

# The Oregon Statesman

"No Favor Sway Us; No Fear Shall Awe"  
From First Statesman, March 28, 1851

CHARLES A. SPRAGUE - Editor and Publisher

THE STATESMAN PUBLISHING CO.  
Charles A. Sprague, Pres. - Sheldon F. Sackett, Secy.  
Member of the Associated Press  
The Associated Press is exclusively entitled to the use for publication of all news dispatches credited to it or not otherwise credited in this paper.

## Prosecutor for Judge

Some fifteen years ago the famous case of Pierce v. Society of Sisters and Pierce v. Hill Military academy was appealed to the United States supreme court after the Oregon supreme court had ruled sustaining the constitutionality of the Oregon law against parochial schools. The federal supreme court declared the Oregon law unconstitutional; and thus was recorded a great victory for civil and religious liberty. The law was the product of the terrorism of ku klux klan days. When it was held invalid the klan quickly faded and the post-war era of fanaticism and prejudice came to an end.

What chance would the defendants in those cases have had before a supreme court made up of Senator Blacks? Back in August of 1926 the Mobile Register said that Black "backed by the klan, had a walkaway in his race for the senatorial nomination." Whether he was a member of the klan is incidental: he was the beneficiary of its favor, and mounted to high office with its aid.

That Black's mind follows the ku-klan manner of thinking is evident from his performance in the senate. He has been a prosecutor without scruple in the handling of examinations before his committee. The hearings of his lobby-investigating committee were conducted "in a manner which is a combination of the tactics of the police court pettifogger with the blustering arrogance of Jeffreys."

It was Senator Black who violated the privacy of telegrams in utter disregard of the constitutional guarantee of freedom of the individual from unwarranted search and seizure. Not only did he ransack the telegraph company files on matters relating to public utility legislation, he made a copy of the private telegram from Mr. Hearst to one of his editorial employes and turned it over to a member of congress, although it had no relation to utility legislation. Black connived with the federal communications commission to get hold of the telegrams; and when appeal was taken to the courts the court of appeals for the District of Columbia said:

"The resolution adopted by the commission (F. C. C.) under which its agents took possession of the telegraph companies' offices and examined wholesale the thousands of private telegraph messages received or dispatched therefrom over a period of seven months for the purpose of securing for the Senate committee knowledge of the contents of the messages, was without authority at law and contrary to the very terms of the act under which the commission was constituted."

Yet the man who showed such contempt for the law and the constitution, such disrespect of the traditional private rights of individuals; this man who vaulted from the position of police judge to the United States senate, by the aid of the ku klux klan, has been nominated for justice of the supreme court of the United States.

Even his colleagues protest that he is unqualified to sit on the bench as judge because he lacks the judicial temperament; but because of traditional senatorial courtesy and supineness and political fear the senate will approve the nomination and Black will step to the bench to sit in judgment on the most important concerns of his fellow men.

It is not his political new dealism which is in question. The appointment of a so-called liberal was a foregone conclusion. But there were plenty of others with a liberal viewpoint who yet possess the judicial mind, the full grasp of legal knowledge, and the intellectual capacity to discharge with honor and distinction the office of justice who were passed over that this Alabama politician might be rewarded and the president's enemies spanked.

President Hoover appointed Benjamin Cardozo; but Cardozo was a man with long experience on the New York appellate court, a man widely recognized for his brilliant mind and his catholic outlook on legal issues. Even from conservatives who disagreed with his opinions there was no complaint over Cardozo's selection, for his ability was admitted.

The sponsorship of the court-packing bill did much to destroy the hero-worship of President Roosevelt. His unfortunate choice of Hugo Black for a supreme court judge adds to the popular reaction against him. In all probability Black will outlive Roosevelt and outlive the political spasms which now convulse the country. For years he will be there, wearing his political label; and the people must submit to justice colored by his intemperate prejudices.

## New York's Campaign

New York city, long the stronghold of political corruption, seems well on the road to reform. Mayor LaGuardia has given it a clean, efficient administration, and will be the nominee in all likelihood of the republican, fusion and American labor parties. The democratic opposition is split between Sen. Copeland and Judge Mahoney.

But the most encouraging late development in the New York campaign is the candidacy of Thomas E. Dewey for district attorney of New York county. As special prosecutor Dewey has made great strides in ridding the city of organized vice and graft which flourished under Tammany favor until the life of the city was brazenly corrupted. Dewey has yielded to heavy pressure of leading citizens of New York and consented to become a candidate for district attorney. This means if he is elected, that Tammany will not be able to name the assistants and deputies who do much of the work, and on whose faithlessness Tammany relied in its political alliances with graft and crime.

If New York is able to reelect a reform candidate the cause of good government will have a stimulus all over the country. The news might even reach Chicago.

The Oregonian suggests that the utility commissioner should impose a fine or other penalty on a disobedient trucking concern, and not suspend its license. Without examining the law we may express the view that the commissioner has no powers of levying a fine or imposing a jail sentence. His only form of punishment is the suspension of the operator's license. That, if may be said, is the most effective way of correcting whatever evil the concern was found guilty of. The public will suffer slightly, because there are plenty of other trucking outfits and rail lines to take care of urgent transportation needs.

A few years ago an investment counselor recommended interest in Shanghai dollars as a protection against inflation. Later came the smash in Chinese silver markets, and now war is raging at the mouth of the Whangpo. What will be left of Shanghai dollars is hard to forecast; but we have none to worry about. No advisor is a soothsayer.

A negro in New York, a cook, says she gave \$4000 to Father Divine in return for a promise of eternal life. Now she wants her money back. How can she prove Father Divine has failed to make good on the promise? She isn't dead yet. Selling salvation of one kind and another is an old claim of the priesthood from the beginning of history; but proof of delivery has always been lacking.

Dr. J. F. Hosh of Bend shows the usual symptoms of a candidate for office. He is campaigning for public ownership of power, and says they have their eyes on the telephone company, and puts in a boost for socialized medicine. It will be safe to say, however, he will not run on the socialist ticket.

A Portland shipowner has named his two boats Maine and Vermont. They must be rock-ribbed.

## Bits for Breakfast

By R. J. HENDRICKS

When Senator Nesmith fought in congress for a branch mint at The Dalles, Oregon:

(Continuing from yesterday:) Senator Nesmith here presented a written statement over the signatures of his colleagues and himself, that is, signed by U. S. Senators J. W. Nesmith and B. F. Harding and Representative John R. McBride of Oregon. The statement gave facts tending to show that the estimate of a million dollars a month was very low for the product of gold in the Pacific Northwest. It showed that the principal occupation of people in Idaho and eastern Oregon and Washington was then (1864) mining. It said the territory of Idaho until 18 months before that date did not contain an excess of 500 white people, while a recent census by the United States marshal showed over 34,000. It said the number to be accommodated by the proposed branch mint at The Dalles already at least 50,000; and that the surface was so far only scratched. It showed that three men in six weeks, working only with their own hands, had taken out \$180,000 in value of gold.

It reprinted extracts from newspapers. The Journal of the West reported that the steamboat Nez Perce Chief had arrived down river the evening before publication with "the richest freight that any steamer on the Columbia river ever bore;" that the Wells-Fargo express had \$35,000; one party of six miners \$13,400; a party of two, \$57,600; one man, \$28,000. And many other miners on the boat had full pokes or belts of the yellow metal.

The section to be accommodated by the proposed branch mint at The Dalles, it was said, was that extending "from the 42nd to the 49th parallels of latitude, and from the Pacific ocean to the Rocky mountains, contains an area about eight times the size of the great state of New York, or about six times as large as the New England states," and that "throughout the length and breadth of this vast region, with the exception of but a few titles, both gold and silver abounds in inexhaustible quantities."

The two last quoted statements were from the speech of Senator Nesmith, and he went on to say: "But a few short years since I saw it an uninhabited wilderness, except that portion occupied by Indians. . . . Today it contains 200,000 busy, enterprising, industrious and intelligent people, forming a nucleus around which millions will be found within a brief space of years since I saw it a scattered and meagre population, with but a few conveniences or facilities, and with rude appliances, produced \$15,000,000 in gold. This year that product will be more than trebled. The addition of time and products of precious metals in this region would come to a billion dollars a year. Further along in his speech he said:

"One morning in the year 1848, Bennett and Marshall two little boys, unknown to fame, picked up some pieces of yellow substance in Captain Sutter's mill race on the American river near Coloma, California.

"Those men, quite as unconscious of the magnificent results to flow from their discovery as Columbus when he first beheld the glimmering light upon the shores of America, held in their hands the germ that was to give a new impetus to the progress of the world.

"What has resulted from the discovery made by those two almost unknown men, though it has astonished and filled mankind with amazement, is but the precursor of what is to follow when the vast mining regions of Oregon, Washington and Idaho have their mining resources fully developed. As yet nothing has been accomplished upon the Pacific coast but a mere scratching of the surface.

"With machinery, capital, systematic labor and good roads and affording facilities for ingress and egress, and the cheaper transportation of necessary supplies, the production of gold and silver will be increased a thousand fold, and the nation will have in its own public domain so rich in precious metals, resources ample for the liquidation of our public debt, even if we should be compelled to battle with treason and secession for another generation to come."

(The careful reader will note that this speech, April 1, 1864, was delivered a year and nine days before Lee surrendered to Grant, and it was five months and 19 days before Nesmith's great friends, Generals Sheridan and Russell, won the battle of the Opegun, which made the road to Appomattox open and straight-cut the cost of Russell's life. On April 1, 1864, no one was certain that the "battle with treason and secession" might not last "for another generation.")

## Ten Years Ago

August 18, 1927  
Loyal Warner, for past year boys' secretary at Local YMCA has resigned his position in order to enter employ of J. C. Penney store in Salem.

Phil Bell, high school yell leader is the first to sign up for second annual Hi-Y training camp to be held at Spirit Lake.

Prof. Franklin Launer, formerly a member of the staff of the Willamette university school of music and now on the faculty of Christian College of Columbus, Missouri, will appear in a piano recital to be held in Y. M. C. A. lobby August 24.



## Editorial Comment

From Other Papers

### An Inferior Appointment

The president's appointment of Senator Black of Alabama to the supreme court vacancy caused by the retirement of Justice Brandeis indicates that widespread desire to pack the court with a sextette of ventriloquist's dummies was only too well founded. For Black's sole distinction, aside from having been a town police judge and later a county district attorney, is that as a senator he has been a consistent yes man, doing what he is told by the white house with never an independent stand of his own. Clearly not of supreme court calibre in ability he seems to have made the grade because he was one man the president felt would stand without hitching.

It is rather pitiful that appointments to what has long been internationally recognized as the greatest tribunal on earth should descend to such a level but if they must there is at least this grain of comfort, that they will come one at a time and not in half dozens, thanks to successful resistance to the court increase bills.

The Black appointment is, however, an ominous warning of what the country can expect when it has a president who demands, not judges, but subordinates on the bench of its highest court.

—Baker Democrat-Herald

### The Creditor Holds the Sack

Through the mail this morning we received two little printed slips which substantiate a contention we have before made. The slips were notices to creditors in two bankruptcy cases. One notified the creditors of a bankrupt concern that the trustee after administering the estate had a balance on hand for the creditors of \$455.42 against which the attorney for the trustee had filed a petition to be allowed \$75 for his services, the attorney for the bankrupt a petition for \$150 and the attorney for the trustee a petition for \$114. That makes a total of \$339 attorney fees asked, leaving a balance of \$116.42 to distribute among the creditors who have claims amounting into the thousands. They will get a few cents on the dollar.

The other notice listed a residue on hand of \$13,543.82 against which attorney fees of \$1,250 and \$1,500 are asked. And so it always goes. When the bankrupt's estate is finally settled and the trustee fees and other expenses paid, there is so little left for the creditors that it is hardly worth the trouble he has taken to file his claim.

Some day there will be a demand for a bankrupt law which will be written and administered for the benefit of the creditors.

### Twenty Years Ago

August 18, 1917  
Ray Grant last night submitted to the Salem Business Men's league his resignation as secretary and Miss Gretia Richmond was elected to fill the place.

G. L. Adams has been elected president and U. S. Dotson secretary-treasurer of the Iowa association of Oregon for the next year.

Mrs. Harry W. Meyers has succeeded Mrs. Harry E. Clay as superintendent of the department of the Willamette chapter, American Red Cross.

## Radio Programs

- 8:15-News.
- 10:45-Women in the Headlines.
- 10:50-Organist.
- 11:00-Southernaires.
- 11:15-Radio Show Window.
- 11:30-Western Farm and Home.
- 12:30-Market Reports.
- 12:35-Club Matinee.
- 1:00-Animal News Club.
- 1:15-The Quiet Hour.
- 1:45-Kidodlers.
- 2:00-Your Navy.
- 2:05-Harry Kogan's Orchestra.
- 2:15-Bassball.
- 4:45-Sharps and Flats.
- 5:00-News.
- 5:15-Ernest Gill and Orchestra.
- 5:45-Speaking of Sports.
- 6:00-ABC Program.
- 6:30-Denson Hotel Concert.
- 7:00-Darrell Donnell.
- 7:15-Radiet to KOB.
- 8:00-News.
- 8:15-Chef Parce Orchestra, NBC.
- 8:30-Willow's Orchestra.
- 9:00-Walls Time.
- 9:30-Wrestling.
- 10:30-Deauville Club Orchestra.
- 11:00-News.
- 11:15-Complete Weather Police Reports.

- 7:00-News.
- 7:00-Just About Time.
- 7:30-Keeping Time With Max Dolin.
- 8:00-News.
- 8:15-Story of Mary Maria.
- 8:30-Junior Sister Trio.
- 8:45-Stars of Today.
- 9:15-Mrs. Wiggs of Cabbage Patch.
- 9:30-Other Wifs.
- 9:45-Just Plain Bill.
- 10:30-How to Be Charming.
- 10:45-Comic Hour.
- 11:00-Pepper Young's Family.
- 11:15-Ma Perkins.
- 11:30-Tic and Sada.
- 11:45-The O'Neill.
- 12:00-Refreshment Time.
- 12:05-Gospel Singer.
- 12:30-News.
- 12:45-The Guiding Light.
- 1:00-John Star Trombones.
- 1:15-Hollywood News Flash.
- 1:20-Marlowe & Lyon.
- 1:30-Program.
- 1:45-Gloria Gale.
- 2:00-Clinic.
- 2:05-News of Magazine of the Air.
- 3:00-Tom, Dick and Harry.
- 3:15-Pure Gold.
- 3:30-Dinner & Shelter.
- 3:45-Curbstone Quiz.
- 4:00-One Man's Family.
- 4:05-Beat Driver.
- 4:45-Portraits in Melody.
- 4:50-Musical Interlude.
- 5:00-Comical Hour.
- 5:00-Beat Driver Trio NBC.
- 5:15-Stars of Today.
- 5:30-News.
- 6:00-Your Hit Parade.
- 6:45-Movie Magazine of the Air.
- 7:00-"Amos 'n' Andy."
- 7:15-Comic Hour Radio Station.
- 7:30-Olsen & Johnson.
- 7:45-Hall Tonight, Fred Allen.
- 8:05-Oriental Gardens Orchestra.
- 9:05-Symphony Program.
- 9:15-Design in Harmony.
- 9:45-Wrestling.
- 10:00-News.
- 10:15-Wrestling.
- 10:30-Hollywood Hotel Orchestra.
- 11:00-Ambassador Hotel Orchestra.
- 11:05-Olympic Hotel.
- 12:12-Complete Weather Report.

## Julia Mandeville Funeral Is Today

AURORA—Mrs. Julia Marion Mandeville died Sunday evening at the home of her son, Ralph Mandeville, west of Aurora, at the age of 86 years and eleven months. She was born in Vermont. She leaves one son, Ralph Mandeville, of Aurora and two grandsons.

The remains are in charge of the Miller funeral directors and services will be conducted from the Methodist church at Canby Wednesday at 2 p. m., and burial in Zion cemetery, Canby.

## Fiddle Campaign



One of three candidates seeking Democratic nomination for mayor of Ravenna, O., Jerry Mike, 35-year-old music teacher, does his campaigning with his fiddle. Mike makes a door-to-door campaign fiddling for votes.

# Sage of Salem Speculates

By D. H. TALMADGE

Making the Best of It  
Had you a million dollars today, And I had a like amount, we'll say, Come sudden like a flash in the dark, Or the first not of the morning lark, How do you reckon we'd stand the would it yield us more of joy than pain? Well, we don't know and there seems no doubt That the chances are we'll not find out. And perhaps 'tis better we should not. Judged by the demand for what we've got. You and I are fairly free today From need for keeping the wolves away. It is really a blessing to have not much. But it's hard sometimes to think it such.

Once in a blue moon—well, perhaps not once in a blue moon, either, but once in a yellowish pink moon, which is not so rarely seen as a blue moon—the habitual moving picture addict sees a film that stirs his enthusiasm. "Wee Willie Winkle," which opened for a run at the Grand theatre Saturday, is such a film. Mr. Kipling's story of the little girl to assert that certain of her from destruction is, to all intents and purposes, preserved intact. It may be that Mr. Kipling's eyes would blink surprisedly back of his glasses were he to see the picture, because some liberty has been taken with certain of the characters as he conceived them, but they are in no way weakened. Miss Temple (still Shirley to us, although she is becoming older) does a delightful piece of work as the little heroine of the story. But she must share the stelar honors with Victor McLaglan, the gigantic Scotch sergeant who is as rough of manner as he is tender of heart. The photography of the film seems to me beyond criticism. I have no figures bearing upon the matter, but I venture to assert that not in the history of the Grand has there been a more spontaneous and profitable reception of a picture by the public than has been accorded this feature. Manager Loring Schmidt's list of attractions for "Salem's greatest show season" seems off to a grand start.

"Saratoga," a race track story which, with Clark Gable as co-star, Jean Harlow was making at the time of her death, has been on the Elsinore screen this week. Perhaps I imagine it, but there looked Sunday, when I had my look at the feature, something funeral in the spirits of the audience, somewhat reminiscent of the showing of the last picture made by Will Rogers, and it added not much to the enjoyable quality of the film. Race horse fanciers and the public that follows the races will doubtless find the film entertaining.

Salem Sparkles  
The following sayings of a certain young matron of Salem have been made a note on, as Silas Wegg would say. They are, I am sure, worth repeating: "I like work; it fascinates me. I can sit and look at it for hours." "Yes, that is she as she looked in her girlhood, 60 pounds ago. I spent a year in that town one Sunday, Warwick Deeping." "I will be bigger than anything that can happen to me." "Yes, he sits meekly while she pours social sewage into his ears."

Things that happen, no matter how painful they are at the time, do not matter very much for long. Only how we behave to them matters. "We need someone to believe in us." "We all live several lifetimes in one, considering that every 15 seconds beliefs, customs, morals and the basis of any relationship changes completely." "James Hilton says we live the first part of our lives under the cloud of being too young for things and the last half under the still darker cloud of being too old for them."

Huge Hop Crop Harvest Underway at Mt. Angel  
MT. ANGEL—The hop season in this district is getting under way this week. The picking of fuggles has begun in the Gaffky yard, south of town, with Frank Aman scheduled to begin on Tuesday. By the beginning of next week picking in the surrounding country is expected to be in full swing. Hops are reported to be in good condition, the weather of the past week or two having been very favorable.

## On the Nose . . . By THORNTON



"Calling Car Ten—Clancy, the KSLM Newscaster announced a wreck on your beat. Investigate."