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Salem, Ore., Wednesday, May 18, 1949

"A Doctrinaire Suicide Pact"

The United States supreme court in a sharply divided decision, 5 to 4, written by Justice Wm. O. Douglas, held freedom of speech cannot be curbed merely because the speaker stirs people to anger, invites public dispute and creates unrest. This is virtually giving the green light by the highest court in the land to agitators fomenting riots and revolt and legalizing subversive campaigns.

Justice Robert H. Jackson, one of the four man minority, called the decision a "dogma of absolute freedom for irresponsible and provocative utterances" which almost ties the hands of local officers.

The decision was in the case of Arthur Terminiello, a Catholic priest under suspension from his duties as clergyman, from Birmingham, Ala., who spoke in Chicago February, 1946, at a meeting called by Gerald L. K. Smith, ex-Huey Long rabble rouser, who called the priest "the Father Coughlin of America."

The majority opinion pronounced unconstitutional a Chicago ordinance the Illinois courts had construed as permitting disorderly conduct conviction for any speech that "stirs the public to anger, invites dispute, brings about... unrest or creates a disturbance." Douglas declared:

"A conviction resting on any of those grounds may not stand. A function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are even stirs people to anger."

Justice Harold H. Burton joined in Jackson's dissent. They called the majority decision a fulfillment of "the most extravagant hopes of both right and left totalitarian groups, who want nothing so much as to paralyze and discredit the only democratic authority that can curb them in their battle for the streets."

Justice Felix Frankfurter wrote another dissent, on different grounds. Jackson and Burton joined in it. Chief Justice Fred M. Vinson also wrote a dissent—his third written one since he has been on the bench.

The court admits that Terminiello's speech, which resulted in his Chicago conviction provoked a riotous demonstration. Over 1000 persons picketed the auditorium and hurled bottles, stink-bombs and brickbats, breaking 28 windows. Seventeen demonstrators were arrested.

Jackson said that Terminiello's harangue "followed with fidelity that is more than coincidental to the pattern of European Fascist leaders, the transcript showing that use of such words as 'filmy scum that got in by mistake,' 'snakes,' 'bedbugs' and that he said the mob outside was 'imported from Russia' and was typical of 'atheistic, communistic Jewish or Zionist Jews.'" He continued:

"American citizens have the constitutional right to urge peaceful adoption of fascism or communism, socialism or capitalism, but no serious outbreak of mob violence, race rioting, lynching or public disorder is likely to get going without help of some speechmaking to some mass of people. Unity of purpose, passion and hatred which merges the many minds of a crowd into the mindlessness of a mob, almost invariably is supplied by speeches."

"It is naive, or worse, to teach that oratory with this object or effect is a service to liberty. No mob has ever protected any liberty, even its own, but if not put down it always winds up in an orgy of lawlessness which respects no liberties."

Douglas said for the majority that freedom of speech is not absolute but that it is protected unless "shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance or unrest. There is no room under our constitution for a more restrictive view, for the alternative would lend to standardization of ideas either by legislatures, courts or dominant political or community groups."

Justice Jackson hit the nail on the head when he warned: "There is danger that, if the court does not temper its doctrinaire logic with a little practical wisdom, it will convert the constitutional bill of rights into a suicide pact." But the ideologists and utopian dreamers are in the saddle riding toward anarchy and its eventual goal—totalitarianism.

A Typical Instance

The American Federation of Labor painters' district council No. 3 of Independence, Mo., has filed a protest with President Truman against the employment of a non-unionist to paint the "summer White House" utilized by the chief executive during his periodic visits to his home town.

The house is a big rambling structure which the president and his family have called home since he moved in after his marriage just after World War I.

Jack Cooke, business representative of AF of L Painters' District Council No. 3 in Kansas City, said he does not know what steps the union will take if the president and his family ignore the formal protest sent to the White House last week. He said "After all, Truman has championed himself as the man of the hour in labor and you can't serve but one master—if you serve him right." There was no reply from the White House.

John H. Moler, 67, who has been painting the house for many years, says he is too much of an individualist to belong to a union and is not bothered. He said:

"I've got nothing against unions, mind you," Moler said, "but I never did believe a man ought to have to join any organization he doesn't want to. Unions are all right in big factories, I suppose, but the painting business is a different proposition, especially painting contracting. I either work by the hour or I figure a job and make a bid. I do all my work alone. I used to have men working for me, but I always had to go back and do their work over again, so now I do it myself in the first place and know it is done right. The folks around Independence all know me and know my work and are satisfied with it."

The house is the property of the president's mother-in-law, Mrs. David W. Wallace, who placed the painting contract through her son, the president's brother-in-law, so Mr. Truman was not in any way responsible. But it is a typical instance of the tactics of some unions who deny work to those who do not pay their dues even of attempting dictation to the president of the United States.

The painters' union may still picket the White House because they think they own a president who plays their game down the line for others.

BY BECK

A Dog's Life



MYSTERIOUS WIFE

Speechless Man Lays Claim To Fortune Found in Gutter

New York, May 18 (AP)—A deaf mute from Los Angeles, Calif., claimed today that he was the person who lost the \$12,208 which two patrolmen found wrapped in a rag in a gutter a week ago.

Herbert G. Laird, 37, answering police questions with a pad and pencil, claimed he lost the money when he came here from Florida last week. He said the money was all that was left of \$13,146 which he and his wife, also a deaf mute, had saved to buy a house.

He told police that he had taken the money with him when he deserted his wife and 23-month-old son, David, in Los Angeles several weeks ago.

Only \$1,000 of the money was actually his, he said. The remainder was his wife's. He said he had been afraid to come forward sooner to claim the money for fear his wife would prosecute him for taking the money.

"How did your wife accumulate the money?" police asked him.

"My wife wouldn't tell me," he answered. "I expect she had a rich suitor who gave her presents before we were married three years ago."

POOR MAN'S PHILOSOPHER

Harder to Photograph a Dog Than to Mug a King

By HAL BOYLE

New York (AP)—It is harder to photograph a dog than a king. "Kings hold still," says Frank Noel.

Noel is the world's greatest living authority on how not to get a dog out of Italy. He became a master in this branch of knowledge by spending his spare time for a month trying to wrestle his pooch out of Rome—a and failed.

"It is much easier for a man to leave Italy than it is for a dog," he said. And thereby—as the saying goes—hangs a tale:

We will begin with Noel, a wartime Pulitzer prize-winning photographer, and his wife, Evelyn. The dog will wag into the story as we go along.

The Noels have based in Rome for the last three years. One day their Italian maid told her sister's two canaries were about to become parents. She promised Mrs. Noel a fledgling.

"I bought a cage," said Evelyn. "But then the maid came and told me a cat had eaten up the entire canary family. She felt so bad about my disappointment that the next day she showed up with a puppy."

The puppy quickly became known as Rubinetto, which can be translated as "Faucet." Frank called him "invasion dog" because his father was a German shepherd, left by the Nazi army, and his mother was a post-war fascist collaborator.

When Noel got home leave recently, he had little trouble making arrangements for himself and his wife to return to America. But Rubinetto—he a leash," said Frank.

couldn't have been more trouble if he were solid gold and wrapped in a canvas by Raphael. "I took all my spare time for four weeks to get and fill out all the necessary forms," said Frank.

"I had to get five copies of a veterinarian's certificate stating that he had given the dog rabies shots. Each of the copies had to have five different official stamps. That meant standing in line in front of five windows."

"It was also necessary to have five copies of a certificate giving Rubinetto's value. The vet took one look at him and put down \$10."

"And I had to attach 10 pictures of the dog, five full face and five profile. The profile shots had to include the tail."

"Did you ever try to get a dog to hold his tail still while you took his portrait? Try it if you want to waste a year some afternoon. It took me an hour and 59 minutes longer to photograph Rubinetto than it did King Farouk of Egypt."

The Noels were so impressed with all this formality they put the dog's passport papers in a safety deposit box.

"And that is why we had to leave Rubinetto behind," said Frank. "The day we sailed all the banks were closed by a nation-wide strike, and we couldn't get his papers."

He left the dog with the maid. The Noels are on their way to Berlin now, and Frank plans to fly to Rome at the first opportunity and free his pooch.

"Rubinetto's been tied up in red tape so long he thinks it's America. But Rubinetto—he a leash," said Frank.

AGIN IT. SO WHAT?

Sober Debate on Hot Spuds By Tacoma Commission

Tacoma, May 18 (AP)—Pierce county's three commissioners sat glumly around their meeting table yesterday, each man alternately clearing his throat with obvious reluctance to tackle the problem at hand.

Finally, Board Chairman L. A. Hudson mentioned they had a job to do.

"We will now hear a discourse on the treatment and disposal of hot potatoes," murmured Chief Civil Deputy Prosecutor John Krilleh, who advises the board in legal matters.

"I'm again it," Commissioner Paul Newman said and lapsed into silence.

"I am too," said the third member, Harry Sprinker, a Grange member and friend of the farmers. "It's a frippery of city workers. We ought to stop this tinkering."

"Absolutely," agreed Hudson. "I am strongly opposed to such actions."

This unanimous expression of opposition then part of the record, the commissioners proceeded unanimously to approve a motion to put Pierce county on Daylight Saving Time on June 1.

"We have to go along with the city of Tacoma and other communities," they chorused.

There's Always a Law

Moorhead, Minn., May 18 (AP)—Art Sanders was telling today about the big one he landed—then threw back. Sanders had to have eight other fishermen help him beach his big sturgeon after fighting it for one and one-half hours. It weighed 93 pounds and measured five feet, nine inches. Because state law forbids catching sturgeon except in boundary waters, they threw it back in the lake.

WASHINGTON MERRY-GO-ROUND

France Will Refuse to Evacuate From Germany

By DREW PEARSON

Washington — Firmly and without fanfare, France has told the United States she will not withdraw its occupation troops from Germany—regardless of what is decided at the Big Four meeting on Germany.

The French ambassador, popular Henri Bonnet, told this to Secretary of State Acheson on orders from his government. Bonnet, who has just returned from consultation in Paris, stated flatly that France does not feel the Germans can be trusted yet, therefore cannot take the chance of pulling out its occupation forces.

The French attitude has upset Acheson's plans somewhat for he was considering the evacuation of all Four Powers in return for quick election in eastern and western Germany. Acheson has called the American Embassy in Paris to try to induce French Foreign Minister Schuman to change his mind before the foreign ministers meet May 23.

Oregon's Senator Wayne Morse was literally knocked off his high horse the other day. Though an expert horseman, he was toppled when an unruly colt crashed into a fence and pinned the senator's leg. No bones were broken but Morse still has a bad limp.

Back from the hospital, Majority Leader Scott Lucas has put an end to rumors he might resign as floor leader. He's in the pink and rarin' to take on any republicans or dixiecrats who cross his path.

After Chairman Tom Connally of the Senate Foreign Relations Committee accused Senators Watkins of Utah and Donnell of Missouri of taking two-thirds of the time at the North Atlantic Pact hearings, Senator Watkins began counting his back words. According to his arithmetic, he has taken up

less than 15 per cent of the time of the hearing, though he and Donnell of Missouri together have done 42 per cent of the questioning. The AFL's Dick Ornburn, who makes a career of promoting good-will between industry and labor unions, has been given a new title by Vice-president Alben Barkley—"Ambassador of Good Relations." Ornburn's union-industries show, which opens today in Cleveland, gets bigger and better every year.

While combing through Senator Taft's minority report, Senator Thomas of Utah, scholarly chairman of the senate labor committee, scribbled down some notes that throw a light on the coming labor battle in the senate.

Thomas found that Taft had actually recommended 28 changes in his own Taft-Hartley law, but only 20 changes in the old Wagner Act. This comes surprisingly close to Thomas' own bill, which is backed by President Truman.

The Utahian picked out the main differences and jotted them down on a scratch pad. It is around these issues that the debate will hinge on the senate floor.

Here are Senator Thomas' notes: "Secondary boycott—Thomas prohibits one type, Taft prohibits all but 'struck work.' Jurisdictional strikes—No substantial difference.

"National emergencies—Taft adds injunction and plant seizure and mandatory report to congress.

"Five-man board—Taft makes seven and nonpartisan.

"State law, closed shop—Thomas makes federal law supreme, Taft makes state law supreme."

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MacKENZIE'S COLUMN

Germany's Control Is Issue

By DeWITT MacKENZIE

Under cover of the "peace" brought about by the lifting of the Berlin blockades, the western allies and Russia are preparing intensively for resumption of the biggest battle of the cold war—the struggle for control of Germany.

The conflict will be joined again next Monday in Paris with resumption of the Big Four foreign minister's council. Neither side is talking much. Both are burning midnight oil. And German leaders, anxious to see the reich restored to its former prestige as a great power, are weighing the odds in the political gamble they must take in pledging their cooperation.

The western democracies are standing pat on carrying out their program for creating a federal republic comprising their three zones of occupation. It is their hope that eastern Germany, now under Soviet control, will join this federal government.

Their aim is to create a strong but peaceful nation in the heart of central Europe as a barrier against war.

Russia on the other hand is against a federal government. She wants a unified country under a centralized government. She also calls for the withdrawal of allied troops of occupation.

A communist Germany in the heart of Europe, adjoining the Russian block on the east, would increase Moscow's strength immensely. That would allow it to put the Soviet right up against Germany's eastern border. On the other side would lie the nations belonging to the Atlantic pact.

Taken at face value the Russian attitude, regarding a unified Germany and a withdrawal of forces of occupation, undoubtedly has attraction for some Germans. However, the German leaders as a whole are said to recognize fully the threat of communication—which they definitely don't want.

Moreover, they are not overlooking that, on the insistence of Moscow, Poland was permitted to annex 38,986 square miles comprising the former German provinces of Silesia, Pomerania and West Prussia. This rich area was given Warsaw in exchange for the 69,860 square miles of eastern Poland which was ceded to Russia.

In any event the Germans can't play "neutral" successfully between the east and the west. They must pick and stick.

The indications in Washington are that U. S. Secretary of State Dean Acheson and his assistants will want actions rather than words as proof that Russia has undergone any change of heart along with the lifting of the blockade. As a matter of

BY GUILD

Wizard of Odds



Aye, Spring Was in the Air When He Saw Artistic Legs

By HARMAN W. NICHOLS

Washington, May 18 (AP)—Spring was in the air—and I saw summer right in front of me. In the form of shapely, painted legs. I followed the shanks into the National Press building and asked the lady wearing 'em her name. She turned out to be Alice Lanham, a dark-haired secretary.

I asked her about this leg-make-up business and she told me. It's harder, it seems, to paint a woman's legs from the knee down than it is to dab her face from the shoulder blades up.

"You have to be an artist—almost," Alice said. "You either take a handful of cotton, or squirt some of the stuff in both hands and then put a layer on each leg. Smooth, and above everything else fast because it dries quickly."

"It's strictly springtime make-up and saves a lot of stockings," she said. "If you go in swimming you have to wipe it off. And if you get caught in bad thunderstorms, you come out with streaks that look awful—like a lot of runners. When you go to the beach, you may as well forget about leg make-up because the sun won't tan through it. It doesn't work that way."

I thanked Alice for an interesting one-minute interview and made for the library to learn what goes into the wonderful stuff that gives a woman a phony pair of stockings.

Turns out it's a magnificent mud dug from the Black Hills that is quietly slipping into the lives of most Americans.

When mixed with other things, it has the power to swell, absorb, or become adhesive.

It's called bentonite and is the greatest efficiency for absorption that nature has devised. It's highly absorbent in water and also is useful for oils.

Bentonite (not a trade name, folks) has this absorbent quality because it consists mainly of particles so fine that more than 600,000,000 of them are needed to dot a surface one-inch square.

There have been many tempers lost—including mine—in the American home, where most accidents occur, over how best to remove linoleum laid in hard-setting cement. The answer is, of course, bentonite. It saves the balky linoleum.

Cloudy wines and honey are cleared up by passing a bentonite solution through them (on prescription) and at least one brewer does this to uncloud his foggy beer.

Don't forget Alice and the race horses. Alice winds up with pretty brown legs. Horsey youngsters like Ponder and Capot have four feet that glisten and click off the miles in record time.

Bentonite swells the hooves of Ponder and Capot and makes it easier for them to dig into the track.

Little Ant Hill in Your Home

Los Angeles, May 18 (AP)—Two million ants flew to Minneapolis, Minn., today.

The ants were shipped to an apparel association by "Ant King" Delyn Hornaday for use in an advertising stunt.

Hornaday, who manufactures tiny glass "ant villages" filled with sand and a special type ant, the California Harvester, said the miniature ant hills will be distributed to clients of the association as a goodwill gesture.



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