

Habeas Corpus Fight May Reach FDR

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"Refusal of Lieut. Gen. Robert C. Richardson to submit broad questions of Hawaiian defense to the decision of a federal court in the test cases brought to put an end to martial law today, has war department approval."

In a separate statement, John L. McCloy, acting secretary of war, contended that Metzger "erroneously construed" the return of some governmental functions to the civil administration as ending martial law. He added:

"Conferences are now in progress which, it is hoped, will shortly result in solution of the difficulty."

Involved in the issue is whether the writ of habeas corpus, by which the bill of rights guarantees a man his day in civilian courts, remains suspended under partial martial law, thereby giving military authorities the right to hold prisoners without trial.

With the Japanese bombing of Hawaii, the territory was placed under a military government which, civilian officials there contended, delved so deeply into the most ordinary civilian activities as to jeopardize the very freedoms for which the United States is fighting.

They asserted that prior to partial restoration of civilian authority early this year freedom of the press in Hawaii had vanished, that labor had lost its traditional rights, that trial by jury had disappeared, and that justice was meted out through provost courts.

Territorial officials contended further that the army had assumed control over the personal life of everyone in the islands—including his dog. And they pointed to the military governor's order setting a curfew for dogs at 8 o'clock as proof.

The military government, they said, had issued regulations governing press, labor, courts both civil and criminal, municipal affairs, operation of taxicabs, garbage disposal, hospitals, transportation and growing of vegetables, numbering of houses, dispensing of liquor, civilian defense, public health, prisons, insane asylums, price and rationing control, and sale of gasoline.

This was the situation in Hawaii when its governor, Ingram M. Stainback, came to Washington last December to seek restoration of powers to civilian authorities.

After weeks of conferences between officials of Interior, Justice and War departments, an arrangement was agreed upon by which 18 powers were restored to civilian authorities but the writ of Habeas Corpus was to remain suspended and martial law was to remain in effect.

But, despite this agreement, Metzger ruled that if the jurisdiction of the courts was restored in part, it must be restored in full, including the right to grant a writ of Habeas Corpus.

He ordered that Richardson bring into court two American citizens of German ancestry who allegedly have been held incommunicado by the army since shortly after Pearl Harbor.

One man, Edwin R. Seifert, says he is charged with anti-semitism. The other, Walter Glockner, says the army charges he gave the Hitler salute in 1938 and invited friends onto a visiting German boat.

Richardson's refusal to obey the writ of Habeas Corpus led to the fine for contempt, and his order preventing its enforcement.

There the matter rests for the time being, but the question among congressional observers here and officials of civilian agencies of the Government is:

What would the army do if the United States mainland became another Hawaii — attacked by enemy bombers? Would constitutional rights be suspended?

The answer, they say, will be found in the solution to the Hawaiian problem.

Danish Revolt At New Pitch

By JOHN H. COLBURN

STOCKHOLM, Aug. 26.—(AP)—As the Danish revolt against Nazi occupation reached new heights in spreading public disorders, speculation arose here tonight that Germany has stretched her military might so thinly over Europe that she is unable to enforce her full military control of her "model protectorate."

This opinion was strengthened as Nazi occupation authorities still hesitated to pursue the ruthless tactics which characterized their earlier dealings with opposition forces, despite the serious disruption by strikes and sabotage in the kingdom's production of war supplies.

German soldiers, sped into Copenhagen as the wave of strikes and sabotage increased, were reported, however, to have fired a volley of shots during a demonstration in a crowded capital market place last night.

Casualties resulting from the shooting were not reported, but other dispatches set the number of dead since the outbreaks began at 80, with 150 Danes injured in

Beans Packed Here Nourish Salem Soldier

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for the men overseas.

"So you see if you tell them back there how much we want more Oregon products like Hood River apples, Cling peaches, Royal Anne and King Bings, Tilla-mook cheese and the such, I know that it will make them happy to realize that their efforts are appreciated and result in a substantial contribution to the war effort abroad."

"Yours for a shorter war and quicker victory,"

"ALFRED."

Getting back home and down to earth, the farm labor front news Thursday was that the various harvests and the canneries were competing for the available help and that hop, peach and pear growers were getting all the help they sought, whereas some folk possibly were tired of picking beans, so some bean growers' trucks went back empty or half-empty after calling at the employment office. However, early hop harvest has ended in some yards and some of those recently thus employed have returned to the bean fields.

As to how much longer the need for bean pickers will continue, the answer is badly mixed, for some areas are winding up while elsewhere, picking is just getting under way. One new field opened up Wednesday.

There were initial calls Thursday for a new type of harvesting: hand-picking of prunes for the fresh market, a la cherries or apples. This rank heresy heretofore where for generations prunes have been shaken down and picked up for eastern and midwestern markets.

The assault on Foggia, 80 miles northeast of Naples, was accompanied by an attack on Taranto by RAF and Canadian Wellingtons before dawn. Bursts and fires from two-ton bombs spread across the freight yards despite a smoke screen thrown up by the defenders. Anti-aircraft fire at this important base was negligible.

RAF four-engined Liberators and Halifaxes from the middle east also hit Crotona on the Gulf of Taranto Tuesday night, damaging a chemical plant and causing many fires.

Other Lightnings and Warhawks, sweeping the Italian toe, strafed a 20-car troop train at Potenza and five locomotives at Sapri, and attacked other cars, engines and road transport at Rocchetta, Lucera and Sinoli.

Altogether 15 allied planes were lost.

The extreme low level of the Lightning attack apparently threw the whole Foggia area into confusion, making the enemy's detection devices useless and upsetting the anti-aircraft gunners.

The first waves riddled rows of JU-88 bombers and JU-52 transport before a shot could be fired at them.

Enemy planes tried to get off, but few made it, and one big JU-52 crashed in flames, as the Lightnings arrived at deadly precise intervals of five and 10 minutes.

While the enemy gunners were still stunned by this terrific strafing, the Liberators from the middle east command arrived and began hammering the railroad yards with 130,000 pounds of bombs. The Liberators shot down seven enemy fighters, which had managed to get into the air.

The Fortresses which appeared on the smoking scene half an hour later had to fight their way through a swarm of 60 to 100 enemy interceptors and shot down 16 of them. The Lightnings themselves accounted for three more.

This was the first resistance to the northwest African air force since Monday and the first to the middle east bombers since Tuesday. It seemed to indicate that the Germans had despaired of protecting Italy's rail system and were willing to throw in the remnants of their squadron to defend only their own air power.

The exact damage done by the Fortresses awaited determination from aerial reconnaissance, but the system of airfields was declared to have been completely covered with demolition and fragmentation bombs and experience shows that few planes escape this type of bombardment.

King Boris Reported Seriously Ill

By the Associated Press

King Boris of Bulgaria has been seriously ill for three days and is in the care of specialists, including German physicians, sent to Sofia on orders of Adolf Hitler's headquarters, the Berlin radio, quoting an official communication, said Thursday night.

The Broadcast, heard by the Associated Press, said the 49-year old king was suffering from Angina Pectoris and that "the patient's condition is indeed giving cause for perturbation."

BALTIMORE.—(AP)—Marshal Spearman made a valiant attempt to get rid of his I-A classification by eating his draft card—but it won't keep him out of the army.

Police Magistrate Henry B. Mann said the boy admitted eating the card and said he had received notice to report for examination. Mann also fined him \$10 for disturbing the peace.

Berliners Deserting

B (Continued from Page 1) B

Pilots of the lightning fast British light bombers said fires were still burning in the city from the RAF's 700 plane assault three days ago and that the Germans put up a full scale anti-aircraft barrage.

The RAF tactics kept civilians on edge and forced the Nazis to keep their tired anti-aircraft gun crews at their posts hours on end. The alarms caused by the Mosquitoes also blotted out radio stations over most of Axis Europe.

One Mosquito was reported missing.

A Swiss magazine in Bern, Die Nation, drew a picture of panic in the German capital. Many persons terrorized by the raids are "fleeing to the protection of surrounding forests," the magazine said.

"The wiping out of Hamburg is a terrible phantom making Berlin a real madhouse," the magazine added. "The war of nerves has reached a peak in Berlin hitherto thought impossible."

"Eyewitnesses reported the English used new weapons of artificial fire, coal dust, sulphur and phosphorus followed by incendiaries making a terrible explosion comparable only to coal mine fire damp catastrophes," it concluded.

"They also said the flak towers do not function properly because the English are dropping small metal plates that cause the sensitive hearing apparatus to vibrate constantly and make accurate aiming difficult," the magazine concluded.

Similar reports came from Stockholm. German travelers reaching Malmö Sweden said Tempelhof Airdrome was badly damaged. The first bombs dropped caused a short circuit on the airport switchboard and lights flashed on the field giving the bombers their clue where to drop their explosives.

Swedish Ships Claimed Sunk By Germans

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insignia painted on their sides, the boats were operating close together in international waters of the North sea, off the northwest tip of Denmark last night.

Sweeping in from the direction of revolt-torn Denmark where the nazis nervously expect a possible allied invasion try, the destroyers fired a salvo of warning shots, then opened point-blank fire on the fishing fleet when only 50 yards away.

Two boats went down flaming. At least three others escaped—fleeing so swiftly they were unable to see whether the warships picked up the victims. If not, 12 Swedes may have lost their lives.

The incident comes in the same month that Sweden ordered the nazis to stop shipping German troops and supplies across her neutral soil by railroad. The Nazi military traffic between Germany and Norway and Finland had operated for three years, and success of the Swedish cessation order provided another cut for the angry Danes across the sea, already revolting against the Nazi rule. They promptly increased their sabotage and strike campaign against Nazi transportation across occupied Denmark, tightening up troop and supply movements throughout the Baltic area.

Aircraft Plan Here Dropped

A (Continued from Page 1) A

interests in that state to the subcontracting of any work in Oregon, and that differences in tax structure were cited as a barrier to sub-contracting.

Mr. Toon said he had borne personally the expense of developing the proposed plant here, as far as it had gone.

The announcement of the company's plans on August 10 indicated that while only about 20 persons would be employed at first, operations were expected to expand later so that several hundred workers would be needed. It was stated that a survey had disclosed the availability here of the necessary manpower.

Suit Says Army Overcharged

CHICAGO, Aug. 26.—(AP)—An informer's suit filed today in federal court alleged that the government was overcharged \$800,000 through collusive bidding on contracts for 600,000 army field hats and caps.

It was filed on behalf of Albert Weinstein, South Norwalk, Conn., a former hat manufacturer, against the Soboroff-Rosenwalk company and the Star Hat and Cap company, both of Chicago, and their officers, and the United Hatters, Cap and Military Workers' International union and Samuel Herszkowitz, vice president of local No. 1, and Samuel Winn, business agent.

2 Thrilling Features

Patriot and Lover

...WYATT EARP!

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Tombstone

He's always on a HOT SPOT!

Live on Danger

Dead End Kids

Junior G Men

News - Cartoon

Mountbatten Arrives in Washington

By WILLIAM FRYE

WASHINGTON, Aug. 26.—(AP)—The staff conferences which Lord Louis Mountbatten began today with high-ranking American military leaders will be followed in the near future by similar discussions in Chungking with Generalissimo Chiang Kai-shek before a campaign is begun against the Japanese in Burma.

This was learned tonight after Mountbatten, appointed 24 hours ago as allied supreme commander in southeast Asia, arrived by plane from Canada to talk with army and navy officials.

At the same time, these aspects of plans already made and others yet to be formulated were reported:

(1) The main objective of Mountbatten's operations will be to increase the present trickle of supplies to China to a flood, indicating a general Burma campaign, although attacks also may be made in Malaya.

(2) Mountbatten's staff is not yet chosen in its entirety, but he will have a British chief of staff, an American—already selected but not identified publicly—as deputy chief of staff, and probably an American deputy commander in chief.

(3) Some of these appointments, possibly the direction of the campaign itself depends to a large extent on the outcome of his discussions with the generalissimo in Chungking.

(4) There is no optimistic feeling in the allied high command that any Burma campaign can be cleaned up quickly. On the contrary, the consensus is that it will be long and difficult and while operations probably will begin late this fall, the objective may not be achieved within a year or longer.

Mountbatten will leave Washington late tomorrow or Saturday, probably to return to London before proceeding to Chungking.

He began with Admiral Ernest J. King the staff discussions here. The famed commando chief arrived here in mid-afternoon, and was whisked to the navy department building where he was ushered immediately into King's office.

Less than 24 hours after his appointment, the new southeast Asia commander was deep in discussions with the commander of the US fleet and chief of naval operations on outlines of the actions expected to develop with the end of the monsoon, a month or six weeks hence, makes major operations possible in Burma.

Tomorrow, Mountbatten will continue his meetings with high ranking army and war department officials. He indicated he had no plans for further discussions with President Roosevelt before he takes over his new command.

"I reported to him at the citadel (in Quebec)," he told reporters at the airport. "I am reporting to the navy this afternoon and to the war department tomorrow."

Capitol

Last Times Today

Don Ameche

Janet Blair

Jack Oakie

"SOMETHING TO SHOUT ABOUT"

COMPANION FEATURE

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THE YOUNG MR. PITT

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Canby Baby Killed by Car

CANBY, Ore., Aug. 16.—(AP)—One-year-old Kathleen Buffon, was killed at her farm home near here today by an automobile which a farm hand was backing onto a road.

SACRAMENTO, Calif.—(AP)—The state finance department is going into the baby layette business.

The department discovered it had 2000 layettes, including quilts, bibs, blankets and accessories, tucked away in a warehouse—leftovers from the defunct state relief administration's sewing project.

LAST TIMES TODAY

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HENRY ALDRICH SWINGS IT

JIMMY LYDON

as Henry Aldrich

as Henry Aldrich

as Henry Aldrich

as Henry Aldrich

as Henry Aldrich

as Henry Aldrich

as Henry Aldrich

as Henry Aldrich

as Henry Aldrich

as Henry Aldrich

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as Henry Aldrich

Grand

THROUGH THE SKYWAYS... to Glory!

PILOT #5

TONY HUNT KELLY

Second Hit

Jimmie Dunn

"The Ghost And The Guest"

THE STATE

THEY LIVE TO LOVE!

JOHN TRACY

44th Street

In John Steinbeck's

TORTILLA FLAT

with FRANK MORGAN

JOHN TAMMOROV

JOHN QUALIN

ALLEN JENKINS

MGM PICTURE

Second Great Hit!

Lt. James Stewart

Robert Young

Lionel Barrymore

"Navy Blue and Gold"

LIBERTY

Pat O'Brien

George Brent

Wayne Morris

in "SUBMARINE D1"

Second Action Hit

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with Don "Red" Barry

Added: "Valley of Vanishing Men"

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