlanta lawyer-banker John A. Sibley said in a report to the Georgia Bar Association in 1932. "Certainly there can be no substantial or real judicial reform unless some method is devised to make our judiciary independent

and relieve them of the necessity and temptation of keeping up their political fences at the expense of their judicial courage and honesty of opinion."

The Sibley cry for reform has been no more heeded than Supreme Court Justice Andrew J. Cobb's 1910 admonition that "our system needs revision—a thorough revision—a revision from top to bottom." As early as 1893, a symposium at the annual state bar meeting produced unanimous agreement that election by the people was the most objectionable method of choosing the judiciary.

Now the cry for reform is being heard again, and the strongest voice in the chorus is that of 47-year-old Judge Robert H. Hall of the Georgia Court of Appeals, a former Emory law professor and state assistant attorney general who ascended to the bench via politics and is the first to say that's how he got there.

JUDGE Hall has been speaking out publicly for six years about improving the administration of justice, with emphasis on non-political selection of judges. He talks about doing away with the spoils system of filling judicial vacancies and doing away with election by the people, too.

Partly as a result of his continuing crusade and partly because of the state bar organization's interest, there's a chance the 1969 General Assembly will consider some suggested changes. Prospects for legislative approval of the necessary constitutional amendments are uncertain. If the effort fails, however, it won't be for lack of trying. A group of influential and affluent Georgians is behind the effort.

Julius A. McCurdy of Decatur, a lawyer turned financier, is chairman of the Citizens Judicial Study Commission of Georgia, Inc. The organization was formed under the sponsorship of important elements of the legal profession in the state. The membership roster draws heavily, but not exclusively, from the power structure. The 16-member executive committee is very strong on money. For instance, it includes three Trust Company of Georgia men, among them John A. Sibley.

"We've been holding meetings around the

state with groups of lawyers and laymen," Mr. McCurdy said. "Our aim is to develop some knowledge and support in each congressional district for our proposals."

Legislators have not been invited. "We hope to reach the legislators through the people who attended the meetings," Mr. McCurdy said. "We ask them to go to their legislators and talk to them about what we're trying to do."

What the citizens' commission is trying to do is modernize and streamline the courts. A consensus statement after its first conference in April 1966 said bluntly: "The Georgia judicial system is antiquated and inefficient." The statement dealt with the multiplicity of courts, the lack of administrative coordination and the selection of judges.

The comments on judges were very strong: ". . . The system fails to insure that those most qualified to serve as judges will serve. . . . All judges are now elected, thereby subjecting them to partisan politics and jeopardizing the basic principle of an impartial judiciary. . . . Judges should be freed from the inefficiency and insecurity of Georgia's present electoral system. . . ."

THE citizens' commission at first advocated appointment rather than election of all of Georgia's Supreme Court, Court of Appeals and Superior Court judges. A House-Senate study committee worked on the proposals and modified them somewhat. As it stands now, the new system would work like this:

—Judges of the Supreme Court and the Court of Appeals would be appointed by the governor from three names recommended by a 13-member statewide commission of lawyers and laymen.

—Three years after appointment to the bench and every six years after that, appellate court judges' names would be placed on the ballot for approval or rejection by the voters. Nobody could run as a candidate against any judge, but the people could turn a judge out of office if they wished to.

—Superior Court judges would be elected as they are now, but vacancies would be filled by the same (Continued on Page 29)

OF POLITICS?

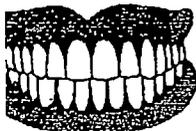
By Margaret Shannon

or Women



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out and construct a road to connect the
forts, a distance of about 30 miles. When
completed the road was named Peachtree
Road for the Standing Peachtree.

William Nesbit was later the first sheriff
of Gwinnett County and served two terms
in the state senate, 1829 and 1833. There are
numerous descendants of William Nesbit in
and around Tucker and Norcross. Miss Stella
Nesbit of Tucker tells me that her father
told her many times about his grandfather
being the one who bossed the construction
of Peachtree Road. Also the family of Ray-
mond E. Nesbit of Norcross have the tradi-
tion in their family records.

In sequence are Peachtree Creek and
Peachtree Street.

O. O. Ray Sr., Decatur.

Indian Name

It might be of interest to your readers
that there are at least six places in Georgia
today that bear the name "Chattooga." The
late Indian expert, Dr. John H. Goff, listed
the following:

1. Chattooga River that forms the state
boundary with South Carolina.
2. Chatuge Reservoir of the Hiwassee Riv-
er on the Georgia-North Carolina line.
3. Chattooga River that heads on the edge
of LaFayette in Walker County and flows
southwestward into Cherokee County, Ala.
4. Chattooga Church Crossroads in south-
ern Walker County.
5. Chattoogaville, a well-populated com-
munity in lower Chattooga County, near the
Alabama line. This locality occupies the ap-

Our selection of judges

(Continued From Page 30)

the quality of the judiciary at a high level.

"Some people, including some lawyers,
object that the big law firms, the corpora-
tion lawyers, dominate the bar association
and would therefore dominate the nominating
commission and the selection of judges, too,"
Mr. McCurdy said. "I don't think this is so.
Anyway, Superior Court judges would be
elected the same way they are now, and
people would have a chance to vote periodi-
cally on keeping the appellate judges or kick-
ing them out."

The merit selection procedure proposed
for Georgia has become known as the Mis-
souri Plan. Missouri was the first state to
adopt it—in 1940. The idea has not exactly
swept the country since then, but Alaska,
Colorado, Iowa, Nebraska, Utah, Vermont,
Kansas, Alabama, Florida, Oklahoma, Cali-
fornia and Illinois have adopted aspects of it.

HOW KNOW, HOWEVER, A MAY HAVE MEANT
something like "throw it away" or "throw
it out."

Marion R. Hemperley,
Surveyor General Department,
Office of the Secretary of State, Atlanta.

Recognition

I am grateful for the excellent story on
the Warner Robins Air Materiel Area. The
article on the project to rebuild battle-dam-
aged C-7A Caribou aircraft is especially ap-
preciated for the well-earned recognition it
gives to the civilian and military personnel
of the WRAMA maintenance shops. It has
contributed immeasurably to a better appre-
ciation on the part of all Georgians for the
vital work of Robins Air Force Base in sup-
port of our forces in Southeast Asia.

A. J. Beck, Major General,
USAF Commander,
Warner Robins Air Materiel Area.

Jobs, Jobs

Wylly Folk St. John handled the subject
of jobs and careers with real fascination in
her article "The Best Job Fields for You."
We have had a number of inquiries about
careers, some from young people, some from
older people who were delighted to know
that the average citizen changes his basic
occupation several times.

It's a changing world and it takes con-
tinued education of one type or another to
keep up and even more to get ahead.

William I. Allgood,
U.S. Department of Labor.

It's in the discussion stage in about 20 other
states.

"We're not out to 'get' anybody," Mr.
McCurdy said. "I don't believe adoption of
our proposals would affect any judges now
serving. All would continue in office till the
end of their current terms, and then their
names would go on the ballot for voters to
decide whether to retain them or not."

"Actually the electorate would have a
greater voice in retention of an appellate
judge under the merit selection plan than
under our present system," Judge Hall said.

"Most of our appellate judges never have
any opposition for reelection"—he didn't have
any himself this year—"so the voters don't
really have any chance to express any opin-
ion on them. This new plan would give them
a chance."

economic proposals national my.

Johnson fiscal year 1 forecast But achieve which will pinch an pressures Congress in proposal there would be deficits.

Main passage include Income year extension surcharge corporate due to President eliminate nam peace reduce m

Payroll \$1.7 billion next Jan. Social Security Turn to

UPI Telephotos

WOMEN INSPECT GAPING HOLE IN FLIGHT DECK (RIGHT) Rockets Explode From Heat of Fire After First Blast

State Court Reform Introduced in House

Constitutional Amendment Would Attack 'Cronyism'

By CHARLES POU
Atlanta Journal Political Editor

A proposed constitutional amendment aimed at ending "cronyism" appointment of judges by governors and reforming the state judicial system in general has been introduced in the Georgia House of Representatives.

tem, as to administration and establishment of clearer lines on jurisdiction.

—Provide a merit system for selection of judges on the two appellate courts—rather than continuation of the present outright appointment by governors and outright partisan election of incumbents.

—Establish a commission to Turn to Page 10A, Column 8

Farewell in Nostalgia

Correspondent

It's time to leave. 100 years from now, that together country more just, for all our good insure the blessings of liberty for it will be said that we tried."

His message was optimistic with a challenge to the nation's potential, yet dampened with a weary regret that he had not

Turn to Page 10A, Column 1

In the past, Georgia governors — almost without exception—frequently have named relatives, friends out of a job, and always lawyers on the same political side with them to high and low courts when vacancies occur.

The measure, authored by Rep. Robin Harris, chairman of the House Judiciary Committee and last year picked by the news media as the most outstanding member of the House, if passed by the General Assembly would be voted on by citizens in 1970.

THE PROPOSAL would:
—Reorganize the court sys-



A major measure, intended to put appointment of Georgia judges, has been House of Representatives by Rep. Robin Harris.

Story on Page 1A

Lt. Gov. Smith Backs

Lt. Gov. George F. Smith Wednesday behind a new local option sales tax bill cities and counties to levy a 1 per cent local referendums.

Story on Page 2A

Caucus Calls for Re

House Democrats caucused behind closed day and adopted a resolution calling for

Two Newnan Men Win Honor Medal

BILLION SHARE ATE DEPLORED

late Chamber of Commerce has expressed President Johnson's \$195.3 billion budget, will cost Georgia taxpayers \$3.32 billion. expresses regret that the Johnson administration proposing a huge increase in spending," the in official statement released Wednesday urged that the new Nixon administration make every effort to reduce the proposed spending total sufficiently to permit a sign-off of the temporary 10 per cent surtax with raised its \$3.32 billion estimate on calculated taxpayers pay 1.70 per cent of all federal ever, has the power to reduce or increase a taxpayers will have to bear, the chamber

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CARRIER

Continued From Page 1A

back in," said CWO Jim Helten, 36, of San Diego. "There was multitudes of heroism."

When the fire was finally brought under control, nearly three hours after it began, Helten found that a piece of metal had been blown into his right leg. His injury was not serious.

"I heard the first explosion and saw a big ball of flame," said Larry Uchurch, 25, of Dallas, a flight deck chief. "I started toward the area and was blown down by the second explosion."

A search of the disaster scene for possible survivors was carried on by the Navy picket ship Stoddart, the destroyer Rodgers and by Navy and Coast Guard aircraft.

The blasts tore three large holes in the deck.

COURTS

Continued From Page 1A

discipline and remove unfit judges.

Election of superior court judges, including incumbent ones, would continue as present, by parties. However appointments for future vacancies would be made under the same process outlined for the appellate courts.

Since fully 50 per cent of superior court judges get there by the gubernatorial appointment route, the system, theoretically at least, would improve the quality of such lower court judges in the future.

A SO-CALLED blue ribbon commission would pass on all judicial appointments in the future. It would be a 13-member body named as follows: six by election, from the Georgia Bar Association; six appointed by the governor, on a staggered term basis, and the 13th man would be the immediate past-president of the Georgia Bar Association.

Members of the Georgia Supreme Court and the Georgia Court of Appeals in the future would run on a "yes" or "no" vote of citizens—that is, not by parties.

The measure is said to have strong backing from some powerful legislative leaders and, presumably, the Georgia Bar Association. The bar association, apparently intimidated by incumbent judges, sometimes has been less than tigerish in the policing of both bar and judiciary.

The resolution also is aimed at removing some of the conflicting jurisdiction often found in minor courts and quasi-judicial offices.

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Abel, incumbent president of the United Steelworkers Union, has challenged Narick to produce evidence on statements which Narick says are false. Abel charged that Narick received \$40,000 in campaign funds from the Pennsylvania Republican party. The steelworkers election is Feb. 11.

THE DISEASE sometimes is difficult to spot because it takes many forms, Dr. Shumaker said. "The common features include a fever, muscle pains, sore and swollen eyes and fatigue," he added. The disease usually is not fatal, though it has caused death. Some of the 47 cases in Wash-

House Panel Leaning To Judge Election Plan

By TOM GREENE

Most members of the House Judiciary Committee Monday expressed favor of using the "Missouri Plan" for election of the state's appellate court judges.

The committee is meeting during the General Assembly recess to consider a number of bills pending before the House. But any action it takes during the interim can not be made official until the session reconvenes in two weeks.

Among the bills being considered is one to revise the judi-

NIXON

Continued From Page 1A

he did not pinpoint domestic programs under consideration.

THE PRESIDENT stood on a small elevated platform, flanked by the presidential flag and the U.S. flag. He used no rostrum, just a single microphone standing before him. The technique was much the same as the one he used effectively during citi-

cial articles affecting the way in which judges are selected.

THE BILL proposes that judges on the Court of Appeals and Supreme Court be required to run on the "Missouri Plan." Under that plan a judge does not have opposition during an election but simply runs on his record. Voters decide whether or not that record warrants his being retained as a judge.

If he is voted out, another judge is chosen to fill the vacancy. Under this proposal the vacancies would be filled by a 15-man commission which would recommend three possible replacements to the governor.

Committee chairman Robin Harris of DeKalb County asked for a show of hands on those who would favor retaining the present system of electing such judges — by their having opposition in the general election.

Only two committee members — Reps. George Jordan of Douglas and Wallace Cato of Bainbridge — voted for retaining the present method.

By Po

WASHINGTON Supreme Court to dismiss R Powell's suit of Represent House conter ter is a dead

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Powell first seat in the 9 he wants to and seniority amount to House had right to exclu

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Selection of Judges Sparks Hot Debate

By TOM GREENE

Members of the House Judiciary Committee, who first went behind closed doors ostensibly to let their hair down in discussions on a proposed method of rewriting the state constitution, have turned at least part of their attention to other matters—namely, judges.

★ ★ ★ ★ ★

MOST GRIPES ABOUT DOGS AND GARBAGE

DeKalb County's new professional gripe-hearer says dog nuisances and garbage service have been the major sources of complaints from the public since the county began officially hearing residents' grievances last week.

Tim Jones, who mans a constantly jingling telephone was employed by Commission Chairman Clark Harrison to hear complaints and help resolve their problems.

His number is 371-2131.

★ ★ ★ ★ ★

NEA Inquiry Of Atlanta

All the committee members are lawyers.

Still meeting in secret (executive) session Tuesday and Wednesday, the committee members discussed, apparently sometimes heatedly, a proposal to revise the method of electing appeals court judges and filling vacancies.

Since all of the members make their living before judges, it understandably is a potentially sticky matter to some of them.

Before they first voted to go into executive session Monday afternoon, the committee had begun discussing the question, and it was becoming evident the matter was controversial. Some criticism of active judges already was beginning to crop up in the open session.

After they returned from lunch Monday, the representatives were scheduled to hear from Appeals Court Judge Robert H. Hall, who favors reform of the selection method. But

Gov. Lester Maddox, no Wednesday took a different against him, "He's right a Rep. James H. "Slop Floyd of Trion had charged Tuesday that the governor, a winning big teacher pay raise last year, had promised not try for additional teacher hikes this year, but would instead until the following y Gov. Maddox said Wednesday "He's right about that. I them (legislators), and I

PTA Leaders To Integrate Top Level Ur

The Atlanta PTA President Club, an organization for presidents of Parent-Teacher Associations who belong to the white Atlanta Council of Presidents, has voted to integrate.

The move received the approval from an overwhelming majority of the club members according to Mrs. Mari Shmerling, president.

Mrs. Shmerling said four new members were added to club's executive committee Tuesday's meeting and the organization's bylaws will be completely reworked.

THOUGH the Atlanta system has been integrated a number of years, the and the presidents' council remained segregated.

Mrs. Shmerling said the

NEA Inquiry Of Atlanta Schools Voted

By JUNIE BROWN

Atlanta Journal Education Writer

The Georgia Education Association board of directors has voted unanimously to support the requests of the two local Atlanta teachers associations that the National Education Association (NEA) investigate the fiscal resources of the Atlanta School System.

Jim Williams, director of the Southeastern regional office of the NEA, said Wednesday a preliminary team from the NEA will arrive in Atlanta in about two weeks to hear information from any group or individual who can contribute to the study.

From this preliminary study, Williams said, the NEA will define the boundaries of the full study.

The Atlanta Education Association, a predominantly white organization, and the Gate City Teachers Association, the predominantly Negro teachers group, last week announced that based on the findings of an initial study conducted in Atlanta, the city has a lower average teachers' salary than Baltimore, Denver and Cincinnati, despite a higher per capita income than any of the three.

THE ORGANIZATIONS pointed out that Atlanta spends less than the national average

criticism of active judges already was beginning to crop up in the open session.

After they returned from lunch Monday, the representatives were scheduled to hear from Appeals Court Judge Robert H. Hall, who favors reform of the selection method. But when Judge Hall was delayed, Committee Chairman Robin Harris of DeKalb County asked newsmen to leave for a few minutes while he discussed an "important" matter with the members.

HARRIS LATER announced that the committee voted to go into executive session, he said, to discuss a Senate bill calling for a constitutional revision commission.

"The committee indicated it would like to be in a position to let its hair down and the members speak freely on the subject," Harris said. "Of necessity, this could create some problems." He indicated the committee would probably remain in closed session during the entire two-week recess of the General Assembly.

But Tuesday, Harris said the committee probably will approve the Senate version virtually as passed, with possible only slight changes or additions in the makeup of the appointed revision commission.

Meanwhile, it was learned that the members Tuesday morning heard from Judge Hall, and in the afternoon had turned their attention to judicial reorganization.

One member of the committee, emerging from the closed door session with his close-cropped hair drooping slightly, was overheard to bemoan that "that judicial article is hell."

organization's bylaws will be completely reworked.

THOUGH the Atlanta system has been integrated a number of years, the and the presidents' council remained segregated.

Mrs. Shmerling said the day move might be a first toward integrating the two organizations because "it give them a forum to each other and each of problems and a place to together for the things we want, because we are one system."

Atlanta Fog Holds Flight On Ground

The Atlanta Airport control tower reported Wednesday because of bad weather had been "very few movements" of aircraft since 8

A spokesman said many craft had been rerouted to alternate airports because of and fog here.

At mid-day, he said, visibility was one-eighth of a mile, than it had been only a while earlier.

No aircraft were taking off at midday, he reported, and several were holding above the port waiting clearance to

Among passengers who delayed because of the poor visibility were Florida Gov. Cl Kirk, who was to address the Potato Chip Institute International, and consumer crusader Ralph Nader, who was to speak to the Southeastern Poultry Egg Association.

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Goren On Bridge	2F	Wishing Well	6F
Jack Spalding	18A	Your Pets	2F

SAIGON (UP) — heaviest strikes of Saturday on No. 1 Special Forces camp. Still the she outpost continues. Communists pushed the camp into U.S. headquarters rounds slammed outpost Friday, reported Saturday. About 1,200 South troops simultaneously two spearheads the camp, 600 of reopened the main line, Highway 512 eight miles away.

The other 600, of South Vietnamese flown into Base began combat at the camp, trying Communists into dive bombers a gunships.

Scattered ground reported around Friday between and dug-in North.

In one, two two Australian South Vietnamese unit were killed. Commandos were clash one mile north. No Communist reported.

In the second platoon sweeping Hill," one of outposts, discovered nameless bunkers slopes and destroyed.

STREET S

Fortyish lady in cy miniskirt and blanket at ball turned to bald the front of her. straightens up around, she swin over his head.

Oldtime cook in Habersham that he sure has dinner, replying, know you'd be like you did."

Little foreign down in afternoon on Northside Dr. black dog to beginning of Bobb course. He race course, about then jumps back in getting his de

Crime Code Due Monday

Revised Criminal Statutes To Become Law in Georgia

By STEVE BALL JR.

Amid dire warnings from Gov. Lester Maddox and praise from many legislators and lawmakers, at midnight Monday a brand new, completely revised Criminal Code becomes the law of Georgia.

The code, containing all criminal statutes, eliminates many ambiguities in the old hodge-podge of criminal statutes, cuts some 400 pages of law by roughly two-thirds and makes some substantial changes in the laws themselves.

It is the product of nine years of thought, an estimated 15,000 hours of legal work and concentrated study by 16 prominent attorneys as well as two sessions of the Georgia legislature, and its adoption makes Georgia one of the first states in the nation to come under such a modern code.

"IT IS," SAID Sen. Robert Smalley of Griffin, chairman of the Senate Judiciary Committee which shepherded the code through the upper chamber in 1968, "one of the most beautiful drafting jobs I've ever encountered in the legislature."

But, Gov. Maddox claims the code contains some provisions

which will "drastically weaken" law enforcement in Georgia. He asked the recent, abortive special session of the legislature to delay the effective date of the code, but the General Assembly adjourned itself before taking any action.

The government claims that under the new code the state will be "almost helpless to prevent the interruption of religious services" and will be hard put to enforce the law in other areas.

Maddox lieutenants had on hand a hard-line, "law and order" addition to the code during the legislature's two-day meet earlier this month, but never introduced it.

But, despite Maddox's fears, the code has won high praise from judges as well as attorneys, and it is certain that no one can claim it was hurriedly passed.

THE IDEA ORIGINATED in 1959, and after Gov. Ernest Vandiver suggested to Court of Appeals Judge Homer Eberhardt that something be done, a committee was appointed. Beginning in 1960 it was chaired by Tibor T. Molnar Sr. of Cuthbert, author of "Georgia Criminal Law," a book which occupies a place of prominence at most criminal trials in the state.

Molnar's 16-man committee worked on code revision for six years, presenting a document to then-Gov. Carl Sanders in October 1966.

It was introduced as House Bill 5 in 1967 and was worked on by Decatur Rep. Robin Har-

What's Cooking? You, That's What

Atlanta's spell of hot weather is unrelenting and will persist yet awhile, the weatherman says.

A high temperature of 96 degrees is the forecast for Sunday. That, after an official high of 98 degrees Saturday.

The forecast holds a slight promise of thundershowers Sunday afternoon. Probability: About 20 per cent, the weatherman says.

"But it will be hot for the next three days at least," he says.

29

New Crime Code To Begin Monday

Continued From Page 1A

ris' Judiciary Committee through that session. An interim committee worked on it between sessions, and finally in 1968 it was passed by both houses and signed by Maddox.

The effective date was set as July 1, 1969, however, to allow time to correct any oversight or mistakes that might have been made to crop up.

PERHAPS ITS MOST important change shifts the psychological emphasis given by the state to the death penalty.

Under present law, the death penalty is automatic in most capital cases. It is the intent of the law that capital offenders shall be executed. Juries must specifically recommend mercy if they prefer the life sentence.

Under the new code the intent changes substantially. Such cases carry automatic life sentences. If a jury wishes execution it must specifically recommend the death sentence.

The code also contains Georgia's new, liberalized abortion law. On the other hand, while much of the nation is moving toward fewer and more liberal laws on sexual behavior, the code includes penalties for more sexual offenses than did the old.

Its greatest change is in the service of brevity. For example, present laws have 85 sections dealing with homicide, the new

code four—while legalizing nothing previously outlawed. There are now 92 sections dealing with arson. There will be four on Tuesday. The old laws have 42 larceny statutes, the code eight.

WHEN THE CODE passed the legislature in 1968, the press covering that session named Rep. Harris as that year's most outstanding House member, largely for his work with the code. More than a year later, Gov. Maddox was predicting great harm if it were not delayed.

Thus, it was Molnar himself who, in an interview with columnist John Pennington of The Atlanta Journal a year ago, perhaps best summed it up:

"I believe," he said, "that the success or failure of the new code will depend on the judges of Georgia. They can help bridge over the initial difficulties. And they can hurt by taking a less kindly attitude."

NSC Warns Of Fireworks On Holiday

CHICAGO (UPI)—Fourth of July fireworks and picnics may bring injury, death and food poisoning, the National Safety Council warned Saturday.

Statistics on traffic fatalities have made some people decide that home is the safest place to spend the holiday, but such is not always the case, the council said.

According to the council,

TAMPA—When up for a cute right back. If

WAVE

Continued

experiments in c this scheme in highlands," the broadcast said.

The broadcast Allied troops had ambushes along Ben Het.

The U.S. Co taneously 1 clashes on S defense ring w Communist against eight A killed and 18 wot of the battlr guerrillas 55 mil the capital.

JACKIE

Continued From Page 1A

Jacqueline Onassis' legal reaction may be.

ONE REASON there was no advance promotional drum-beating was the fear of an injunc-

YOUNGSTERS WATCH, WAIT FOR NEXT ACT IN DESEGREGATION DRAMA AT EVA THOMAS HIGH SCHOOL
College Park Scene Is Calm Friday After Protesters Spend Night in Building

Staff Photo—Charles Pugh

Maddox Picks Felton For Supreme Court Job

Thomson Lawyer Randall Evans Jr. To Fill Appeals Bench Vacancy

By STEVE BALL JR.

Gov. Lester Maddox Friday announced the appointment of veteran Court of Appeals Chief Judge Jule W. Felton to the Georgia Supreme Court and Thomson attorney Randall Evans Jr. to replace Judge Felton on the Appeals Court.

The governor thus gave a spot on the state's top court to a longtime judge who had years ago tried for the position on his own and lost, and handed another of the choicest appointments he's had to offer to a man who bitterly opposed him in the 1966 governor's race.



Judge Felton

"I probably spent more study into this and listened to more people than anyone ever has on

a similar appointment," Maddox declared at the press conference he called to make his announcement.

The governor said he submitted a list of possible nominees to the Georgia Bar Association—the first time any governor has done so—and the bar found both Judge Felton and Evans "qualified."

Maddox made his decision late Thursday night and spent considerable—and painful—time calling individuals who had been considered for the job to tell them they didn't get it.

HE TOOK particular pains at the press conference to explain why he did not appoint Revenue Commissioner Peyton Hawes—about whom there had been considerable speculation—to the job.

He praised Hawes to the skies, and said he did not name him to the Supreme Court because he felt he could not spare him "at this time" from the revenue department and as a chief adviser and industry-hunter.

The two appointees will be sworn in at 9 a.m. Sept. 5, Maddox said.

Judge Felton, 71, is a long-time public official and Court of Appeals member who once was defeated in a try for the Supreme Court. A former mayor of Montezuma, he served on the Public Service Commission for a term and went on the Court of Appeals in 1937. He was

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Turn to Page 13A, Column 1



UPI Telephoto
MRS. KENNEDY
'Condition Is Good'

Joan Kennedy Has Third Miscarriage

HYANNIS, Mass. (UPI)—Joan Kennedy, wife of Sen. Edward M. Kennedy, Thursday night suffered her third miscarriage. She was reported resting comfortably Friday.

"Her condition is good, she's sleeping comfortably up there," said a spokesman for Cape Cod Hospital.

Mrs. Kennedy was in one of the hospital's four private maternity rooms with a view of Lewis Bay. The spokesman said she would probably be hospitalized a few days, normal for a miscarriage.

The slender, 32-year-old blonde miscarried after canceling plans for an overnight camping trip with her husband and friends. The senator rushed to the hospital from Nantucket

Thursday. The senator sailed from the Hyannis Port family compound about 2 p.m. with a number of friends and two of his children, Kara, 11, and Edward Jr., 9. The third child Patrick, 2, was left at the couple's home on Squaw Island.

Kennedy called his wife when the party arrived on Nantucket Island about 5 p.m. He was told Mrs. Kennedy was still feeling

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CAPTIVE IN KOREA

Husband Pooler W

POOLER, Ga. (UPI)—"I can't back," said the wife of Capt. David Pooler, pilot shot down over North Korea Friday.

Crawford and Spec. 4 Herman E. Hoffstatter of Lowpoint, Ill., suffered major injuries in the crash of the helicopter. The other crewmember, WO Malcolm V. Lopke, of Richmond, Ind., was not seriously hurt.

"I just hope he'll receive the proper medical treatment," said Mrs. Janice Crawford of her husband.

Mrs. Crawford was contacted by UPI shortly after North Korea announced the three Americans were alive.

"Thank the Lord!" said Crawford's mother, "I'm too stunned to say anything."

His wife was joyful. "I'm just happy that he's alive. That's all that matters to me and my little girl," she said.

Her daughter, Dena, is 7 months old.

NORTH CAROLINA: Generally fair and warm Saturday, cool at night. Lows in 50s mountains and 58 to 65 elsewhere.

SOUTH CAROLINA: Fair

Cleveland	88 62	Pittsburgh	84 60
Denver	94 60 .01	Phoenix	105 75 .05
D. Moines	88 70	Port., Ore.	75 48
Detroit	87 63	Reno	87 40
El Paso	91 75	Richmond	81 56
Ft. Worth	91 72	St. Louis	92 70
Ind'apolis	87 54	San Fran.	64 54
Jackson	93 71	Savannah	84 70
Jack'ville	86 70	Seattle	68 50
Kan. City	91 72	Tampa	92 72
L. Rock	91 67	Wash'gton	82 62
L. Angeles	80 66		

H—Highest temperature past 24 hours.
R—Rainfall to 7 a.m.
L—Lowest temperature past 24 hours.

Shop

Felton Gets Post On Supreme Court

Continued from Page 1A

elected chief judge of that court by his fellow judges in 1954. His moving up to the Supreme Court leaves the chief judge post vacant in the Court of Appeals.

Evans, 63, was, ironically, a "Democrat for Callaway" who vigorously opposed Maddox in the 1966 governor's race.

APPEARING AT an Atlanta press conference in behalf of Republican Howard Callaway in October of 1966, Evans, who had helped defend Maddox in his famous "pistol-pointing" case, blasted Maddox as a "radical," said his election would suit militant Negroes and declared, "If that unhappy day ever comes — God forbid! — then you may look for riots in the street, for violence and disorder of every kind. . . ."

Evans had supported Maddox in the Democratic primary that year, however.

Speaker of the House in 1941-42, Evans has served as a county official in McDuffie County for years and gained fame in that area when he won for local landowners up to 12 times the amount of money offered them for interstate highway rights-of-way by the State Highway Department.

ALTHOUGH HE HAS had a number of noted cases as an attorney, probably his most spectacular came in 1963 when he legally seized a train as it passed through Thomson and held it

said Maddox called him Thursday night to tell him the news.

MADDOX SAID he gave serious consideration to a number of people for the job, then singled out Hawes for praise, calling him "the top statesman in Georgia," and syagin, "I would hope there would be other opportunities for him.

After the press conference all but spelled out that if another vacancy occurs in a high court after next year's legislative session, the job will be Hawes' for the asking.

Maddox said his appointees "have distinguished themselves as fair, temperate men."

Of Evans, he added, that the Thomson attorney "has one of the most capable legal minds known to us."

Woman Dies Of Seizure At Hearing

Mrs. Kate Izner, an elderly resident of Mableton, died Friday, apparently of a heart attack, while she was in Atlanta City Hall to attend a housing code enforcement hearing.

Police Capt. Morris Redding, aide to Mayor Ivan Allen, said he rushed to Mrs. Izner's side



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ALTHOUGH HE HAS had a number of noted cases as an attorney, probably his most spectacular came in 1963 when he legally seized a train as it passed through Thomson and held it there until railway officials brought him the several thousand dollars they owed a client.

Although Judge Felton will be replacing Justice Duckworth on the Supreme Court, he will not step into his shoes as chief justice. The court itself elects its own chief justice and the members have already named Justice Bond Almand to the post.

By sheer coincidence, Hawes, who had figured in so much speculation about the Supreme Court job, had a press conference of his own which had to be delayed while Maddox held his press conference. The Hawes conference was to announce end-of-the-month revenue figures.

HAWES, appearing just a trifle embarrassed, told newsmen he understood the governor's bypassing him, but acknowledged his deep interest by handing out a prepared press release saying he will continue "as in the past to exert my best efforts to advance the interest of the Revenue Department, which is closely associated with the people of Georgia."

Hawes said he was "gratified" he was considered for the job and thanked "the lawyers, the news media, my friends, as well as the public generally

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Police Capt. Morris Redding, aide to Mayor Ivan Allen, said he rushed to Mrs. Izner's side when she became ill. Others summoned an ambulance from Grady Hospital.

Mrs. Izner was later pronounced dead upon arrival at the hospital.

She lived at 122 Skyview Circle, Mableton. Redding said she owned property in Atlanta and was at City Hall to show cause why she could not repair or demolish the structure.

The hearing, which was to be conducted by Atty. Olin Rambo, had not begun when Mrs. Izner became ill and collapsed, Redding said.

Suicide Study Gets Funds

SAN FRANCISCO (UPI) —

The U.S. Public Health Service has granted \$400,000 to the University of California's Langley Porter Neuropsychiatric Institute for a study of depressive states and suicide prevention.

Although not all depressed persons are suicidal, about 80 per cent of suicides are the result of depression, according to Dr. Jerome A. Motto, who will direct the study, which he said

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Director of the House in 1941. He has been accused of receiving \$100,000 from the state of Georgia in 1941. He was also accused of receiving \$100,000 from the state of Georgia in 1941. He was also accused of receiving \$100,000 from the state of Georgia in 1941.

Although Judge Foster will be replacing Justice Blackwell on the Supreme Court, he will not stay in the state to chair the bar. The court itself elects its own chief justice and the members have already elected Justice Holt to chair the bar.

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Hawes said he was "gratified" he was considered for the job and thanked "the lawyers, the news media, my friends, as well as the public generally who responded so favorably to the idea of my being elevated to the highest court of this state."

The revenue commissioner

Woman Dies Of Seizure At Hearing

Miss Mary Louise M. Matthews, 42, died of a seizure at a hearing in Atlanta, Ga., last night. She was a hearing aid salesman.

After a long hearing, she was taken to a hospital. She died there.

The hearing was later postponed until after she had recovered from the seizure.

The hearing was held at the Georgia State Court building. She was a hearing aid salesman.

The hearing, which was to be conducted by Judge Matthews, had not begun when she became ill and collapsed, leaving her dead.

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Although not all depressed persons are suicidal, about 80 per cent of suicides are the result of depression, according to Dr. Jerome A. Motto, who will direct the study, which he said would be aimed at ministers, nurses, social workers and non-psychiatric physicians.