

Landmark decision

Court overrules Negro convictions

WASHINGTON (UPI)—The Supreme Court today overruled the convictions of Negro sit-in demonstrators in several southern states on grounds they were arrested under unconstitutional local segregation laws.

New Orleans. It was the first time the court had ruled in a series of sit-in appeals which stemmed from arrests made throughout the South during the demonstrations there in 1960 and 1961.

The court used the Greenville case to hand down its landmark decision. Chief Justice Earl Warren declared in his majority opinion that 10 demonstrators there were wrongly convicted because the store manager had been forced to segregate his lunch counter because of a city ordinance.

Warren held that even if the manager had acted as an individual, the convictions were invalid because the local ordinance was on the books.

In quick succession, then, the court overturned the following other sit-in convictions: —Trespass convictions of 10 Negroes in Birmingham. —The conviction of two ministers—the Revs. F. L. Shuttleworth and Charles Billups—who were found guilty of having incited the demonstrators in Birmingham. —The trespass convictions of five Negro students and two white students for sit-ins at Durham, N. C. —Criminal, mischief convictions at New Orleans.

In the Greenville case, the court did not touch on the argument that store owners could maintain segregated facilities on private property. Warren's opinion indicated that as long as the local statutes required segregation, the owner was left no choice but to maintain separate facilities for whites and Negroes.

Warren declared that state segregation statutes violate the 14th Amendment and that in the Greenville case, the city statute eliminated any private choice on the part of the store owner. He said that the statute meant "that a person owning, managing or controlling an eating place is left with no choice of his own but must segregate his white and Negro patrons. The Kress management, in deciding to exclude Negroes, did precisely what the city law required."

Nullifies jail terms, fines

Weather Mostly fair weather in Central Oregon, but with chance of few thundershowers in afternoons.

THE BULLETIN

SERVING BEND AND CENTRAL OREGON

High yesterday, 75 degrees. Low last night, 38 degrees. Sunset today, 7:29. Sunrise tomorrow, 4:33, PST.

Hi and Lo

60th Year Ten Pages Monday, May 20, 1963 Ten Cents No. 140

11 freedom hikers halted in Alabama

By United Press International Eleven integration demonstrators who tried to take up the freedom walk of a slain Baltimore postman were arrested near Gadsden, Ala., Sunday and wholesale arrests of integration-bent demonstrators continued in North Carolina.

Birmingham, where Negroes told of telephone threats of new bombings, remained tense but quiet under the watchful eye of 1,200 law enforcement officers.

Possible intensified racial activity loomed today at Selma, Ala., where a Negro leader called for a mass attempt at voter registration.

Integration activity was not confined to the South. Some 2,000 persons gathered on the state capital lawn at Hartford, Conn., in a demonstration in support of integration leaders in Birmingham.

Says Whites "Running Scared" Negro Congressman Adam Clayton Powell, D-N.Y., in a speech at Englewood, N.J., said the "white man is running scared" and that Negro parents should continue to use their children as instruments in the fight for equality. He urged a continued boycott of the Lincoln School in Englewood.

At Cleveland, Negro comedian Dick Gregory predicted the Birmingham integration agreement, worked out at the height of a 40-day siege of tense racial demonstrations that saw more than 2,000 Negroes jailed, would prove lasting.

Gregory said the agreement setting up a time-table on integration of lunch counters and other improvements would stick because it was negotiated with "a force that controls 90 per cent of the city's wealth and 98 per cent of the working force."

Dr. Martin Luther King, whose Southern Christian Leadership Conference helped mastermind the Birmingham demonstrations, was scheduled to return to the Southern steel city today.

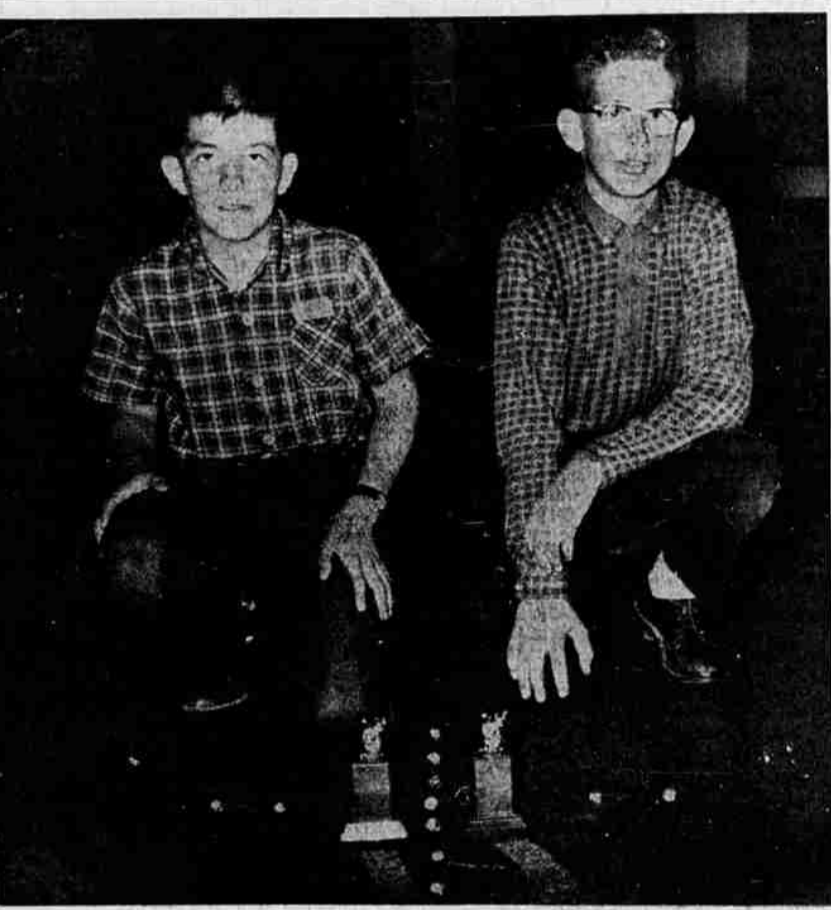
King had said earlier that this weekend was a "crucial" one to the Birmingham agreement.

Actress Arrested The 11 arrested who tried to take up Baltimore postman William L. Moore's march included six Negroes and five whites. One of the white persons was a 36-year-old actress, Madeline Sherwood, who had been arrested once before in similar activity.

The Alabama Highway Patrol and county officers arrested the group after they got only 15 yards from the spot where Moore was ambushed and slain last April 23 while on a walk to make a personal plea to Mississippi Gov. Ross Barnett to end segregation.

"They could have incited a riot," said Col. Al Lingo, head of the Alabama patrol. The eleven were jailed in Gadsden.

The demonstrators in North Carolina, where some 650 Negroes remained in jail as the result of demonstrations against segregated restaurants and theaters at Durham, Raleigh, Fayetteville, Wilmington and Greensboro, moved to a chain restaurant Sunday, which resulted in the arrest of some 400 Negroes and about 15 whites.



MARBLE CHAMPIONS — Doug Barackman, left, and Don Lutz proved to be the Bend marble champs as they downed six other school champions for the title Saturday afternoon. Runner-ups were Steve Aplin and Bruce May. The four boys will travel to Portland June 29 for the state championships. The local contest was sponsored by the Eagles.

Walters may have leukemia

WASHINGTON (UPI) — The physician for Rep. Francis E. Walter, D-Pa., who has been in Georgetown Hospital for several weeks, said today it is unlikely Walter was "definitely better" today but would neither confirm nor deny recent reports the congressman has leukemia. Walters is chairman of the House Un-American Activities Committee.

"His illness is not cancer in the usual form," the doctor said. Walter, long-time power in the House, has been absent from Congress during most of the current session. Earlier reports said that he was hospitalized with lung congestion.

"I think you can say he'll never be back to work," Crain said, "but he's making liars out of all of us. He's definitely better today."

Walter's office refused to comment on the congressman's condition. President Kennedy recently paid a visit to the congressman in his hospital room.

Walter, 66, has been in the House since 1933. He ranks seventh in seniority among the Democrats.

Long one of the most powerful members of the House, he has been noted chiefly as the co-author of the McCarran-Walter Immigration Act and, in later years, as chairman of the Committee on Un-American Activities.

He first went on the committee in 1949, put there by the late Speaker Sam Rayburn as a moderating influence after the group was widely criticized for its free-wheeling hunt for subversives.

"I would rather stay in the Senate," he answered. "I wouldn't want to put Vaughn Meador out of a job."

"Besides that, my wife is not pregnant and I would have to find an instant family."

Henry urges public to aid fight for better television

WASHINGTON (UPI) — E. William Henry, new chairman of the Federal Communications Commission, wants the public to join the FCC in a campaign to improve the quality of television programs.

Henry said in a weekend interview he sees no magic remedies for improving television standards such as new legislation, or a government subsidized network such as the British Broadcasting Company.

"If you don't like the kind of programs your local television station is offering, write to them and tell them. If you don't get any cooperation from the station, write to the FCC and tell us about it."

He noted that a station's license comes up for renewal every three years, and said that any serious complaint about a station's programming would go into a file for consideration at renewal time.

Henry, appointed as successor to Newton W. Minow who quit as head of the FCC last week, said those who find present television fare dull and monotonous should express their dissatisfaction to present programs suit the majority's taste.

Broadcasters have "not merely a moral but a legal responsibility," he said, to serve the interests of all segments of the community including the minority that might prefer public affairs rather than hospital serials and horse operas.

"Networks must satisfy the majority, but only part of the time," Henry said. "They have an obligation to find out what the majority really wants, not what it accepts merely because nothing else is offered."

The former Memphis, Tenn., lawyer said that rating services

do not provide the networks with an accurate picture of what the public desires. They reflect only what the majority watch given the limited choice, he said.

"Ratings do not show what people might prefer if they had other choices."

Tentative agreement on tax bills reported

Natural gas regulations are upheld

WASHINGTON (UPI) — The Supreme Court today upheld the Federal Power Commission's new method of regulating natural gas producers' rates by areas instead of by each company's individual costs.

The decision was by a 5-4 vote, with Justice John M. Harlan writing the majority opinion.

"We recognize the unusual difficulties inherent in regulating the price of a commodity such as natural gas," Harlan said. "We respect the commission's considered judgment, backed by sound and persuasive reasoning, that the individual company cost-of-service method is not a feasible or suitable one for regulating the rates of independent producers."

"We share the commission's hopes that the area approach may prove to be the ultimate solution," he said for the majority.

The court's action empowers the FCC to stabilize gas rates for the consumer. Under the individual cost formula, rates fluctuated widely.

Dissenters were Chief Justice Earl Warren and Justices Tom C. Clark, Hugo L. Black and William J. Brennan Jr.

The lawsuit was a continuation of a 1954 landmark case when the Supreme Court ruled that the FCC has jurisdiction to regulate wholesale rates of 3,000 or more producers. Before that, it had been confined to rates of pipelines.

In fixing pipeline rates, the commission traditionally considered separately each company's costs of service. Then it allowed rates to provide a fair return on investment.

In the 1954 Phillips case, the commission adopted an entirely new formula because of the vast differences between producer and pipeline operations.

It announced that it would fix prices on a sectional basis by fixing ceilings in 23 specific areas. Clark, speaking for the dissenters, was highly critical of the commission.

Discussing the area plan, he said: "If the higher and lower costs are averaged, as the commission indicates it intends to do, then the higher cost producer will still not recover his costs and the rate will be confiscatory."

DOW JONES AVERAGES By United Press International Dow Jones final stock averages: 30 industrials 720.18, off 4.63; 20 railroads 167.69, off 0.28; 15 utilities 140.79, up 0.11, and 65 stocks 256.42, off 1.05. Sales today were about 4.71 million shares compared with 4.41 million shares Friday.

Storms seen

'Red Flag' fire warning issued

A "red flag" warning was relayed from the Bend office of the U.S. Forest Service to its five ranger districts this morning as forecasts called for possible electric storms, first forecast for the 1963 fire season.

The forecast indicated an 80 per cent chance of storms in the southern part of the Deschutes forest, and a 50 per cent chance in the north.

This morning, a lookout, first of the year, was on duty on Lava Butte, ten miles south of Bend. Roger Miller is on duty there. In the next few days, Black Butte, overlooking the Sisters area, will be occupied.

At the Deschutes forest headquarters in Bend, fire protective men made ready for the season of fires in the woodlands. They said that aerial attack equipment is in readiness at the Redmond airbase, from which borate bombers will wing their way to area fires.

In Bend, the inter-forest cache of equipment for 500 men was in readiness. Foresters in the woods over the weekend report drying conditions in the lower fringes of the forest, and upstream along the Deschutes river.

Forecasts call for continued warm weather, with no moisture in sight. Bend's high Sunday was 75 degrees, two degrees lower than the 77 mark, highest of the year, recorded Saturday.

JFK signs feed grain bill on eve of hot wheat vote WASHINGTON (UPI) — President Kennedy, acting on the eve of the crucial wheat referendum vote, today signed the feed grain bill that was pushed through Congress last week.

The bill was rushed for his signature in order that it would be law before wheat farmers across the nation vote Tuesday to decide whether or not to accept the administration's wheat production control plan.

A record turnout is expected in the referendum, which has generated more heat than a major political race in many farm areas. An estimated 1.5 million wheat farmers will be eligible to vote.

The President's theories on control of farm production face a crucial test in the wheat referendum. Democrats wanted him to sign the feed grain bill for two reasons:

Could Use Idle Land — The feed grain bill activates provisions of another law under which — if wheat controls are accepted by farmers — producers could plant wheat on idle feed grain acres and vice versa. This increased flexibility in planning farm acreage makes the wheat control program more attractive, administration officials feel.

—Enactment of the feed bill means it cannot be used as a vehicle for new wheat legislation if wheat controls are rejected. Republicans have predicted that Congress would come up with a new wheat bill if the referendum failed.

Cigarette tax now appears as 'doomed'

SALEM (UPI) — Senate-House tax conferees today sounded out other lawmakers following tentative agreement on a \$46 million income tax measure and a \$14-million one-shot revenue plan.

The four-man conference committee was still split over capital gains, corporate excise and cigarette taxes after a weekend-long series of meetings.

The 4-cent a pack cigarette tax seemed doomed. Still under consideration was a capital gains tax based on the federal formula, but with a 5 per cent maximum fee, and a possible 1 per cent increase in corporate excise taxes.

It was not known when final settlement would be reached. Conference members include House Tax Committee Chairman Richard Eymann, D-Marcola; Rep. Victor Atiyeh, R-Portland; Senate Tax Committee Chairman Boyd Overhulse, D-Madras, and Sen. Robert Eilstrom, R-Salem.

They began probing for compromise at 9:30 a.m. Saturday, and met off-and-on until 9:30 p.m. Sunday.

Would Meet Budget The income tax and one-shot plans combined would raise the \$60 million needed to finance a \$465 million general fund budget.

The conference committee's proposed income tax would eliminate federal deductions, allow heads of households to file joint returns, include fractional rates stepped from 2 to 7 1/2 per cent, a student exemption, a 10 per cent standard deduction, a \$100 deductible unlimited medical and \$100 deductible unlimited casualty loss exemption, plus a \$20 tax credit for each dependent.

Conferees were undecided whether a \$5-\$10 flat filing fee should be charged, or whether the filing fee should be based on a percentage of income.

Abandonment of the net receipts principal was a major House concession, and approval of the \$20 dependency credit was a major concession by senators.

Overhulse and Eilstrom may stand firm for the \$5-\$10 filing fee, in spite of strong pleas from Eymann and Atiyeh that the minimum be based on a percentage of income.

Atiyeh battled valiantly for the cigarette tax, but was advised by Overhulse that the Senate would not accept it.

Ability to Pay Eymann strongly advocated a step-by-step rate structure that held to the "ability to pay" principle. Eilstrom argued for the corporate excise tax increase because he felt "business should share the load. It's not fair to put all the increase on personal income taxes."

2 boys shoot at stop sign

Two Bend boys, ages 15 and 16, appeared in juvenile court Friday, after being apprehended for the shooting of a state stop sign on Eagle Road.

The boy who did the shooting used a gun owned by the other boy, who was also driver of the car, Judge D. L. Penhollow said.

The boys shared in restitution for cost of the sign, \$13.50. Each was assigned 16 1/2 hours of work, helping paint new signs installed by the county road department.

At Klamath Falls Goldwater wisecracks about '64 plans

KLAMATH FALLS (UPI) — Sen. Barry Goldwater, R-Ariz., blasted the Kennedy Administration's foreign policy and wisecracked his way past a question on whether he will seek the presidency in 1964 in appearances here Sunday.

Goldwater was asked about running for the presidency following a talk to Kingsley Field Air Force officers and guests.

"I would rather stay in the Senate," he answered. "I wouldn't want to put Vaughn Meador out of a job."

"Besides that, my wife is not pregnant and I would have to find an instant family."

"My grandson is too young to vote and too old to be attorney general."

The conservative leader used his speech to attack the Kennedy Administration's foreign policy for lack of firmness. At the risk of being called a warmonger, Gold-

water said the policy of "brinkmanship" practiced by the late Secretary of State John Foster Dulles "caused the U.S. to have a constant policy of strength."

"We should use our strength to keep peace," he commented. "We should use our air power, our sea power as a threat if Communist China tries to advance. We should tell them they cannot do it."

"Our policy should be to resist any over act of the Soviets to take over any country. If we do this, it will be a happier world."

Speaking of Cuba, Goldwater said: "It was too bad that the President didn't continue what he started last October. We were in a perfect position to rid the hemispheres of communism, but backed down. Now we are in a worse condition than before."

On the subject of civil rights, Goldwater said the constitution guarantees only one right, the right to vote.

"The constitution does not recognize the Supreme Court as being the supreme law of the land. There is a great misunderstanding here," he added.

He also was critical of use of troops to enforce Supreme Court decisions.

"We should use moral persuasion in civil rights issues. It works much better than federal force," Goldwater said.

Bulletin

Herb Hickman, Bend's 440-yard dash man, will probably compete in the state track meet after all.

In a telephone conversation between the Oregon School Athletic Assn. and Dick Gesser, Bend athletic director, it was learned that Hickman may compete on the basis of bettering the qualifying time.

REPORT QUAKES BERLIN (UPI) — The East German news service ADN Sunday reported a light earthquake in Ljubljana, the Slovenian provincial capital in Yugoslavia.