first round in federal court on the direct test of its powers to take over a merchandising firm-Montgomery Ward's - because of its noncompliance with directives of the war labor board. Judge Philip L. Sullivan has made his decision which supports the position taken by Sewell Avery, War chief executive, in what is one of the toughest legal battles of the decade. Judge Sullivan held that the government lacked authority both under the war labor act and under the general provision of the constitution making the president commander-in-chief of the army

The ruling on the latter point 27 .- (A)-The navy announced tois a direct rebuff of Attorney Gen- night that carrier-based planes eral Biddle who has maintained sank or damaged 70 Japanese ships the president's commander - in chief power extended to expropriaged 68 planes January 21 in the ation of private business in time of Ryukyu islands a day after they war. As to the first point-the extent of the war labor board's authority - Judge Sullivan held that the act conveyed no such power and that congress alone had authority to compel obedience. On this point the war labor board was in something of a jam, for the board in other cases has plead that its directives were "advisory," rather than compulsory.

The case of course will go up mosa, with 47 shot down, 102 deto a higher court; and perhaps the stroyed on the ground and 162 final ruling will not be made until damaged. the war is about over. Meantime. presumably the army will continue to sit in command of the Ward

(Continued on editorial page)

Health Board **Bill Opposed** By Cattle Club

The Oregon Jersey Cattle club was on record today opposing a (senate bill 89), but favoring a 22 which told of the destruction contemplated Oregon Dairyman's association measure, the association's program for improvement of navy planes in the January 20 all dairy products, and strength-ening of the bangs' testing law.

blow at Formosa. Approximately Clervaux, once a German anchor in northern Luxembourg, Third ening of the bangs' testing law.

A chorus of "noes" greeted a on various airdromes, on the Japsuggestion by S. W. Melott that anese naval base at Takao, and on vaccination of dairy calves, in re- the neighboring Pescadores and gard to undulant fever and bangs Sakishima islands. control, be compulsory.

(A provision to compel such is contained in house bill 83 which WPB Exempts of milk except that bottled on the

Present officers were re-elected. including M. N. Tibbles of Independence, president; M. G. Gunderson of Silverton, vice president; J. F. Svinth of Grants Pass, sec-

(Another story on page 16)

Meanest Thief Takes Dimes

No election would be required WPB said, the full use of power to brand as the "meanest thief" the person who took from a coun- will be rechecked to determine ter in Mickey's sandwich shop whether any saving of coal or Friday night a bottle almost filled with coin and currency for the by turning out unnecessary lightfight against infantile paralysis, ing in last half of 1945. city police declared Saturday.

Mickey Flax, proprietor of the restaurant, incensed at the act offered \$25 for information leading to the arrest of the culprit. A week ago, police said, a similar bottle was stolen from the counter at the Pioneer club. Each contained between \$20 and \$30, it was esti-



Help Yourself!

Turn to the Complete Classified Section of

Your Statesman

* * *

The World at Your Door Each Morning?

Reds in Brandenburg, 98 Miles From Berlin; U. S. Carrier Planes Claim Huge Toll of Japs

By Charles A. Strape Ryukyu, The Oregon Statesman Formosa **Targets**

NINETY-FOURTH YEAR

135 Nip Ships,

368 Jap Planes

Bagged by Yanks

U. S. PACIFIC FLEET HEAD-

QUARTERS, Pearl Harbor, Jan.

shipping at Formosa.

300 Planes Bagged

vessels damaged.

60,000 Tons Sunk

Nimitz said.

cargo vessels.

tion to planes at Formosa.

Tonight's recapitulation said

more than 300 enemy planes were

accounted for January 20 at For-

In the January 21 attacks, cen-

"The two-day operations cost

in combat," fleet Adm. Chester W.

The carrier assault on Formosa

of 60,000 tons of shipping, includ-

Tonnage damaged was listed at

Oregon From

New Brownout

WASHINGTON, Jan. 27. -(AP)

The war production board today

formally exempted five areas of

the country, including the Pacific

northwest and most of Texas, from

the illumination "brownout" start-

All the area exemptions will run

until June 30. Before that date.

companies in the exempt areas

other scarce fuel could be made

The Pacific northwest exemp-

tion-which includes the entire

states of Washington, Oregon, Ida-

ho, Montana and Utah-was based

on that region's almost exclusive

use of hydroelectric energy.

Three Are Named to

State Board of Health

Appointment of Dr. C. Hard-

wick, Hood River, and reappoint-

ing February 1.

tered on Okinawa island, four

Nipponese ships and 25 vessels

Salem, Oregon, Sunday Morning, January 28, 1945

WARD'S WINS CASE

3rd Army and vessels and destroyed or damsank or damaged 125,000 tons of Reaches The navy previously had announced the attacks but gave only Naziland preliminary accounts of destruc-

Germans Retreat; Alsatian Venture **Ends** in Failure

By Edward Kennedy PARIS, Sunday, Jan. 28.-(AP)-Troops of the U.S. Third army were sunk, five ships and 36 small reached the German frontier at five places yesterday after sweeping up 11 Belgian and Luxemour forces 15 carrier aircraft lost bourg towns in gains of nearly four miles at the harassed Germans withdrew behind the natural barriers to Germany all along the western front.

January 20 resulted in the sinking The Third army, in pushing to the Our river in several places, ing six oilers and four medium emulated the U.S. Ninth army and the British Second army, which have reached the west 65,000. The communique supplebanks of the Roer river system to the north. Thus, three Allied mented Nimitz' report of January armies are poised on the banks of of 140 Japanese sircraft in the air river barriers to the reich. and on the ground by American Naxis Pushed Back

Rooting the last Germans from Clervaux, once a German anchor army divisions engulfed all but This operation included attacks highway to St. Vith, and squeezed the enemy back to within a mile or two of the Siegfried line along 23-mile front.

One force reached the Our river at the Belgian German border nine and a half miles south of St. Vith, where a cluster of four villages were quickly mopped up. Venture Fails

The enemy's northern Alsatian venture, which this week threatened the province's capital of Strasbourg, ebbed so low that U. S. Seventh army forces were able to make only patrol contracts. along the 20-mile front as they plowed through deep snowbanks.

The only activity reports was mopping up in Schillersdorf, 22 miles northwest of Strasbourg, and there was a feeling on that front that the German scheme to break across the Moder river line in an attempt to reconquer Alsace had been frustrated.

John Croddy Dies in Battle

John Jerome Croddy, 18, fire controlman, third class, was killed October 25 in the second battle of the Philippines, his parents, Mr. and Mrs. Guy R. Croddy, 2209 North Front street, have been notified by the navy department. The parents have just recently

received their first letter since November, 1941, from an older son, Pfc. Guy William Croddy, in a Tokyo prisoner of war camp. ment of Dr. Thomas E. Robert-Two printed form cards were reson, Portland, and Dr. Charles E. ceived a month apart, August and Hunt, Eugene, as members of the September, 1943. Guy William state board of health, were an- Croddy enlisted when he was 17, nounced by Gov. Earl Snell Sat- in October, 1940, and observed urday. Dr. Hardwick succeeds his 21st birthday in the Japanese Dr. Thompson Coberth, The Dal- prisoner of war camp last August. (Additional details on page 2.)

'Oregon Anti-Japanese' Group Probably Will Change Its Name

The title "Oregon Anti-Japa- | call attention of the incorporators group's articles of incorporation to accomplish."

Hudson referred the title and A California group, which had articles to Neuner for an opinion sought to form an organization filed previously by Portland in- Friday it, too, was altering the tonight. terests was withdrawn.)

Neuner said "the name is dis- The Oregon group's articles of criminatory between American incorporation portray as the pur-

nese, Inc.," is not unlawful but to the situation . . . which may it would be better to alter it to seriously handicap them in carry- To Fly Nazis to Safety conform more nearly with the ing out the intent ... they seek

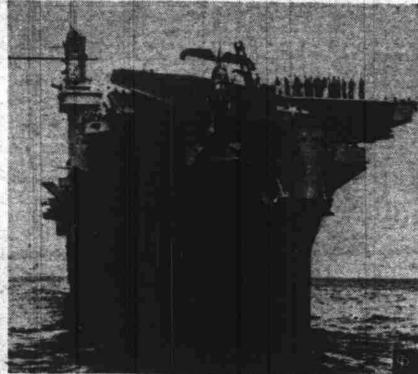
which provide merely for an edu- The attorney general also cited cational program for aliens and that there were two classes of planes were ready at the Berlin do not mention nationality, Attor- Japanese - allens, and American airport for the flight of high Nazi ney General George Neuner said citizens of Japanese ancestry; said that aliens had equal protection As a consequence, the Gresham under the law; and pointed to a sponsors of the organization were U. S. supreme court decision say- cope with evacuation of the skelunderstood to have agreed to ing that "racial discrimination change the name and re-file with . . . has no justifiable part what-Corporation Commissioner Mau- ever in our democratic way of Industrialist Dies

citizens of Japanese ancestry and other citizens and it would seem wise, under the circumstances, to cational program in regard to the history, pre-war activities and fulliances.

| Producers' former plant was destroyed by fire late in November. Stroyed by fire late in November. Who took second and third, respectively. Juniors rated above west vocal artist.

| Producers' former plant was destroyed by fire late in November. Who took second and third, respectively. Juniors rated above west vocal artist.

Avenger Has a Close Call



Failing to cut his gun soon enough, the pilot of a navy Avenger missed the barrier on his escort carrier and overran the flight deck, plunging into the forward five-inch gun mount. His luck was with him. He was uninjured. War theatre where the mishap occurred was not disclosed. (International Soundphoto)

Superforts Hammer Tokyo, Saigon; Destroy-Damage 75 Jap Planes, Lose Five

WASHINGTON, Jan. 27-(AP)-Superfortresses destroyed damaged 75 Japanese planes and five of their own number were by southbound sixth army Yanks missing in today's smash at Tokyo, 20th air force beadquarters was disclosed today in a field disreported.

It was the largest bag of enemy planes claimed on a single mission of the sky giants. The raid moved up from the Marianas while a second force of the B-29s

flew from India 3200 miles to

crack down on the Japanese at the

big French Indo-China base of

The daylight mission against in-

dustrial targets in the capital of

The Tokyo raiders claimed 3

ally good results" on this seventh

mass attack against the city's war

Results of the combined sky

battle and raid were given in an

"add" to headquarters first com-

munique an unusual procedure.

At Saigon, Indo-China's bis

port, the situation was different.

John Grover, Associated Press

operated, reported the American

fliers took the Japanese by sur-

tack on that city. This was con-

firmed by the communique state-

ment that no fighters or flak was

encountered and that all planes of

the medium sized force returned

Newborn Babes

fighter opposition on the way

the target."

in the Marianas.

Yankee Subs Sink 21 More Jap Vessels

WASHINGTON, Jan. 27 - (AP) US submarines are pushing up toward the thousand mark in the number of Japanese vessels sunk. The navy reported another 21 to-

The total now is 979.

The latest toll includes a light cruiser and 20 non-combatant targets. ships-tankers, cargo transports and cargo vessels, all categories in which the enemy has been reported to be feeling a sharp shortage. Sinking dates were not given, but The Americans were elements of may have been any time in the the 21st bomber command based

One large and one medium tanker claimed today raised to 96 the total of that type claimed by correspondent at the India base US submarines since the start of from which that mission of B-29's

Adm. Nimitz Moves prise in the first Superfortress at-Closer to Action

ADVANCE U. S. PACIFIC FLEET HEADQUARTERS, Forward Area, Sunday, Jan. 28-(A)-Adm. Chester W. Nimitz, to get closer to the scene of operations in the Pacific has moved his headquarters well west of Pearl Harquarters well west of Pearl Har-bor, starting point of the war, it Die in Hospital was disclosed today.

He issued his first communique today from this headquarters, several thousand nautical miles west of Pearl Harbor, filling out the picture of previously announced carrier-based strikes January 20 and 21 at Formosa and Okinawa in the Ryukyu islands.

Planes Ready at Berlin

Moscow radio said tonight that officials at a moment's notice and that "in several Berlin railway stations trains are under steam to eton party set-up in the city."

PORTLAND, Ore., Jan. 27 -(A) some time ago. (A similar name under a similar name, announced and Seattle industrialist, died here

Clear Today

Paint, Ingenuity Lead to Steaks, Money - and Pen

Red paint and misplaced ingenuity are contriving to provide merchants with new and varied headaches in Salem. The red paint was discovered

Saturday at the Midget Meat market - it covered two ration tokens which otherwise would have been blue, and, therefore, not valid for a Sunday steak. The ingenuity was displayed by

making a \$1 bill look like \$10 on one side. The method seemed to be to peel a \$10 bill into two parts and paste each part on \$1 bills. If passed, the \$10 and two \$1 bills, therefore, would bring \$20 - a net illegal overage of \$8. Neither trick was advised unless the culprit has a yen for a federal prison.

Yanks Capture Town 44 Miles From Manila

By C. Yates McDonald GENERAL MACARTHUR'S HEADQUARTERS, Luzon, Sunday, Jan. 28 -(A)-Capture of the Pampanga province town of Anpatch after Gen. Douglas Mac-Arthur's communique had reported the 14the corps was approaching it in force.

In a dispatch dated Saturday from Angeles, Spencer Davis, Associated Press war correspondent told of tnaks clattering through the central plaza while crowds cheered and a dignified matron, "God Bless America."

Nippon involving perhaps 60 Su-Angeles, on the main Manilaperforts fended off "heavy enemy Baguio highway, is a scant 10 miles northwest of San Fernando. the captial of Pampanga province. It is on the road which leads be-Japanese planes destroyed, 10 tween two swamplands just southprobably destroyed and 34 others west of San Fernando, the shortdamaged. Bombing was through est route to Manila. broken clouds but with "gener-

Davis' descriptive of the gala scene made it evident there was not even a semblance of fighting

State Second In E Bonds

PORTLAND, Jan. 27.-(P)-Oregon placed second in the nation with E bond purchases averaging ty Red Cross offices Monday, tele-\$34.99 per capita in the sixth war loan drive, E. C. Sammons, state ber of Commerce members urged: war finance committee chairman. announced today.

The state's total purchase of cific coast states and was outshone only by North Dakota, with average of \$37.50 per person.

Seizure Not Legal, Opinion

Government Will Make Immediate **Appeal on Case**

CHICAGO, Jan. 27 -(AP)- The government lost its suit against Montgomery Ward and company today when federal judge Philip L. Sullivan ruled that President Roosevelt had neither statutory nor constutional authority to order army seizure of 16 company

Plans for an immediate appeal were initiated, however, by U.S. district attorney J. Albert Woll, whereupon judge Sullivan stayed all proceedings so that army control will continue at least until the appeal decision. Woll said the en, the Moscow communique ancase might reach the circuit court of appeals next week, or it might be taken directly to the U. S. supreme court.

Contention Upheld tention that the company is not "large enemy forces" have been a war production plant within the trapped in Poznan. meaning of the war labor disputes to the seizure powers of that act. The apinion also noted that war labor board directives are "only advisory," which the government previously had conceded, and said that if the disputants are willing to obey WLB recommendations then congress alone is the only

branch of the government which can compel them to do so." **Hurts WLB Prestige** Chairman William H. Davis the war labor board said in Washington that "if the decision is not

reversed or congress does not take appropriate action to make the war labor board's orders of settlement effective on everybody, the whole plan of peaceful settlement of wartime labor disputes will collapse."

Blood Donor List 85 Short

Blood donor registrations for Tuesday in Salem were 85 short Industries of Saturday night. Persons eligible to make the contribution to save lives of men on world battlefronts should register with Marion countries to make the contribution to save lives of men on world battlefronts upon the save lives of men on world battlefronts. should register with Marion counphone 9277, Salem Junior Cham-

Men of "Oregon's own" 41st division have organized their own blood donor service, but no di-\$40,714,900 in E bonds led Pa- vision can fight and give all the blood required by its sick and wounded. Jaycee workers in the blood donor campaign declared. Last week for the first time in \$34.14, followed closely behind five weeks, donations here fell below the maximum of 200 which Sherman county ranked first in can be taken when the mobile the state by attaining 225.1 per unit from Multnomah county cent of quota.

CINCINNATI, Jan. 27-(P) Sophomores Sing Their Way To First in Freshman Glee

dolly with the hole in her dition, and freshmen placed stickin' " a second hilarious time fourth on all judging points. Saturday night as they pranced to The alma mater songs were the platform in the Willamette judged for musical composition by university gymnasium to collect Dean Melvin H. Geist and Ralph the banner as winners of the 37th Dobbs of the college of music trip they had marched primly- public schools' musical superviskept the hole in the stockin' out or. Words were evaluated by Ada of sight as it were.

take the penalty of a swim in

scoring third on that point, The Sophomores "danced with the three upper classes tied in ren-

annual Freshman Glee. Their first and Gretchen Kreamer, Salem Ross, Salem high school English Juniors placed second, seniors department head, Marion Mothird, and frosh came fourth to range and Henry Kohler, Willamette professors.

manding officer of the univerwinning class take their first sity's V-12 unit, and Grace Wolstately march to the stage, form gamott, physical education teacha W and U, then break to out- er, Salem high school, judged line an ax, and heard it sing its formations. Rendition was judged "Song of Willamettee' from both by Alta Lewis, director of religpositions.

Placing first in both words and byterian church, John Schmidt, music (by Betty Louise Sinkola director of music at the First

Russians Surround Poznan

Masurian Lake Defense Broken Near Konigsberg

LONDON, Sunday, Jan. 28-(AP)he Red army surrounded the big vestern Polish stronghold of Posnan yesterday and Berlin announced that Russian troops had raced on 43 miles southwestward across the snowswept plains and reached the German Brandenburg frontier within 98 miles of Berlin. Striking 50 miles northwest of Poznan other Soviet tank columns began attacking Schneidemuhl German fortress four miles inside Germany and 135 miles northeast of the reich capital, the German radio said, as the Russians began deploying on a broad arc facing

Sosnowiec Falls In southern Poland another Soviet army toppled the big industrial city of Sosnowiec and a cluster of nearby factory towns just opposite the German portion of Silesia, and Berlin announced that all work had stopped in this area which is second in importance as a Nazi arsenal only to the Ruhr district on the Allied western

straight toward the heart of Ger-

Breaking completely the formidable Masurian lake defense line in East Prussia two other Soviet armies poured into the heart of that tottering reich province. and drove to within four miles northeast of Konigsberg, its capital, with the seizure of Neuhaus-

Three thousand German troops were killed during the day in the Konigsberg sector, said the supplemental Soviet communique is-The court upheld Ward's con- sued at | midnight, adding that

800 Nazis Killed More than 800 Germans wer killed and 700 taken prisoner at the southwestern approaches to Poznan, the communique said, and all highways and railways leading from the surrounded western Polish stronghold into Germany have been cut. The Germans launched 11 counter-attacks around Sosnowiec before the city in the strategic Dombrova coal basin was captured. Some 1000 enemy officers and men were taken pris-

oner in the area, including Col.

Dradich-Wercher, chief of staff of

the 42nd German army corps.

Moscow did not confirm the Berlin reports that the Russians had reached the Obra river frontier of Brandenburg, Berlin's home province, but did disclose that the Russians were fanning out on all sides of Poznan and had captured Buk, 16 miles southwest of the last big Polish city in Ger-

Nazis Abandon

in the face of the red army offensive they had abandoned the industries of upper Silesia, regarded as second only to the Ruhr and a nazi arsenal.

The industries have been stopped and territory given over to the German army to defend or surrender, a Berlin radio announcement said.

The wording of the announcement indicated the nazi command was preparing the people for a blow which had already fallen, Moscow in the last four days has announced capture of most of the most valuable area of upper Silesia, including the cities of Sosnowiecz, Dabrowa and Bedzin in Poland and Hindenburg and Gleiwitz on the German side of the

Over-Confident

James V. Forrestal, secretary of the navy, said today "there is no

"They are withdrawing to the the west," the navy secretary tol workers at the General Cable corporation plant here during an army-navy "E" award presenta-

Five newborn babies in a Cincinnati hospital have been made seriously ill, and three others may have died in an outbreak of a contagious enteritis which Health Commissioner Carl Wilzbach said was first described to medical cir-

cles only last October.

now under treatment.

Reporting the outbreak today.

Dr. Wilzbach said the three deaths

vere attended by symptoms simi-

The disease, he said, is marked

by soreness of the mouth, par-

Barham Brothers Get

Contract for Cannery

Barham Brothers, Salem, Sat-

urday were awarded the contract

for construction of the new Pro-

pany plant on North Commercial

street, which when completed and

equipped is to cost approximate-ly \$110,000. All sub-contractors

ticularly the under surface of the

lar to those observed among those