

Capital Journal

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Tax Relief Law Voided

Insofar as it applies to the equal division of income between man and wife in computing their federal income taxes, Oregon's community property law, enacted by the 1943 legislature, is void on the strength of the United States supreme court's decision yesterday invalidating the Oklahoma statute upon which Oregon's law was modeled. The validity of this state's law was seriously questioned by competent attorneys when the proposal was before the legislature.

At the same time and in the same opinion declaring the Oklahoma statute void, the court recognized the validity of community property systems in the eight states of California, Arizona, Idaho, Nevada, New Mexico, Texas, Washington and Louisiana on the ground that in those states a traditional system of marital property rights existed long before adoption of the constitutional amendment authorizing congress to levy income taxes. The laws in Oklahoma and Oregon provide that a husband and wife must formally elect to place themselves under the law if they wish their property to be on a 50-50 basis.

Simply because Oregon and Oklahoma make application of the community property principle elective they are discriminated against in favor of those states which require it.

Justice Roberts in the majority opinion said that prior to 1939, Oklahoma had no policy "with respect to the artificial being known as a community," and added:

"Nor can we say that, since that year, the state has any new policy, for it has not adopted, as an incident of marriage, any legal community property system. The most that can be said is that the present policy of Oklahoma is to permit spouses, by contract, to alter the status which they would otherwise have under the prevailing property system in that state."

In a dissenting opinion Justice Douglas, in emphasizing the discrimination contained in the decision, pointed out:

"The only apparent basis for such discrimination is that the community property system in the eight states is traditional; that those eight states have a well settled policy; that Oklahoma merely gives its citizens a choice to get under or stay out of its community property system."

Justice Douglas declared that the distinctive feature of the community property system "is that the products of the industry of either spouse are attributed to both," and that the husband or wife is never the sole owner of his or her earnings, but the mate automatically acquires a half interest in them from their very inception. "If Oklahoma meets that test, then she should be treated on a parity with her sister states," he said. "The fact that her system is new-born does not make it any the less genuine."

It has been admitted by sponsors of the Oregon and Oklahoma laws that their purpose is to lighten the burden of federal tax liability in self protection against those states in which community property systems are recognized. In the face of the court's decision, it appears now that the only relief from such discrimination lies in some form of congressional enactment.

Our Two Front War Effort

In his annual report to the war department, Lt. Gen. Brehon B. Somervell, quartermaster chief of army supply service, stressed the fact that "ours is a two front war and that in no sense has the Pacific war been a minor one, as the figures prove. About 60 percent of all army cargo for the fiscal year 1944 went across the Atlantic, 40 percent across the Pacific. Some 70 percent of all soldiers were carried across the Atlantic and 30 percent to the Pacific theaters." These figures do not include the navy, whose major effort has been in the Pacific.

Some 5 million American troops are now overseas and the army supply forces "have successfully met the challenge" of supplying the world battlefronts, shipping in 1944 a total of 40 million tons of cargo overseas as compared with 19 million tons in 1943. A total of 2,600,000 passengers were embarked, including troop units, replacements and other personnel compared with 1,200,000 the year before.

Induction in the army during the fiscal year dropped sharply from the 4 millions in the previous year to 1 million. Gasoline and other petroleum products constituted half of all cargo shipped overseas. Total deliveries from American industry to army service forces amounted to \$23,500 million as against 20 billion the year before. Some \$5,400 million worth of military supplies were procured by A.S.F. for lend-lease.

A feature of the report is the statement that the American army overseas is using scarcely a single weapon that was in use at the time of the Pearl Harbor attack. All items have been improved. Among new weapons were the 18 different rocket items standardized during the year. Prisoners of war in this country increased from 50,000 to 500,000 during the year, about 75 percent of them Germans.

Like all other branches of our war effort, both military and civilian, the A.S.F. has done a magnificent job and emphasized the cooperation existing in our supreme war effort, that can only end in victory, providing that the home front does its duty by supplying the funds needed to continue a maximum effort by purchasing war bonds.

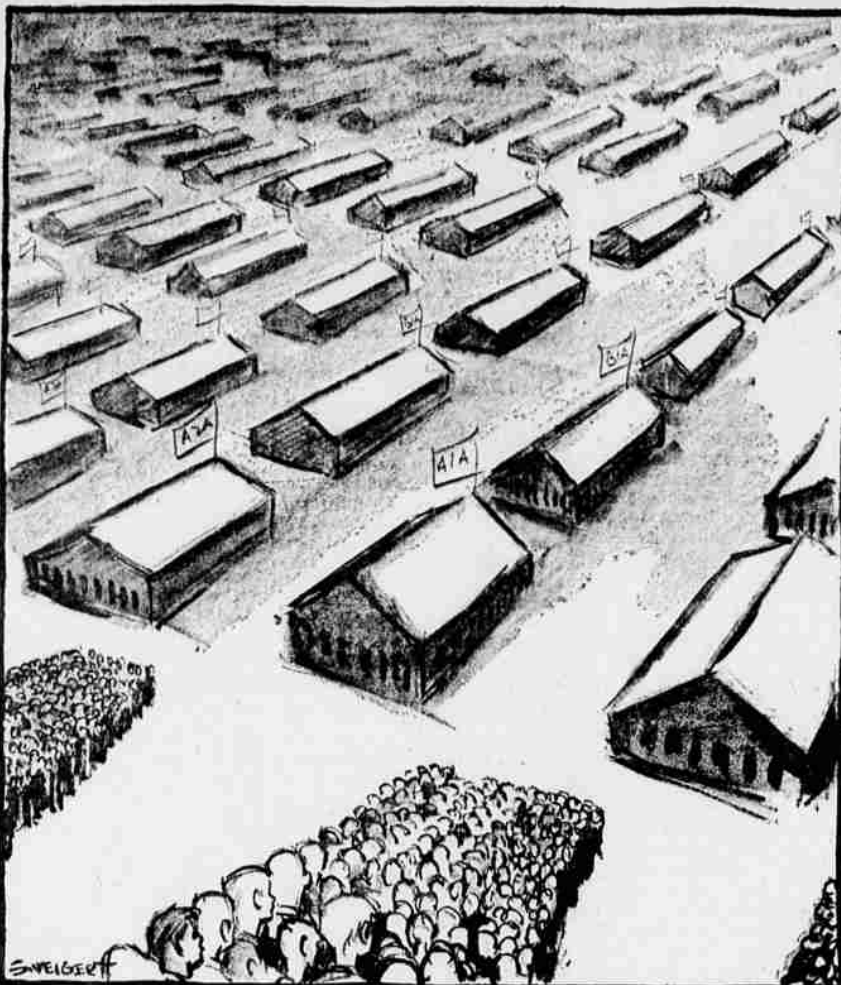
A Veteran Legislature

The electorate of Oregon has the right to look forward to an experienced legislature when the 1945 assembly convenes six weeks hence for only eleven of the ninety members, who compose the senate and house, will be serving for the first time. Of these two will be seated in the senate and the other nine will take their places in the house of representatives.

Compared with the coming session is that of 1943: when thirty members took the oath of office for the first time; one-third the personnel of the two bodies. This record was slightly better than that of 1941 when there were 28 new members. Seven members of the senate answered roll call for the first time the last session and twenty-three in the house. In 1941 there were four new senators and 24 new representatives.

Inexperience rather than inability is one of the major blocks in early organization and with leadership of both houses already assured, if the candidates produce the number of pledges each has publicly announced, there is no reason why the solons cannot get down to the business of lawmaking, for which they are sent here, as soon as organization of both houses is perfected. At least the turmoil and uncertainty which marked the opening of the last session can be avoided.

Taking everything under consideration, the 1945 session of the legislature, by taking advantage of the experience of the personnel, should make a record for itself from an efficient and economical point of view. The material is available and under the direction of the probable leaders in both house and senate the public has the right to expect one of the best handled and productive gatherings in history as conditions are propitious for an efficient session.



Home, Sweet Home

Sips for Supper

By Don Upjohn

Pretty nigh time now to begin worrying about the next year's cherry crop. Might as well have it knocked out now and have it settled until harvest.

Mistaken Identity

A local lady dropped into Ladd & Bush branch of the USNB yesterday as she wanted to convey a message to a girl employee at the bank. She began peering through the tellers' windows, first over the shoulder of one teller and then another. "Just as I was about giving up hope," she said a handsome gentleman approached me

and asked if he could be of assistance. I told him my troubles and he said the young woman worked in the back room and that he'd notify her she was wanted. "Are you the floor-walker I read about every once in awhile in Sips for Supper?" I asked him. "No," he replied, "My name is Eyre."

But then, of course, that can happen in the best regulated banks. A chap mistook us once for the floor walker, when he apologized said he noticed we seem to shuffle along on flat feet.

"A scientist says that the tail of a comet is around seven or eight million miles long," says the Corvallis Gazette-Times. "That will satisfy everybody but a Nucleon economist who will want to know the exact length and appoint a commission to find out." Why, Claude, do you think he'd money with one only seven or eight million miles? We thought it had to be in billions.

Notice where Maxine Buren in commenting on the fixing of the Thanksgiving turk says, "Stuffing is an important fea-

ture." As long as we can remember stuffing has been the only feature at a Thanksgiving dinner.

The nazi supermen look as though they are rapidly getting in the soup.

Talk of maybe reopening the Western International baseball league again next summer reminds us dimly that we put the old seat pad into the rubber drive after Pearl Harbor.

At last it has been determined that the people will vote on the question of whether it will continue to be a pasture or turned into a park.

All those husbands and wives who split up their incomes 50-50 to get out of paying Uncle Sam it seems will have to merge them back together again. A case of mixing the dough once more, as it were.

Conference at Lyons

Lyons—The fourth quarterly conference was held at the Lyons Methodist church following the evening services, which were in charge of Dr. J. Edgar Purdy, district superintendent, of Salem. The following committee was appointed to assist the pastor with the world relief and reconstruction fund drive: G. Paul Johnston, Mrs. George Huffman, Mrs. Alex Bodeker, Wallace Power and Mrs. Glen Julian.

The War Today

By DeWitt Mackenzie

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

We are taking our text today from the Eisenhower communique which says that allied troops on the Cologne plain east of captured Geilenkirchen "are meeting fierce enemy resistance."

With cities, towns and hamlets falling like tenpins in various sectors, and allied forces making sensational advances, we are in danger of slipping into the over-optimistic class again. Mind you, optimism is warranted, for things are going well, but we shall be smart to stick with facts—a plague on 'em.

The Geilenkirchen-Aachen sector, opposite Cologne and Germany's all-important Ruhr industrial center, is the crucial zone of the moment along the erupting 400 mile battle-front. General Ike is employing great striking power there in an effort to break through to the Rhine, and naturally that's where the nazis have concentrated all the strength they can spare from their depleted forces.

Route Most Promising

Of course, this doesn't necessarily mean the allies won't achieve a breakthrough at some other point or points. However, it's the most promising route into Hitlerland and as such is being exploited.

Now in order to meet the terrific pressure on this strategic sector the nazis have been compelled to withdraw troops and equipment from other sectors which are less vital. They just haven't the soldiers to man their entire front adequately, and many of the forces which they do have are scrapings of their man-power and are being sacrificed as cannon fodder.

This shifting of German troops was exactly what Eisenhower figured on, and his army commanders are taking advantage of his successful tactics. Thus we see spectacular allied gains at points which we had come to regard as inland Gibraltar, and in fact would be if held in full strength. The nazis have been forced to fall back at numerous places, abandoning powerful positions—and that's the point I want to make. Some of the sensational allied gains have been due in part to the fact that the enemy was retreating to fresh defenses.

Not Over-Optimistic

That in no way detracts from the magnificent work done by the pursuing allies, for it has taken bloody fighting and superb leadership to oust the Germans from these strongholds and drive them into retreat. However, we should recognize that he who runs away lives to fight another day, and the nazis who are retreating still must be dealt with further back. Let's not get into the



Watching for Snipers (P)—An American soldier attached to the 95th division of the 3rd army crouches down as he peers cautiously around the corner of a building on the lookout for German snipers during the advance towards the center of Metz. (AP wirephoto from signal corps radiophoto.)

frame of mind of some folk back at the time of the German retreat from Normandy, when wishful thinkers were saying the war would be over in three weeks.

Elis Pleased But Reject Bowl Bid

New Haven, Conn., Nov. 21

Yale's athletic association big-wigs are "extremely flattered" over the bowl game "feelings" being extended to their undefeated and untied footballers but Director Ogden G. Miller today said the Elis "positively" would end their eight

game slate here Saturday against Virginia.

"It's a new feeling to me, and we're extremely flattered," smiled the Blues' athletic boss, "but we positively couldn't play a post-season game this winter, even if we wanted to. Most of the squad are navy and marine trainees and they are subject to a 48-hour navy rule governing absence from the post."

"That would preclude any possibility of our going to any bowl game, and besides classes are scheduled to be held on New Year's day."

The hull of grain seeds contains vitamins which cure the disease of beriberi.

Stevens

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