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A Futile Maneuver

Despite the apparently elaborate preparations in laying their groundwork, the announced intention of certain democratic politicians to unseat John H. Carson and Frederick S. Lamport as state senators pro tempore serving in the absence with the armed forces of the regularly elected senators from Marion county—is doomed to certain failure.

Proponents of the strategic maneuver, credited in press reports to Lew A. Wallace, newly elected democratic national committeeman, may possibly succeed in their attempt to have the courts declare the seats now occupied by Carson and Lamport vacant until filled at the November general election, but they will not deprive the incumbents of the chance to continue in office by election. The voters of the county will see to that.

Under a special statute passed by the 1941 legislature to meet war conditions, Carson and Lamport were appointed by the Marion county court to represent the county in the senate during the absence of Senators Allan Carson and Douglas McKay respectively, both of whom enlisted in the army. The procedure was the same as in filling any other legislative vacancy between elections, and the pro tem senators were seated and served throughout the 1943 session.

But the question was raised at the time and still remains undetermined as to whether the legislature has the authority to provide for a method of filling vacancies to elective offices by appointments extending beyond the next ensuing general election. The prospects are strong that neither Allan Carson nor McKay will have returned to civilian life to resume their offices prior to the November election or before the legislature convenes again next January. Both were elected to senatorial terms expiring in 1946.

Another moot question which complicates the legal situation is whether the senators upon entering the armed forces did not legally forfeit their state offices. But this, the supreme court has ruled, is a matter for the senate to decide in judging the qualifications of its members.

The issue of electing successors to the two absent senators at this year's elections was raised prior to the primary election in May. But acting upon the advice of the attorney general, the secretary of state declined to include nominations for the offices in his call for the election. The democrats did not challenge his decision at the time, but instead laid plans for their strategic coup.

They caused to be written in on some democratic primary ballots the names of Ralph Campbell and Kenneth Bayne as democratic nominees for the two senatorial seats, and are reputedly preparing to take legal steps to compel the secretary of state to certify their names to the Marion county clerk for inclusion on the November ballot as candidates for the alleged vacancies.

They may succeed to that extent. But it is unlikely that they would be able to elect their candidates in this preponderantly republican stronghold. In the event an election is ordered by the courts, plans are already under way to offer the names of John Carson and Lamport, or even Allen Carson and McKay as republican or independent-republican candidates for the same offices.

The people of Marion county will not be led into repudiating the protection afforded the men of our armed forces by the legislature through any such political chicanery.

Supreme Court Reversing Policies

Concerning the now confirmed practice of the present stacked supreme court to disregard precedent and reverse decisions of long standing, Justice Frankfurter in a dissenting opinion last February warned: "The tendency to disregard precedents has become so strong in this court of late as to shake confidence in the consistency of decisions and leave the courts below on an uncharted sea of doubt and difficulty without any confidence that what was said yesterday will hold good tomorrow."

Some of these decisions have the practical effect of enacting a sweeping new piece of legislation, as they nullify legislation based upon long accepted court rulings, so the court is in effect usurping legislative functions. This was the case in the recently four to three decision holding that the insurance companies are in interstate commerce and so subject to the Sherman Anti-trust law, upsetting precedents which began with a contrary decision over 75 years ago and repeatedly affirmed since the adoption of the anti-trust law in 1890.

In making this decision, the court has not only reversed its 75 years of rulings but reversed the policies of the court for 110 years by deciding a constitutional question by a minority of the full court. Charles Warren, author of "A History of the Supreme Court" and the foremost authority on the subject says:

"It should be noted that the decision on a constitutional question of vast importance was rendered by a minority of the full court. This decision, therefore, reverses a wise practice of the court instituted by Chief Justice Marshall's court 110 years ago, in 1834, whereby the court then voluntarily asserted that it would not decide any case involving a constitutional question unless a majority of the whole court should concur."

This policy was adopted in 1834 and had been adhered to ever since. When a majority did not agree, the cases were directed to be re-argued at the next term under the expectation that a larger number of judges may be then present, and if they were not, action was postponed until heard by the full court. The insurance decision is the first time in the whole history of the court of a decision overruling any previous decision by justices numbering less than a majority of the whole court.

Mr. Warren says that since 1789 in 155 years there have been 70 decisions of the court overruling previous cases. In such decisions, the opinion of the court has always been concurred in by at least six judges, except in five cases when the decision was by five justices to four, and in one when it was by five justices to three.

Engineers Meeting Called for Thursday

Portland, Ore., June 13 (AP)—The U. S. army engineers hearing here Thursday on development of the Columbia system will be limited to navigation problems, officials said today.

Hearings on irrigation, flood control and other phases of river development will be held later.

Port officials, shippers and Chamber of Commerce representatives from Portland, Salem, Corvallis, Eugene and The

Dalles, Ore., and Longview, Vancouver and Camas, Wash., are expected to attend Thursday's meeting. Upper Columbia river cities also may be represented.

Rendering Unto Caesar

Burlington, N. C. (AP)—A farmer, notified that he had underpaid his income tax by one cent, applied for a money order which cost a ten-cent fee plus three cents in postage. When a postal clerk suggested that he enclose a penny, the farmer replied: "No sir! It's worth 13 cents to get a receipt to stop those dunning penny letters from the government."



You all did see that on the Luperon
I thrice presented him a kingly crown,
Which he did thrice refuse: was this ambition?

Sips for Supper

By Don Upjohn

We noticed the word "pull" on the front door of the war bond headquarters. It's a misnomer. Nobody needs a pull to buy a war bond.

Just a little word of warning from Harry Bell, supreme court judge, to George Swift, dominie of the Episcopal church. "I'm surprised at the dominie," said the supreme court judge. "Throwing temptation into the way of little boys in these days when juvenile delinquency is supposed to be at its height. Yes sir," continued Harry, "and what do you suppose the dominie has done? He's planted watermelons in his victory garden." Now there you are, Rev. George. It's not often a supreme court justice doffs the dignity of the woolstock long enough to chide us civilians other than through the supreme court reporter. But if George has good luck with the melons maybe we'll try personally to remove the temptation from the kids on some dark night.

Our Dr. and His Past
(23 Years Ago in Pendleton East Oregonian)

Plucked from death in the fourth reel after flirting with the undertaker for veritable eons, Dr. and Mrs. David B. Hill, accompanied by their guest, Verne Hardin Porter, writer and magazine editor, and also James Hill, Jr., and Freddie Hill—and Tumbler the dog, and what remained of their sunken spirits, returned to Pendleton from Bingham Springs. Mr. Porter, en route to New York to become editor of the Hearst magazine group, had never driven a Ford before. Dr. Hill drove—when the car was running. Eventually they rented a car to get to the Springs. W. Schwartzberg and his family brought them back to Pendleton.

Heard on the street from one female to another: "I make a cake for she and I and it just dries up." Which she found out when her and she tried to eat it.

Father's day is approaching and all over the land fathers are beginning to wonder just how much it is going to cost them again this year. But the old man in most families is a patient guy that takes this sort of thing in stride. This year it will be easier for the family

to get him corralled when he hasn't got enough gas to go fishing.

It's beginning to look now as though the number of marriage licenses issued for June will exceed the number of divorces filed or granted which might almost be news.

We find on our accustomed rounds these days that about the only question asked of a newspaperman is "what's new in the war?" That universal interest in one subject should make this war bond drive a pretty easy affair to put over.

Novelties In the News

Private's Collection

Chanute, Ill.—An old army tradition made Pvt. Leon Stewart, \$70 richer.

Custom decrees a newly-commissioned officer must give a dollar bill to the first enlisted man to salute him. Pvt. Stewart was walking near the barracks of a group of cadets who a few minutes earlier had been commissioned second lieutenants.

Out came 70 new officers. Pvt. Stewart used one hand to salute, the other to collect.

Sure Enough

Seattle—It might have been the bomber's name that brought his crew through 28 missions over Europe without a casualty, thinks Lt. William Fleming.

"It was Jack Pot," he ex-

plained, "and everybody knows that's hard to hit."

Climax

San Francisco—Seaman Roudet O. Turner, south Pacific veteran, though he was lucky to be rescued when his ship foundered on the Farallon islands off San Francisco last month despite loss of his wallet and \$1,040 in currency.

But now Turner has his savings, too. The wallet, currency intact, was found on a beach 23 miles from the scene of the wreck and returned to him.

Last Word

Boise, Idaho—Governor C. A. Bottolfsen planned to keep a speaking engagement despite influenza and a 101-degree fever, called his secretary.

Mrs. Bottolfsen received the governor's aide, smilingly said the executive would make no speech.

He didn't.

Air Mail Delay

Urbana, Ill.—The message St. Sgt. Clarence Bowlin, Flying Fortress waist gunner, dropped from a plane as he flew over Urbana in January, 1943, has been delivered to his mother.

The note, encased in an empty shell, was found on the roof of a Champaign department store by J. Howard Heiser, who went to the roof to take pictures. It was given to Mrs. Bowlin, 18 months after "delivery."

Sgt. Bowlin now is a prisoner in Germany.

Priority

White Plains, N.Y. — Mrs. Marcella M. Broeckx, a juror in a state supreme court trial, told the court her soldier-son's furlough had but one day to go and she would like to spend it with him.

The judge and opposing attorneys consented. Mrs. Broeckx and son went to the beach—and the trial went on with only 11 jurors.

The War Today

By DeWitt Mackenzie

An interpretative analysis of war developments by a famous Associated Press war correspondent.

The burst of sunshine over Hitler's Atlantic wall and the English channel during the past 24 hours has given a fine lift to the allied invasion, which came so close to disaster in its inception and had been terribly handicapped ever since, because of the vagaries of a dyspeptic weather man.

The great allied beach-head on the Cherbourg peninsula is so well established that even yesterday allied headquarters was able to say the general situation was "better than satisfactory." (I like the note of reserve in that official thumb-nail summary. It expresses confidence, but doesn't burble.) We now have an eighty mile front with a maximum depth of some eighteen miles.

Getting Ahead

That strip of coast—won by so much gallantry and sacrifice and superb generalship—is of course still more shallow than

we like. However, it's deep enough so that the allied troops are increasingly able to take the initiative, despite the great advantage the Hitlerites held at the outset in their powerful defenses. In short, we are getting ahead with the job, and if the weather man will favor us, our Normandy victory garden will flourish.

One of the most important developments produced by the appearance of the sun was the really terrific bombing which the allied air forces have been giving western Europe. Yesterday some 10,000 sorties were flown by American and British warplanes. They blasted bridges, communications, troop movements and what not. It was a field day.

Block Reinforcements

Now the significance of this is that they were blocking the movement of German reinforcements and supplies to the Cherbourg peninsula. They also were disrupting the lines of approach to the potential invasion points at which the allies may strike at any time. The German air force showed up in greater strength than at any time since the invasion—but it was a weak display.

This intensified allied air attack emphasizes a vital point which we should keep in mind.

The reason we are able to invade western Europe through Hitler's powerful defenses is because of two things:

The allies have vast air superiority; they have vast sea superiority.

Dominant Air and Sea

Had the Hitlerites been able to challenge us heavily on these two cardinal points, there would have been a far different story. It might easily have had a bad ending for this greatest amphibious invasion attempt of history. Certainly there would have been a battle so destructive as to appal the world.

Hitler's lack of air power is his most dangerous immediate weakness, as is being well exemplified in the fighting on the peninsula. Not only has Field Marshal Rommel been handicapped in actual battle, but he has been unable to protect troop and supply movements to the peninsula, for despite the bad weather the allied fleets have performed a wonderful service. The result is that Rommel has lost invaluable time in hitting the invading forces when they were in their most dangerous position.

Scientists have taken the cotton out of gun cotton, since smokeless powder now is made from plastics.

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