

Judge Frees Reedsport Resident From Indictment By Grand Jury

A Douglas County Circuit Court judge Wednesday dismissed a Grand Jury indictment, on motion of the defense attorney, even though the district attorney contended in an affidavit he wanted more time to study the matter.

The case was that of John C. Diehl, Reedsport businessman, who had been charged in the indictment with sodomy, based on testimony of a 12-year-old girl.

Diehl, in a polygraph examination (lie detector test) — results of which were kept secret until just prior to the court action — passed the test as to his innocence, in the opinion of a state police officer administering the test.

Judge Charles S. Woodrich in ruling for dismissal of the case, in a hearing Wednesday afternoon, did so on two grounds:

"First, and in the court's opinion, of foremost concern, is the result of the detector test itself, which demonstrates the innocence of the defendant in the opinion of the competent expert administering the test, and likewise in the opinion of the Dep. Dist. Attorney (Verden L. Hockett), whose obligation it was to prosecute this case and whose responsibility it was to see that justice was done, and opinions concerning the innocence of this defendant are persuasive with the court."

Hockett, who resigned his position as of July 1, had handled the investigation of the case, but it was taken over by District Attorney Avery Thompson after that. The judge gave his second "persuasive reason" that "the defendant waived his constitutional immunities based on an understanding and agreement with the district attorney's office, that the violation of this agreement in my opinion would in turn violate the rights afforded this defendant under the Constitution. It was a conditional waiver, and it is persuasive with this court that the court should enforce the condition in view of the fact the waiver was made to this condition."

The agreement referred to by the judge, as stated in an affidavit of Diehl's attorney, Dudley C. Walter, was, 1. That the test was not to be a matter of information to the public or anyone other than Mr. Hockett's office, the defendant, his wife, his counsel and the Oregon State Police examiner.

2. That in the event the results of said examination in the opinion of the examiner showed guilt on the part of the defendant for the crime charged in the indictment the fact that the examination had been given or the results of the examination would remain unreleased and would form no part of any evidence at any trial of the defendant.

3. That in the event the result of the examination in the opinion of the examiner showed the defendant to be not guilty of the charge in the indictment, Mr. Hockett would recommend the dismissal of the indictment to the district attorney and that his recommendations had been followed in the past; and further that "in his opinion no prosecutor in his right mind would attempt to prosecute the defendant on this indictment under such circumstances." No one was to reveal results of the test until the district attorney's office had an opportunity to make a public statement of the results and reason for dismissal.

The lie detector test was administered by the Corp. Ben Pearson of the Oregon State Police Bureau of Identification of Salem on June 27. The examination in the opinion of the examiner showed without reservation that the de-

fendant was innocent of the charge or any other act of that nature, the affidavit states.

Thompson was not present for the hearing before Judge Woodrich, although testimony was adduced that he had been served notice. Thompson, however, shortly before the hearing filed an affidavit stating that he had been away and was given the results of the polygraph on his return July 1, and a written report July 2.

The report "did not include any opinion or dissertation as to the eligibility of the defendant as to his susceptibility for a successful test or as to any symptom which would render the test unsuccessful," he stated.

"The said test indicated certain deceptive reactions recorded in response to certain questions of minor girls in the city of Reedsport, which prompted the district attorney to advise Mr. Walton that he desired to further investigate the matter."

Thompson later stated out of court he wanted it made clear the dismissal was made by the court and not on his initiative.

Walton's affidavit stated that he had informed the district attorney's office that by reason of the failure of the district attorney to honor the agreement and dismiss the indictment, he no longer could be bound by the stipulation to refrain from releasing the result of the examination insofar as the indictment is concerned and would apply to the court for an order of dismissal for the reasons stated in the affidavit.

Diehl had pleaded innocent on arraignment and was free in \$7,000 bail. His trial had been scheduled for July 24.

Post Installation And Election Scheduled By American Legion

American Legion A.L. Fallon Post 123 of Canyonville will have installation of officers at an event set for this Friday at the Legion Hall in Canyonville. Potluck supper will



MRS. EVELYN POWELL
... auxiliary president

start at 6:30 p.m. with the installation to follow at 8 p.m.

District 9 Cmdr. N. Frank (Ricky) Powell of Riddle will be the installing officer, performing his last official duties in Douglas County as district commander prior to election of new district officers set for Sunday, July 14. He will be accompanied to the meeting by Mrs. Powell (Evelyn), president of Dist. 9 Legion Auxiliary.

According to a statement by Pow-



TRIP TO NEPAL is planned by Dave Wyatt, shown here holding a special gift blanket for the Dalai Lama, and Steve McCarthy of Roseburg, and Gary Payne of Boise, Idaho. The trio, known officially as the Oregon Himalayan Expedition, will leave Sept. 15 for Calcutta, then travel on foot the route of the Hillary expedition to Mt. Everest. Wyatt is shown surrounded by equipment for the trip which was donated to the expedition by several concerns. (UPI Telephoto)

Reedsport Fleet Days To Open Friday

The seventh annual Fleet Days celebration at Reedsport and Winchester Bay gets under way Friday night at 8 p.m. when the curtain goes up on the "Coronation Capers" at which the queen is selected.

The queen will be chosen from a quintet of princesses. They are Joanne Barth, Moira Nunnally, Linda Tabor, Patti Todd and Sharen Weatherly.

They will be escorted by five members of the Umpqua River Lifeboat Coast Guard unit. Throughout the festival the unit will serve in the role of saving lives as well as taking the parts of honor guards.

Full days of activities are scheduled Saturday and Sunday. The coronation of the queen is slated at 10 a.m. Saturday, followed by the traditional planting of roses in Hahn Park by the Portland Rosarians.

Following in order will be the traditional salmon feed at noon, the Fleet Days parade, starting at 2 p.m. from the Reedsport High School, a championship swimming meet at Highland pool and the driftwood bonfire and Benchesombers Ball Saturday night. Also included is a 7 p.m.

wrestling exhibition at the high school by professionals.

The big event Sunday at 10 a.m. is the colorful "blessing of the fleet."

Foreign Service Tests Scheduled

U. S. Rep. Robert Duncan reports that the U. S. State Department has set a deadline for filing applications for the testing for positions of junior foreign service officer. The deadline is July 22.

Applicants from the Oregon 4th District will be able to take the written examination in Portland. In addition, oral and medical examinations and background investigations are planned.

More information may be secured from Duncan at 125 Cannon House Office Building, Washington 25, D. C.

Two Roseburg Youths Plan Trek Across Foothills Of Himalayas

By BILL SPARKS
News-Review Staff Writer

The Oregon Himalayan Expedition, comprised of two college students from Roseburg and a companion from Boise, Idaho, will embark for Nepal on Sept. 15 with plans already outlined to cross the upper foothills on the Himalayas on foot and then continue on to New Delhi, India with hopes of speaking to the Dalai Lama.

The expedition has received the official endorsement of Gov. Mark Hatfield as well as support of the Smithsonian Institute, the Chicago Museum of Natural Science and the Oregon Museum of Science and Industry.

Undertaking the trek through the 10-12,000-foot-high mountains will be Dave Wyatt, 19, son of Mr. and Mrs. Edwin Wyatt, 540 W. Chat-ham St.; Steve McCarthy, 20, son of Mr. and Mrs. Gerald McCarthy, Melrose Road, and Gary Payne, 19, whose parents live in Boise.

Wyatt is a student at the University of Chicago and McCarthy and Payne both attend Reed College in Portland.

Following Famous Route
In crossing the Himalayas, the trio will follow the path of the 1953 British expedition to Mt. Everest led by Sir Edmund Hillary.

The trio hopes to have an interview with the Dalai Lama arranged by U.S. Ambassador to India Chester Bowles. The Dalai Lama has resided in India since fleeing Tibet on March 13, 1959.

Plans for the trip began to unwind last summer when the trio obtained what they thought was a definite ride on an ocean freighter to Calcutta. It was later discovered, however, they could not get firm commitments for jobs on the freighter because union regulations establish priority schedules for seamen.

With plans already formed up to trace the path of the Hillary expedition, the trio decided that instead of coming back the same route they would journey on by foot to Darjeeling, India. This provides a total of 400 miles of walking through the Himalayan foothills.

McCarthy and Payne spent the late spring months, April and May, in Portland rounding up support for the expedition. They received several forms of aid, including clothing, equipment, food, special hiking shoes, film and a special blanket to be presented to the Da-

lai Lama. In addition to the several hundreds of dollars worth of equipment, they received cash support, including a grant of about \$400 from Reed College.

Bakke Steamship Lines, which had originally offered the trio a chance to work their way to Calcutta, has offered to ship the equipment to Calcutta free. It will be shipped from San Francisco this week.

The three-man expedition will leave from Portland on an airliner Sept. 15 and arrive in Calcutta on Sept. 18. India Airlines has arranged to clear all the equipment through customs and will fly the trio and their equipment to Katmandu, capital of Nepal the same day.

They plan to spend 7 to 10 days in Katmandu visiting various officials, including the crown prince of Nepal. Wyatt said Oregon Sen. Wayne Morse has been extremely helpful in dealing with the Nepalese government.

The trip will be a scientific expedition, as the boys will collect samples of insect life for the Smithsonian Institute, the Chicago Museum of Natural Science and the Oregon Museum of Science and Industry. They have been excused from many restrictions usually applied in Nepal because of the size of the party and the nature of their expedition.

They have already obtained a visa to Nepal for seven days and upon their arrival at Katmandu, will obtain a permit for the 50 or 60 days of their stay through the U.S. Foreign Affairs office. Arrangements have been made so the permits will be ready when they arrive.

From Darjeeling, India, they will travel to New Delhi, where they

have a letter of introduction to Ambassador Bowles, who they hope will be able to arrange for the personal interview with the Dalai Lama.

From New Delhi, they will travel to Europe, exact destination as yet unknown, to spend several months there and complete a full year's travel.

Hospital News

Visiting Hours
2 to 3:30 p.m. and 7 to 8 p.m.

Mercy Hospital
Admitted

Medical: Mrs. Larry Westin, Mrs. Franklyn Hayes, both of Roseburg; Mrs. LeFoy Kesterson, Winston.

Surgery: Steve Finnell, Roseburg; Bradford Parozoo, Sutherlin; Mrs. Ray Osborne, Myrtle Creek.

Discharged
Mrs. Charles Stalaker, Donna Chambers, Mrs. Harold McCormack, Richard Drake, Mrs. LaRue Crain, Renee Schick, Mrs. John Biore and daughter Laura Leslie, all of Roseburg; Lee Travis, Warm Springs.

Douglas Community Hospital
Admitted

Medical: Mrs. Thomas Mountain, Mrs. Ernest Baziotis, Mrs. Wilford Kincaid, all of Roseburg; Mrs. Carl Westfall, Myrtle Creek; Mrs. Albert Rankin, Sutherlin; Mrs. W. B. Glen Jr., Winston; Mrs. Otto Scheeman, Yoncalla.

Surgery: Mrs. Donald Henry, Chester Nording, both of Roseburg.

Discharged
Clarence Lovins, Roseburg; Timothy Burkhardt, Coquille; Keith Moon, Sidney Moon, both of Klamath Falls; Ruth Laurance, Winston.

Thurs., July 11, 1963 — The News-Review, Roseburg, Ore. 3

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