

The Oregon Statesman

"No Favor Sways Us; No Fear Shall Awe"
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Divided Court

In the days of the "nine old men" when the federal supreme court was accused of being the tool of reaction, a 5-4 decision in which some measure passed by congress might be declared unconstitutional was the target of sharpshooters from the whole left-wing. "One man," so the leftists charged, was determining unconstitutional an act passed by the whole congress. This, they said, was a real atrocity in government. On such a buildup of antagonism to the court, the president eight years ago based his proposal to pack the court.

Though the president's bill was defeated, he succeeded in packing the court, seven of its nine members having been appointed by Mr. Roosevelt. In spite of this loading of the bench with men of the president's own political coloration, the decisions of the court are more sharply divided than ever. Rare indeed is there a decision in an important case where the court is unanimous.

In the decisions handed down this week, two were by 5-4 votes, and one by a 4-4 vote, which meant that the decision of the lower court stands.

In one case, the court by a 5-4 vote held unconstitutional a Texas statute requiring union organizers to register with the secretary of state before beginning work. The court reasoned that this was a violation of the constitutional guarantee of freedom of speech. In a Western Union case the 5-4 ruling was to the effect that the telegraph company was not prohibited from hiring 16-year-old messengers. In a case involving construction of the selective service act the court divided four to four, one justice not participating.

If, within a group supposedly of similar political leanings, there is such a sharp division of opinion what excuse was there for condemning the courts of the past for division where the composition was purposely varied to get differences of political viewpoint? The cleavage in the court now is sharp and rigid, with Black, Douglas, Murphy usually standing together; while Frankfurter is opposed. Rutledge goes generally with the former group, while Reed, Jackson and Stone are more independent in their affiliations. Roberts is often a lone dissenter, and has been extremely critical of the court's upset of past decisions.

What we have for a supreme court now, therefore, is just another group of nine men no more able to think alike than justices of former courts. The nine young men are as cantankerous as the nine old men of the 1930's. And laws are still being invalidated by 5-4 decisions, though rarely is a cheap now heard from the left.

Soldiers From France

The French say they can put a million men in the field within six months. Here then is a reservoir of manpower which should not be overlooked. In the anticipation of an early, final decision over Germany the allied high command concluded soon after the invasion to undertake the job alone, without enlisting support of French and Belgian armies, save the French troops which had been serving in Africa. One reason was the lack of equipment and the thought that they could not be whipped in shape in time to do much good. It was a case of making best use of the material available at the time.

With the end of the war postponed by at least six months it would seem, at this distance, as though the French and Belgians should be encouraged to form their armies. Surely their own factories could resume some production. Not only would these troops prove valuable if the war lasts into the latter part of this year, but the two countries would feel they were contributing to their own liberation and the destruction of the German menace. It would redirect the energies and efforts of the peoples toward the remaining task of finishing the German armies on their home soil, instead of occupying their thoughts on domestic contention.

The Germans captured thousands of Belgian and French soldiers in 1940; but since then several age classes have matured and should be ready for military duty. Unless the British and Americans can use this manpower to better advantage in production it ought to be employed in fighting. Six months is not long to wait for an army of a million men.

Editorial Comment

PARTY FRINGES

The House committee urging congressional control over political organizations—the Political Action Committee of the CIO being particularly in mind—seems to be on pretty thin ice.

We believe in the two-party system in America. We have two major parties—with fringes. A major party gets that way by attracting a majority from the fringes. A vigorous fringe may grow up and absorb the party. It has happened several times in our history.

We disagree with PAC doctrine. But we recognize that PAC gained power in the last election by organizing, working and "educating" more forcefully than the republicans or the discontented democrats.

There has been criticism that this and other fringe organizations evade the laws on campaign funds and expenditures by calling themselves "educational" and exempt from corrupt practices acts. Congress can require financial statements from political-educational fringes, or from stamp collectors' societies or astronomers' clubs, if it wishes. But control, with the object of legal suppression of any political aspect is dangerous.

If fringe organizations we do not like are suppressed to freeze the two major parties into their privileged roles, the next step is for the major party "in" to suppress the major party that is "out." Then there is One Party. That's how Mussolini did it.

This is one case where the cure seems worse than the disease—if it is a disease. We are not quite sure because this country has been built by political factions that have striven to have their principles adopted by the whole people. A man or a group has had political freedom to do this in the past. We believe that if this freedom is curtailed, serious evils may ensue.—San Francisco Chronicle.

Dr. Simms on Undulant Fever

Stopping at his former home in Corvallis, Dr. B. T. Simms, director of the regional animal disease laboratory at Auburn, Ala., and president-elect of the American Veterinary association, made the statement that undulant fever is caused both by the bovine and swine brucellosis organism; and that tests in some leading dairy states indicate that a large proportion of the cases were caused by the swine type. Dr. Simms expressed the opinion that it would be unfortunate if Oregon people were led to believe that requiring universal pasteurization would automatically rid the state of undulant fever. He said that pasteurization is important and that there should be strict sanitation in dairies, but he had no direct recommendation as to swine brucellosis.

This is competent authority, and it makes the fact clear that pasteurization is not the final answer to undulant fever. It may prove to be true that some of the cases recently reported in Oregon were not from milk-borne organisms. Pasteurization should be used certainly for mass distribution of milk. But as far as cows are concerned there must be removal from herds of all reactors to Bangs disease. In other words there must be rational attacks on all fronts to combat brucellosis diseases.

Barber Act Unconstitutional

The state supreme court administered lethal sleep to the 1943 barber act under which the state barbers' board was empowered to fix prices for barber service on vote of 70 per cent of the barbers of a county. It held that the act was an unlawful delegation of powers by the legislature. This decision will be welcomed by the majority of the people who objected to this form of price-fixing but whose interests were disregarded by the legislature under the drive of the organized barbers of the state. Governor Snell signed the bill and it has been in effect for nearly a year and a half.

Many barbers in the state objected to the legislation because they wanted to be free to fix their own prices. One of them brought the suit which has just been decided. Under the court's ruling the act is declared unconstitutional and barbers will again be independent in their price fixing, although all union shops are required to adhere to union scale of prices if they want to keep the union card in their shops. For once, "free enterprise" has had a break. There is something really heartening in this fact.

One Hundred Houses

There doubtless will be a race for permits to build the 100 houses approved for Salem by the National Housing administration. There are enough people who want to build their own houses and enough who would like to build or rent to take up this quota of 100 within a matter of hours.

Salem folk should not become alarmed and think they are going to get a plague of "war housing" with rows of rows of identical plywood duplexes. These are to be separate three-bedroom houses, with a \$7000 value and \$55 rental. Even at today's building costs one should be able to get quite an attractive home for \$7000.

No home building to amount to anything has been done in Salem for several years. The pressure on housing has been extremely tight though people have managed to "get along." They probably could continue to get along for another year, but the 100-house permit from NHA will give a welcome if limited relief.

Interpreting The War News

By KIRKE L. SIMPSON
ASSOCIATED PRESS WAR ANALYST

Invasion of the big island of Luzon on the American road back in the Pacific was the next essential step in the Nimitz-MacArthur campaign to carry the fight to the foe relentlessly. Whatever is carried beyond that point, Luzon is the key to the whole Western Pacific-China Sea strategic picture.

Announcement by Gen. Douglas MacArthur of landings on the capital island of the Philippines is a culminating step in the effort to bridge the Pacific and come to close grips with Japan.

That the campaign to reclaim Luzon has reached its final phases many months earlier than was deemed possible in Washington only a year or less ago seems beyond dispute. This appears as fruition of the Roosevelt-Nimitz-MacArthur meeting in Hawaii some months ago.

In the light of the type of Japanese resistance encountered in the advance up New Guinea, there can be no swift and decisive results even after the landing in force on the big island.

The war with Germany is classed as a war of attrition. However bitterly and skillfully Nazi troops fight, driven to bay they ultimately surrender as the Japanese thus far encountered ashore have not. The war in the Pacific has been a war of extermination rather than of attrition so far. Official American estimates on Japanese casualties on Leyte or in the attempts to reinforce it run to the neighborhood of 120,000 as against less than 500 prisoners taken. Not was it disclosed whether that handful of living enemies taken consisted of wounded or unwounded.

That distinction between wounded and unwounded prisoners has more or less been dropped in this war. Now and then German, Russian and Allied battle accounts from Europe have noted it if the proportion of unwounded captives appeared suggestive of waning morale on the other side. Subsequent events have so definitely scotched any idea of an impending collapse in the will to continue the fight no matter what army was involved, however, that the distinction lost any significance. It has never been one of consequence in the war with Japan.

It is futile to attempt to estimate in advance how long it might take to effect the conquest of Luzon. Japanese fugitives still lurk in the wild recesses of Guam, or Guadalcanal even, as well as in some other islands wholly in American hands. Bypassed garrisons on still enemy held islands left behind in the American advance have given no sign of surrender utterly hopeless as is their situation.



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Her Dander Is Up

News Behind the News

By PAUL MALLON
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WASHINGTON, Jan. 9.—Trying to dispel some international fog yesterday, I reported that Russia delayed the Dumbarton Oaks agreement, and is now sealing off central Europe with her armies, she probably would be glad to join the club—like Dumbarton world order in the coming promised negotiations which is to complete the club charter by April (we hope).

The club naturally would guarantee her gains forever with arms and perpetuate a postwar Europe which directly or indirectly is now dividing spheres of influence between the Russians and British, with the Russians in possession of the lion's share.

These considerations naturally have raised the questions in the public mind as to whether this nation, the senate or even the administration, will be so strong for the coming charter to preserve forever what is something short of our announced ideals. What do we get out of it?

Well, we get the mandated islands of Japan in the Pacific. No question of that. We also get our own hemisphere influence, or recognition of it, as we already had it in fact. The coming Mexico City meeting is supposed to bring Argentina around and establish a front of diplomatic solidarity on our longitudes. Thus the coming world charter will direct our vision westward and south.

We are defeating Japan without the assistance of the Russians. The help we are getting from the British will raise some question of postwar British influence in the orient (Hongkong, etc.) which must be settled, and there is a communist army in China.

Yet the results of the war and the proposed charter give us the top position westward and southward, which we clearly do not have in Europe, Africa and most of Asia (India).

Our future, under the current conceptions of things here, would seem therefore to lie in those directions, but not too far, perhaps not too deep into Asia.

Our fleets will command the Pacific, indeed all the waters of the world, but political power these days seems to march with

armies, and I do not know how far the charter will take our armies into Asia.

Very definitely, I think the administration will want this arrangement. Mr. Roosevelt is a little on the Russian side anyway. Announcements we suggested this is about all we can expect to get, and whatever we can get will no doubt be accepted with considerable outer enthusiasm and official justifications.

Will the senate and the people go for it? They might. The available alternatives may not be pleasant. The arrangement might be presented upon a "take it or get something worse" basis. Quite a powerful nation could be maintained within the sights of our new vision, if it is effectively organized.

But I think our acceptance all depends upon how fully and convincingly our hopeful ideal of democracy is held out to the rest of the world, particularly in Europe, by this charter.

Unless there are genuine prospects of Atlantic Charter idealism not mere words—and real freedom for peoples, in place of the fake freedom preserved by armed might and directing powers which absorb the very souls of men, as well as feeding out economic substance to them—I do not think the charter will be very popular or can be made very popular in this country.

And even if put through the senate by sheer force of administration power, it could not endure. Only solutions which answer the yearnings for real freedom in the hearts of men can permanently hold their support.

You can feed Europe, as some of our people wish to do, to improve our prestige and power there. True enough, much food will have to be sent as a matter of relief, but the use of food for political effect generally has only a temporary result.

The Chinese have a phrase for such tactics. Churchmen carrying Christianity to the Orient, found it sold faster with a bowl of rice. But they also found that not infrequently as soon as the rice ran out, their converts lost zeal. They were called Rice Christians.

Nothing will take the place of genuineness and soundness in human or international relations, and the measure of these qualities in the coming agreement will determine the result.

IT SEEMS TO ME

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and the congressional front. In 1946 there will be a governor and secretary of state to elect, also four congressmen. If the democrats could capture either of the two state offices they would command a fine basket of patronage, and Mon C. Wallgren over in Washington is showing them just what the payoff is on a deal like that.

The five democrats in the senate are William A. Moser, Tom Mahoney, Walter J. Pearson, W. H. Strayer and Lew Wallace. Wallace is national committee man, and that office can be combined with the senatorship to good advantage for party promotion and discipline. Walter J. Pearson shows signs of political activity. Not so conservative as his father, the late state treasurer and senator, he may prove to be one of the younger hopes of the Oregon democrats.

The house list of democrats includes E. C. Allen, Jack Bain, Phil Brady, Vernon D. Bull, Ned H. Callaway, Warren Erwin, M. James Gleason, Dr. William T. Johnson, Henry Semon, Manley J. Wilson. Of these, Brady (AF of C), Bull (Railroad Brotherhood) and Wilson (CIO) give good tie-ins with organized labor. Warren Erwin is a staunch party worker.

On ordinary business before the legislature there will be no party division, but on labor questions or issues with a political complexion we can anticipate that the democrats may be somewhat cohesive.

The 1945 session will be one of jockeying for position in the grand political derby of 1946. The democrats will not be alone in this. Republican officeholders will attempt a few turns themselves.

And overshadowing all is the figure of the returning war veteran who will be a political factor from now on until . . . well, until the third world war, shall I say?

Your Federal Income Tax

No. 8
Surtax Exemptions on Account of Dependents

In computing your income tax, you are allowed the benefit of an exemption from the surtax. In addition to the 1944 surtax exemption for yourself and \$500 for your wife or husband as explained in article No. 7 of this series, you may be entitled to the benefit of a surtax exemption of \$500 for each dependent as explained below.

If you use your Withholding Receipt as a return and let the collector compute your tax for you by using the tax table, or if you use the tax table in a short-form return on Form 1040, the benefit of the surtax exemption to which you may be entitled for dependents is allowed automatically through the use of a tax table provided by law, because an allowance for the credits which you claim (on the back of the Withholding Receipt or in item 1 on page 1 of Form 1040) has been worked into the table itself. If you make a long-form return on Form 1040, you should subtract the surtax exemption for dependents (on line 4, page 4) from your net income before applying the surtax rates.

What is a "dependent" for income tax purposes? The law concerning dependents has been changed. Under the law for 1944 there are four tests to be met before you will

Kenneth L. Dixon
AT THE FRONT
Hurtyen Forest Was Hellish Nightmare For Yank Soldiers

IN GERMANY, Jan. 7.—(AP)—(Delayed)—This is an account of combat, straight from the combat soldier. It's the sort of thing you hear scores of times out of this or that bloody fight.

Lt. Jack Mellon, Tex., was in the Hurtyen forest fight. His face was bearded and haggard. This is what that tall, gangling, company I Texan had to say after the battle was won—when he was asked what it was like:

"It was tougher than the Normandy hedgerow fighting. The whole damned place was alive with mines. Kraut artillery and mortar fire were the heaviest I'd ever ducked. To top it off, the weather was just what Adolf ordered—two weeks of sloppy rain and snow.

"We were full of vinegar that first morning, back to the wars after a month's 'rest' of Luxembourg defense. We'd relieved a badly tired outfit the night before and were all set to jump at dawn.

"We did jump—more crackin' and poppin' than you'd see at a western movie. Then after a few hundred yards there were explosions all around. All of us knew then that some of our boys had hit mines. Snipers let go from

the edge of the woods. Then it came—kitchen sink and all. Jerry threw in 120 mortars and 150 artillery pieces on our sector alone. Everyone reserved himself a crater after the first few minutes of shelling.

"It was the damndest feeling of helplessness. We couldn't move ahead a few feet without mines popping or Jerry throwing more heavy stuff. We had to stay there for days. Even when hot food came up, only two or three men would risk the artillery to grab.

"The engineers made several attempts to get through the minefields, but they were unsuccessful. Finally a patrol pulled the company through. It was Stan and Hatcher and Minik and Trusty and Stevens who did it. (He means Lts. Stanley Schwarz of Baltimore, Md., and Hudson Hatcher of Harlan, Ky.; S/Sgt. John Minik of Mechanicsburg, Pa.; and Pvt. Harold Trusty of Casella, Miss., and Pvt. Jessie Stevens of Cumilton, Ala.)

"It was one hell of a series of firefights after that Jerry was always hidden in pillboxes or

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The Safety Valve

LETTERS FROM STATESMAN READERS

LUMBER FOR NITE CLUB

To the Editor:
About the middle of the summer of '44 I filed an application with the County Board for enough lumber to construct a small barn on my south farm. This place consists of 285 acres with a good house but no out-buildings whatsoever, they having deteriorated to such a state that it was impracticable to rebuild them.

I was told to keep my application down so that the total cost would not exceed \$1000. This I did, the approximate figures being about \$500 for material and \$500 for labor. However, my application was turned down and I was not granted any part of it.

I feel that this application was legitimate inasmuch as we had no place to keep cows, chickens and equipment out of the weather. In fact, it was impossible to keep hired help on the place without shelter for these animals and equipment.

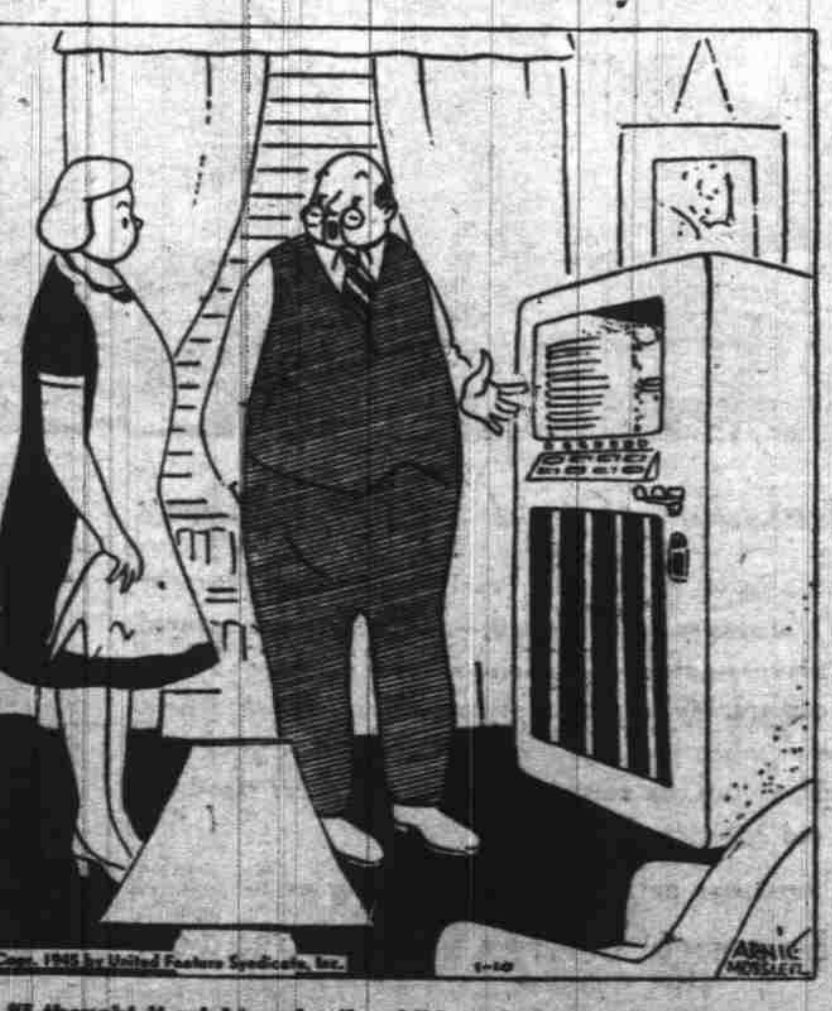
I was of course, disappointed at my inability to secure this material but felt that if the lumber were needed for the war effort that it should come first. About this time I noticed a new structure going up on the north Pacific highway just beyond the railroad viaduct, and upon inquiry learned that a night club was under construction, and I am wondering just what the score is.

Perhaps the Board feels these night clubs and road houses are more essential to the war effort than the mere operation of a farm, but I and several hundred farmers in the same position do not harbor this opinion, and I am wondering if you fellows have any opinion to offer.

LEE U. EVERLEY

The Statesman is unable to explain why Mr. Everly was unable to get a permit for his barn from WPB while Mike Steinbeck was able to do so for his supper club building north on Portland road. Mike showed the Statesman representative his permit, but said he had used principally either non-essential material (asbestos board, plaster board, fir) or low grade lumber which was available, including some lumber salvaged from a mill fire at Idanha, with a minimum of finish lumber and that of inferior grade. The Statesman's investigation confirmed his statements. Steinbeck has no restaurant license from the liquor commission; hopes to obtain one and to operate a restaurant, sandwich bar and floor show. Under a restaurant license he would be permitted to sell beer and wine by the glass and mixers for patrons who brought their own liquor. He previously had sought unsuccessfully to get a license to operate within the city limits.

"THE YOUNG IDEA" By Mossler



"I thought it might make the children feel more at home!"

STEVENSON'S
Watches
Jewelry
Stevens & Son has an outstanding selection of chic Costume Jewelry . . . you'll find many, many pieces to add a sparkling touch to your costume for daytime and evening wear.
Bracelets
Earrings
Rings
Clips
Pins
Credit If Desired
Store Hours: 9:30 A. M. to 6 P. M. Not Open Saturday Nights