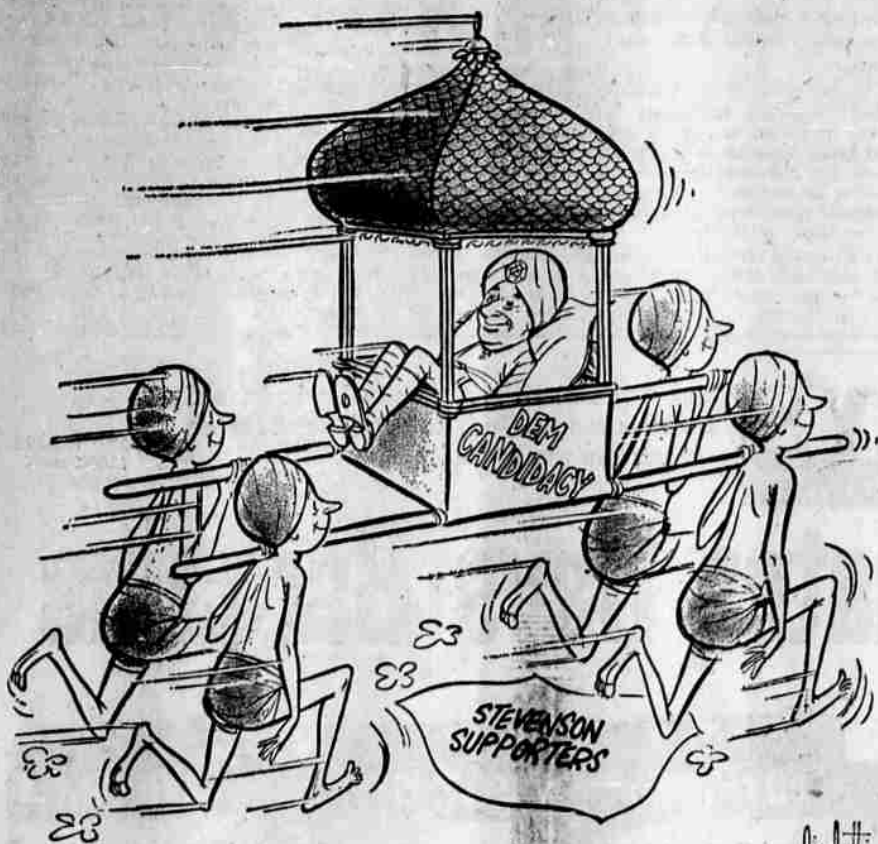


'His Head Says 'No' But His Feet . . .



ME A Service, Inc.

EDITORIAL PAGE

LA GRANDE OBSERVER

Thursday, June 25, 1959

"A Modern Newspaper With The Pioneer Spirit"

PUBLISHED BY THE
LA GRANDE PUBLISHING COMPANY

RILEY D. ALLEN Publisher
GEORGE S. CHALLIS Adv. Director
TOM HUMES Circulation Mgr.

Preserving The Court's Freedom

The U. S. Supreme Court is on a tack to the right, and division among the justices seems to have hardened. This course, if left unchanged, threatens to change the emphasis from individual rights to the rights of government in court rulings.

The new majority is formed by Justices Felix Frankfurter, Tom C. Clark, John M. Harlan, Charles E. Whittaker and Potter Stewart; these justices are opposed by Justices Earl Warren, Hugh Black, William O. Douglas and William J. Brennan.

The new majority was formed when Frankfurter and Harlan swung the balance of power to the court's conservative wing in a recent series of civil liberties tests.

Two cases can be cited in this indicated shift. The high court upheld the conviction of Lloyd Barenblatt, a teacher, who as a witness before the House Un-American Activities Committee refused to answer the question whether he was then a member of the Communist party. The Supreme Court also sustained a New Hampshire contempt conviction of Dr. Willard Uphaus for refusing to give the state attorney the guest list of an avowed pacifist group.

These decisions alter the interpretation placed by the court in these areas in a 1957 case and a 1956 case concerning an Illinois labor leader and an alleged Communist in Pennsylvania.

In the first case the high court held that a conviction of John Watkins should be reversed. Watkins had refused to tell the House Un-American Activities Committee the names of past associates suspected of being Communists. At the time the court said it felt the congressional committee was exposing merely for the sake of exposure and had not made clear the "pertinency" of its questions.

In the Nelson case, the second case, it

was held that only the federal government could prosecute for sedition against the United States. Many interpreted this to mean that all state sedition laws were thereby voided. In sustaining the conviction of Dr. Uphaus, however, the court now says that only sedition against the federal government is ruled out of state jurisdiction and this by the terms of the Smith Act.

Barenblatt did not raise the issue of pertinency of the committee's questioning at the time of his hearing; Watkins did. In the Barenblatt decision the court avoided condemning legislative inquiries of this type and in both of the recent decisions on civil liberties—the Barenblatt and Uphaus cases—the court has made it clear that refusal to answer questions of congressmen does not insure immunity from prosecution.

As William H. Stringer of The Christian Science Monitor has noted, the most important upshot of these two decisions is that the high court has recognized the continued need for Congress to hold wide powers in investigating the Communist conspiracy.

The liberal dissenters on the bench have indicated they will continue to fight this apparent swing to more governmental regulation and resultant reduction of individual safeguards. Their reduction to a minority status may work to the court's—and the nation's—advantage however.

Members in the House have drawn up a strong court-curbing bill based on congressional fears that liberal decisions in recent years have aided Communists and criminals in evading the law. With the swing to a more conservative position in the Supreme Court, enough of the momentum behind the bill may be lost to preserve the court's traditional freedoms, freedoms needed to look after the rights of this nation's citizens.

Erle Stanley Gardner Sets Court Appearance For Man

OKLAHOMA CITY, Okla. (UPI)—Mystery writer Erle Stanley Gardner planned to make an unprecedented court appearance today seeking a new trial for a Texas man serving a life term for kidnapping.

He was scheduled to ask U. S. District Judge W. R. Wallace to give Marion Isom Bowling, 43, of Wichita Falls, Tex., a new trial, apparently on the basis of new evidence uncovered by the magazine-sponsored "Court of Last Resort."

JORDAN GETS GRANT

AMMAN, Jordan (UPI)—The British government has given Jordan \$1,400,000 to help complete a new desert road to Aqaba, a Red Sea port on the Gulf of Aqaba, a British embassy spokesman announced Wednesday. The road insures Jordan free access to the port. Other roads to Aqaba cut through Syria and are subject to a blockade.

Gardner declined to comment on the case. He said he wanted to avoid "trial by newspaper." But he said the Bowling case will be the first time since the "Court of Last Resort" was formed in 1948 that any of its members have appeared in court. He said they normally work through an appeal to the people.

Bowling and Foster Bowen were convicted by a federal court jury at Ada, Okla., on March 4, 1957 of kidnapping and criminally assaulting a 22-year-old Duncan, Okla., waitress.

The petition for a new trial will mark the first time in 12 years that Gardner, noted criminal investigator and creator of super-lawyer Perry Mason, has appeared in court. He will appear as "a friend of the court."

Gardner said Bowling's wife asked the "Court of Last Resort" to help her husband nine years ago.

State Employee Wins Top Award

SALEM (UPI)—W. O. Widdows, State Highway Department Assistant Engineer, is co-winner of the Hewes Award for engineering achievement for 1959.

Widdows' share of the award, consisting of a bronze plaque and \$250, was made at the Western Association of State Highway Officials now in convention at Billings, Mont., it was announced here today.

W. C. Williams, State Highway Engineer and president of the association said an Arizona highway engineer shared the honors.

Recognition came to Widdows for more efficient equipment to paint stripes down highways.

The new system permits heating the paint before it is applied, allowing 30 per cent faster application.

ASNE URGES ACTION

WASHINGTON (UPI)—The president of the American Society of Newspaper Editors has urged quick Senate action on a recom-

DREW PEARSON SAYS:

Ike Could Have Prevented Battle Over Lewis Strauss

WASHINGTON—Hugh O'Brian, who stars as Wyatt Earp in the TV dramatic series that has made Wichita, Kans., famous, sat near the rear of Congressman Hollifield's investigation of radioactive fallout. He sat through the entire hearing as interested as one of the spectators of his own TV drama.

Finally John Donnelly, assistant to Congressman Hollifield, went up to him.

"What are you doing here?" asked the curious Donnelly.

"I've just spent a week in Africa with Dr. Schweitzer," replied the Hollywood actor. "And he is so worried about the effect of radioactive fallout on civilization that I decided to attend these hearings."

He added that he intended to continue watching the hearings for a week and then do a TV show on the dangers of atomic war. Hollifield's hearings are showing that any nation which starts atomic war could be wiped out by its own fallout.

Broken Promise
Only the insiders realize it, but President Eisenhower could have saved himself a lot of headaches over Admiral Strauss if he had carried out his promise to Under Secretary of Commerce Walter Williams.

Williams had served for five years under Secretary of Commerce Sinclair Weeks with the explicit understanding that he would replace Weeks when Weeks went to Boston. Williams had been the chief organizer of the citizens-for-Eisenhower clubs and served as their national chairman in the 1952 campaign. It was he who helped raise the \$2,000,000 to blanket the TV networks with those famous spot appearances of Eisenhower during the last two weeks of his campaign.

After Ike won, Williams was made under secretary of commerce with the understanding that he would be promoted to the cabinet later. Williams is a progressive businessman from Seattle, was an early organizer of the committee for economic development, believes small business must be supported to retain the principle of free competition.

Though not happy with Week's big business policies, he remained in the commerce department, waiting for him to resign. Finally, Weeks did so. Whereupon Eisenhower reversed himself. Ex-Secretary of the Treasury George Humphrey persuaded him to appoint his friend, Admiral Strauss, partner in one of the biggest Wall Street investment firms, to succeed Weeks.

Tired of waiting, and fed up with big business policies, Williams resigned.

Alabama for Kennedy

It was just 30 years ago that Sen. "Tom-Tom" Heflin of Alabama was taking the floor of the U. S. Senate almost daily to warn the nation of the "dangerous menace of the Pope in Rome." It was also just 30 years ago that part of the solid south went for a Republican, Herbert Hoover, against Democratic candidate, Al Smith because Smith was a Catholic. And it was only about a year ago that John Patterson was elected governor of Alabama with the enthusiastic support of Robert Shelton, grand dragon of the Ku Klux Klan.

However, last week the same Governor Patterson sat in the office of Sen. John Kennedy of Massachusetts, a Catholic, and pledged his support to deliver Alabama's delegates to Kennedy in 1960. Furthermore he offered to help Kennedy get delegates in other southern states.

Kennedy was pleased. But he discreetly cautioned the governor of Alabama that if he won too many southern delegates too early it might hurt him in the north. He intimated that the South should hold back.

Governor Patterson, however, warned that the real issue in the South was not Catholicism, but a third party. He reported that Gov. Orval Faubus of Arkansas had addressed the Alabama legislature recently and had all the earmarks of wanting to run for president. He also pointed out there would be a two-prong drive in the South—one for Faubus, the other by Sen. Herman Tamm, made of Georgia to organize for Sen. Lyndon Johnson of Texas. Therefore, Kennedy should not wait too long.

The young Massachusetts senator didn't comment on this need for speed. But he did discuss with Patterson his strategy elsewhere, especially Ohio.

"I think I could go into Ohio and beat Mike Di Salle," he said, referring to the Democratic governor of Ohio who is expected to be Ohio's favorite-son candidate. "Di Salle isn't as popular as he was when first elected. In fact, he's always had a hard time running. I think I might just go in."

Recommendation by the Senate Rules Committee that payroll information on Senate employees be made available to the public, J. R. Wiggins, the ASNE president and executive editor of the Washington Post and Times Herald, called the committee's action "gratifying."

to Ohio and tangle with him. There are 65 delegates in Ohio, the fourth largest in the Democratic party."

If Kennedy does enter Ohio, it will mean a race between two Catholic Democrats which is quite a change for a state which in the early 1920's was dominated politically by the Ku Klux Klan.

Note—Kennedy probably won't find it possible to capture all of Alabama's delegates, even with the potent backing of Governor Patterson. There is strong Lyndon Johnson sentiment in Alabama.

Niggardly General Electric
Ralph J. Cordner, chairman of General Electric and second highest salaried businessman in the nation, got a letter the other day from James B. Carey, president of International Union of Electrical workers, offering help:

"Somehow that's a disturbing figure—\$399,999.50!" wrote Carey, referring to Cordner's salary. "It reflects a degree of cheapness and pettiness and even penny-pinching on the part of your employer; I mean the company's failure to add 50 cents—just four bits—to your income to round it off to an even \$400,000."

"For our part we think you deserve that additional four bits, the half buck more. Would you like to have someone negotiate this increase for you? We'll be glad to put our union's bargaining facilities at your disposal (signed) James B. Carey."

Stockholders File Suits Against Springfield Firm

EUGENE (UPI)—Two stockholder suits were filed in circuit court here Wednesday against the Booth-Kelly Lumber Company of Springfield.

Georgia-Pacific Corporation, one of the stockholders, filed a petition asking that Booth-Kelly be forced to produce a record of its stockholders for examination. Robert S. Miller, another Booth-Kelly stockholder, filed against the company asking that he be allowed to examine the Booth-Kelly bylaws.

Circuit Judge Alfred T. Goodwin granted a writ directing Booth-Kelly to produce the record of stockholders and the bylaws or show cause why the petitions should not be allowed. He set a hearing on both suits for next Monday.

Georgia-Pacific charged in its suit that Booth-Kelly officials refused to allow Georgia-Pacific representatives to examine the list and Miller said the same thing about the bylaws.

Watch In Shark Still Mystery; Sheriff Checks

LOS ANGELES (UPI)—The sheriff's office today checked reports of missing persons to determine if any of them owned a wrist watch which was found in the stomach of a 12 foot shark killed last Monday.

The crime laboratory examined the seven jewel Latham Swiss made watch which had a gold plated expansion band. It had a squarish face, gold numbers and gold borders, investigators said.

Mrs. Helen Gehle, of Compton, Calif., said Wednesday the watch resembled one worn by her husband, Edwin, 57. He vanished on a boat trip between Santa Barbara Island and Catalina Island off the southern California coast about June 4.

Pendleton Bomb Threat Is Hoax

PENDLETON (UPI)—A downtown bank, the First Federal Savings and Loan Association, and several adjoining businesses here were emptied Wednesday afternoon by a telephoned bomb threat that turned out to be a hoax.

Police said the call was received by Dorothy Hartnett, who works at the bank. She said a voice described as that of a youngster attempting to disguise himself told her a bomb was in the bank and would go off "in just 15 minutes."

As a precautionary measure, police ordered the bank and several other buildings evacuated. A search was made, no explosives found, and the employees were back at their jobs in about one hour.

Big Voter Turnout Is Predicted In Hawaii

HONOLULU (UPI)—Edward E. Johnston, secretary of Hawaii, predicted today that 85 per cent of Hawaii's 174,000 registered voters would turn out Saturday to put their stamp of approval on statehood and nominate candidates.

Johnston said, "For years Hawaii has had the best voter turnout in the United States in its territorial elections, and I am sure that a good many people will want to be able to tell their grandchildren they voted for statehood."

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