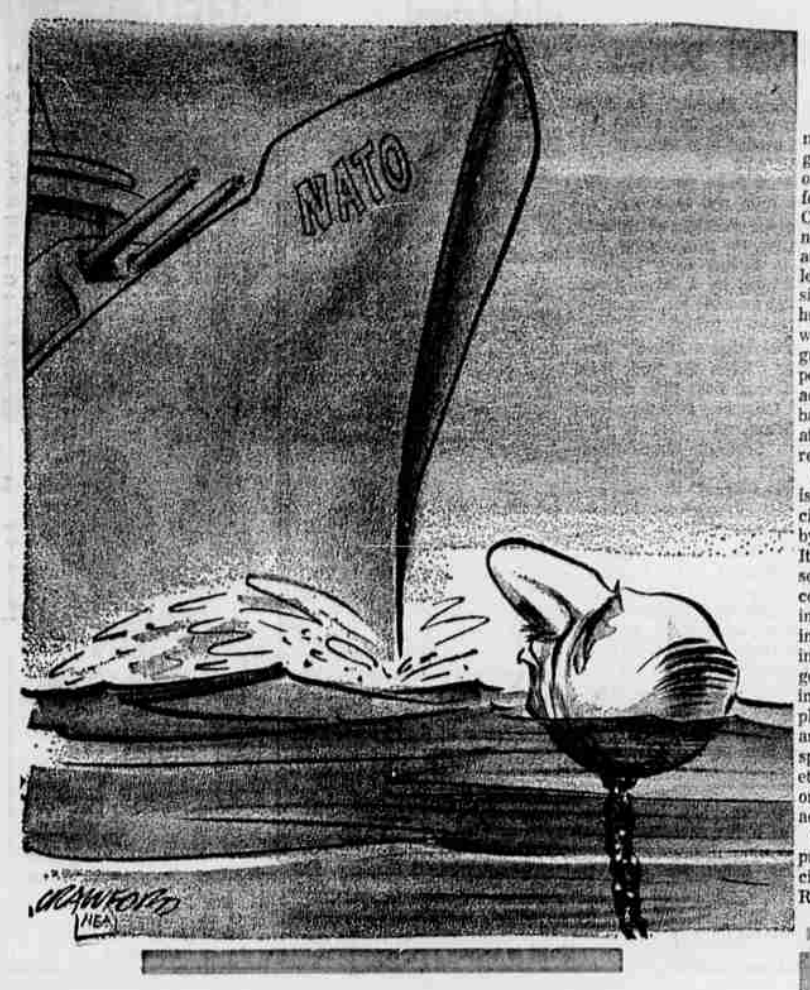
## Mined waters




## Access to public accommodations

# Kennedy proposal aims to change 1883 law

WASHINGTON, July — The administration bill prohibiting segregation in privately owned places of public accommodation, now before committees in both houses of Congress, appears headed for near-certain filibuster in the Senate sometime in August. Negro leaders are preparing for a massive "march on Washington," hundreds of thousands strong, toward the end of that month. Congress may therefore be put in the position of having to take final action on a measure involving basic constitutional issues in an atmosphere least conducive to reasoned deliberation.

The public accommodations bill is the most controversial of the civil rights proposals advanced by President Kennedy on June 19. It would forbid discrimination or segregation on account of race or color in (1) places offering lodging to transients (hotels, motels, inns); (2) places serving food to interstate travelers of where goods offered for sale have moved in interstate commerce; and (3) places presenting public performances (theaters, movie houses, sports arenas, exhibition halls, etc.) where individual performers or films to be shown have moved across state lines.

The President was impelled to propose the most far-reaching civil rights legislation since the Reconstruction Era because of a rapid spread of disorders growing out of Negro demonstrations against discrimination. Some of the worst violence had occurred in connection with efforts to breach "white only" barriers at lunch counters and movie houses. The Chief Executive said in an address to the nation, June 11, that the Negro had taken his protest to the streets because in many places he had no legal remedy for the "daily insult" of being denied access to facilities open to white citizens. Kennedy advised Congress to stay in session until it had enacted "urgently needed solutions to this problem," no matter how long it might take.

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Legislation similar to that now proposed was adopted by Congress 88 years ago. The Civil Rights Act of 1875 sought to guarantee to all citizens "the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement." But the Supreme Court found the act unconstitutional in 1883 on the ground that the 14th Amendment's guarantee of equal protection of the laws applied only to action taken by a state, not to discrimination practiced by a private individual.

Testifying before a House Judiciary subcommittee, June 26, Attorney General Robert F. Kennedy said that it was because the 1883 decision still was the law of the land that the administration decided to use the interstate commerce clause of the Constitution as authority for the proposed new public accommodations law. Many decisions of the Supreme Court during the past 80 years have had the effect of greatly broadening federal power to regulate private business closely related to or dependent on movement of goods or persons in interstate commerce.

A law based on the 14th Amendment might have wider application than one based on the commerce clause because, even under the 1883 decision, it might protect Negro access to all business establishments licensed by a governmental authority. Under the commerce clause, federal regulation is limited to activities in or affecting interstate commerce. There are already indications that the administration is prepared to compromise by exempting very small business enterprises from the provisions of the proposed legislature.

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Wide incursions into the practice of segregating the races at places of public accommodation have been made as a result of court decisions involving certain types of facilities and as a result of voluntary action taken to meet Negro demands for desegregation at such places as lunch counters, movie theaters and amusement parks. The legal basis for segregation in tax-supported facilities — public parks, swimming pools, libraries, etc. — has already been removed by a series of Supreme Court decisions.

Two recent rulings further extended the ban. On May 20, the high court decreed that a law of ordinance requiring segregation at privately owned facilities was unconstitutional. Negroes cannot be prosecuted for seeking service in those places, even if the charge is breach of the peace or trespassing. The Court held also that if there was no law requiring segregation, a declaration by public authorities of an intention to enforce segregation was equally inconsistent with the 14th Amendment.

The Court put off until its next term, starting in October, four cases involving the question of whether segregation in privately owned places of public accommodation is lawful in states or cities where there is no law or official policy purporting to require separation of the races. It remains to be seen whether, in these cases or some similar future case, the Supreme Court will reverse the stand it took in 1883.

## My Nickel's Worth

**"When men differ in opinion, both sides ought equally to have the advantage of being heard by the public." — Benjamin Franklin.**

### Visitors express thanks for concert

To the Editor:

Through you we send our thanks to the Bend Municipal Band for having given us a pleasant evening hour.

It is good to remember that not everyone has grown so sophisticated as to lose appreciation for old fashioned pleasures, among which are band concerts in the park.

Our best wishes to the maestro and his competent musicians.

Very truly yours
Ethel and Harold Clingerman

Lincoln, Nebraska
July 2, 1963

### Writer urges cover for Bend swim pool

To the Editor

A recent letter to the Editor from Clare T. Taylor, an Executive Secretary of the Red Cross, pointed out the present inadequacy of Bend's open-air municipal pool to serve the community as fully as it should and stating some reasons for coverage of it. I should like to add my plea toward that same cause.

As was stated in that opinion, the use of Bend's pool is presently inadequate for Red Cross training for all who desire such experience in the life saving and the learn-to-swim program. In addition, this "summer" several of the classes have been canceled due to inclement weather and coldness of the water.

Another very practical use of the pool should be for physical education class use in the school system. It is actually amazing to realize the number of persons who reach adulthood not knowing how to swim — not expertly, but merely sufficient perhaps to prevent panic in an emergency and help save themselves.

Once swimming is learned, it is physical activity one can engage in for life — as gently or as vigorously as the will dictates. The city pool could also be used by adults who would enjoy swimming or learning to swim, perhaps, if the facility were available under cover for more pleasant swimming. Other small communities in Oregon have fine recreational programs using their heated, covered pools, with times allotted for adult sessions, family swims, club use, and related activities in their schools' physical education courses.

Our fine Bend Elks' swim team makes good use of the pool during the all too short summer season. However, so far this summer it, like the Red Cross, has on several occasions had to cancel the practice and for the same reasons. Although this team is another splendid example of our city recreation department's efforts toward promoting athletics for our young people, more yet could be done were the pool covered for year-round use.

The stupid spreading of peat moss into the pool causing another day's loss of use probably would not have taken place had the pool been covered.

Of course, to cover the pool now will take funds, more funds than had it been done when the pool was constructed; however, I believe that this community could, and should, proceed at once to gather facts, figures, and other pertinent data toward a much needed cover over the pool area for more complete and efficient utilization.

Sincerely yours,
Don E. Devlin

Bend, Oregon
July 5, 1963

### CRASH KILLS NINE

STUTTGART, Germany (UPI) —Nine persons, including six British tourists, were killed Sunday in a collision involving a tourist bus and several other vehicles.

## General agreement is nearing on the need for wiretap law change

Judges often make as much law as legislatures. Nowhere is this so apparent as in the present federal laws prohibiting wiretapping. The original statute as passed by the Congress was a relatively simple one. It was felt necessary because the nation was in the first, early boom of the use of telephones.

The phone systems of those days were a far cry from the automated systems of today. The assistance of an operator was necessary in the placing of an ordinary local call. And when you got into the business of placing a long-distance call, as many as a dozen operators might be involved.

Telephone companies chose their operators carefully, and trained them well. All of the "centrals" of those early days realized full well they had no business listening in on conversations. And they most certainly had no business passing on to a third party any information they might pick up.

But two factors occasionally led to abuses. One was human curiosity, and the other was human greed. You might learn something interesting by listening in on a conversation. Customers were not immune, either. Remember the old "party line?" When the something you heard might be profitable, the dangers from unauthorized listeners began to multiply.

Since so many telephone calls either were or could be made across state lines, Congress passed a law, aimed to stop unauthorized persons listening in on telephone conversations. The law went into the courts, and has been in the courts off and on ever since. There is little question that the court process has broadened the original wiretap concept far beyond what Congress originally had in mind.

The growth of technology has further complicated the whole business. For a number of years it has been possible to listen in on telephone conversations without actually tapping the wire. Improved microphones have made it possible to listen in on any conversation, almost any place.

Lots of wiretapping goes on. Various police agencies use wiretaps in investigations, even though they know the information gained from those taps cannot be used in courts. There is a considerable amount of industrial espionage, often involving wiretapping. Any experienced investigator will be able to tell you things which would surprise you about the prevalence of wire-tapping.

The courts, as noted, have pretty consistently broadened their interpretation of what constitutes wiretapping. Information gained by any of several means has been thrown out of courts time and again. Clever criminals, or well-trained spies, have been able to circumvent laws against their activities by using the telephones, never putting anything on paper, dealing in cash, etc. The fewer things which are recorded in forms other than the human voice, the less the chance of being hauled into court.

Congress has before it now, as it has had for several sessions, a proposal to allow wiretapping evidence to be used in court, if such evidence is obtained after a court order authorizes the wiretap. Such a proposal safeguards the interests of the ordinary citizen, without allowing the criminal to flout the law. It should be passed.

## Welcome, Frazier

Bob Frazier, who writes editorials for the Eugene Register-Guard, has joined an exclusive club, composed of editors of Oregon newspapers who have had their editorials reprinted in Southern newspapers. The three members to date are Frazier, Eric Allen of Medford, and the editor of The Bulletin.

The editor of The Bulletin was founder of the group. He rose to fame in some quarters, and ill-fame in others, in a piece he wrote on a man from Mississippi a few years back. The editorial was reprinted in a Jackson, Mississippi, paper.

We'll say one thing for Mississippi newspaper readers: They're vocal. The Bulletin editor received something over 300 letters from Mississippians. Some were of the "Dear Sir: You cur" type. Others were somewhat more kind. Some were actually flattering. A surprising number contained invitations to come to Mississippi and observe at first hand the conditions discussed in the editorial, invitations the editor expects to accept this fall.

Allen's experience was more recent. He, too, was reprinted by a Mississippi newspaper. Like The Bulletin's editor, Allen got on the mailing list of the race supremists. Frazier, too, reports the same experience. Frazier also got invitations to visit the South — his piece ran in an Alabama newspaper—from some completely sincere people.

The Bulletin's editor plans to make such a trip, this fall. He'd be glad to have Frazier come along. But after reading some of the letters Allen got, one comes to the conclusion he'd be better left in Medford. He got more threats and fewer invitations than the other two members of the club.

## Quotable quotes

**The secretary is asking us to give away** — without a struggle that would be a classic in labor relations — the rights of all labor, — A joint statement by the five operating rail unions on a proposal by Secretary of Labor W. Willard Wirtz to avert a nationwide railroad strike.

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If peace is to prevail, freedom, justice and recognition of religious conscience must be guaranteed. This is the basis of peaceful and harmonious coexistence. — Stefan Cardinal Wyszynski, warning of a new clash over freedom of religion in Communist Poland.

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Sen. Barry Goldwater has become an ideological leader and symbol to stimulate the nation's imagination. — Sen. John G. Tower, R-Tex., heaping praise on his favorite presidential candidate.

## Capital Report

# Washington petition theft brings memories of Oregon 'steal' of year ago

By A. Robert Smith
Bulletin Correspondent

WASHINGTON — The audacious theft of petitions to put a gambling measure on the Washington state ballot next year is reminiscent of the time someone swiped the petitions in Oregon's monumental war of the campuses 30 years ago.

It occurred in a high spirited moment when the University of Oregon and Oregon State were engaged in what some believed was a life and death struggle for academic supremacy.

The full story of this conflict was told with relish by the late William M. Tugman, long-time crusading editor of the Eugene Register-Guard, and an acknowledged partisan on behalf of the University in the campus struggles. Before his death two years ago, Tugman set down his vivid recollection of the political infighting, intrigue, even blackmail, that made this affair so underscored with passionate action.

Part of the story is recounted in "The Tiger in the Senate," the biography of Sen. Wayne Morse, written by this correspondent, because Morse was a chief participant in the battle. He was then dean of the law school at the University.

As Tugman recalled it, the trouble began because for about 25 years Oregon State had benefitted from forceful leadership under its president, William Jasper Kerr, while the University languished under less dynamic presidents. But in 1926, the University got a vigorous new president, Arnold Bennett Hall, and the Eugene campus set out to redress the balance of power Kerr had gained in academic superiority at Corvallis. To this rivalry Kerr responded with a grand design for consolidating the two institutions at Corvallis.

This prospect greatly aroused the business community, as well as the academic community, at Eugene, where the loss of the University would have been a great economic blow to the town. Leading citizens in Corvallis supported Kerr's consolidation scheme.

When a delegation from Corvallis was dispatched to Eugene to discuss the matter, the Eugene citizens were affronted by what they regarded as an ultimatum from their rivals. Tugman said his group told them where they could go.

Instead, the Corvallis group decided to go to the people. They launched a petition drive to put a proposition on the 1932 election ballot by which a majority of the voters could direct the consolidation of the two campuses at Corvallis.

Some high-spirited Eugene zealots then pilfered the Corvallis petitions in an attempt to sabotage the drive. But the Oregon State partisans were not to be disheartened by this foul blow. They hustled out and collected a new batch of signatures and then dramatized their assaulted virtue by delivering the new petitions to the state capitol in an armored car.

Whether anyone ever put the finger on the petition thieves is a detail overlooked in this account. In any event, the proposition went on the ballot. But eight weeks before election, both Kerr and Hall tendered their resignations to the State Board of Higher Education. The Board accepted them, and promptly named Kerr to a newly created post, Chancellor of Higher Education, with authority over both campuses.

The intrigue which lay behind Kerr's maneuver is another absorbing story, but when Kerr moved his office as chancellor to Eugene, Tugman recalled that the editor of the Emerald, the University student daily, Richard L. Neuberger, wanted to organize a mob of students to stone Kerr's windows.

Tugman warned against this and said the important goal was to defeat the initiative measure on the ballot. And win the election they did, by a stunning 6 to 1 margin.

Dean Morse subsequently rose to statewide fame by leading a faculty revolt against Kerr and the chairman of the State Board of Higher Education in one of the most dramatic chapters in Oregon's academic-political history.

## Washington Merry-go-round

# Walter's dead hand holds up Kowalski confirmation

By Drew Pearson

WASHINGTON — The dead hand of one Congressman is holding up the confirmation of another Congressman's appointment to the Subversive Activities Control Board.

Last winter President Kennedy appointed ex-Congressman Frank Kowalski of Connecticut, No. 1 friend of the enlisted man, to the Subversive Activities Control Board. Kowalski had a great record in Congress, but during the 1959 battle over subversive activities he voted against the creation of a controller over foreign propaganda.

The late Rep. Francis Walter, D-Pa., chairman of the Un-American Activities Committee, was pushing for the passage of a bill which would create a controller with the power to stamp anything entering this country as propaganda. Many book publishers, newspaper editors, and universities were opposed. Kowalski voted with them against Congressman Walter. Only three Congressmen had the courage to oppose the powerful chairman of the Un-American Activities Committee.

Immediately after the vote a fellow Democrat warned Kowalski: "You had better go and make peace with him. At least, tell him you didn't understand the bill."

"I do understand the bill, but I am not going to vote to have a controller tell me what I can read," replied Kowalski.

"But," remonstrated the friend. "Walter controls all the patronage, including the telephone operators in the Capitol. You won't be able to make a phone call without having it monitored."

Kowalski, however, stuck to his guns. Subsequently, the Walter Bill was defeated in the Senate and has never become law. Kowalski was proved right.

But Walter got his revenge. When Kennedy sent Kowalski's name to the Senate for confirmation, the Congressman from Pennsylvania wrote a hot letter in protest. He blocked the confirmation while alive and is still blocking it though dead.

It is a rule of evidence that a letter is not admissible as evidence unless the person who writes the letter backs it up in court. However, Sen. Jim Eastland of Mississippi, chairman of the Senate Judiciary committee, has paid more attention to a dead man's letter than a live man's record.

One of the hottest debates of a hot summer took place between Attorney General Bob Kennedy and Sen. Strom Thurmond, D-S.C., over Civil Rights. This was the occasion when Thurmond got off his famous question: "What would happen if a restaurant owner only wanted to serve redheaded secretaries?"

As the South Carolina Dixiecrat peppered Kennedy with questions for over an hour, the Attorney General finally showed signs of irritation. But Thurmond continued:

"Mr. Attorney General, isn't the public facilities law similar to the repealed prohibition amendment in that they both would legislate morals?"

"I think it would be supported by the vast majority of the American people. It would have a major and advantageous effect on the United States and be held constitutional by the Supreme Court."

Kennedy was visibly angered when Thurmond read a letter printed in a Nashville, Tenn., newspaper, charging that federal officials violated the Railway Labor Act by demanding jobs for Negroes on the Louisville and Nashville Railroads.

"I don't know if the facts are accurate. Do you?" Kennedy replied crisply. "This is hearsay on hearsay on hearsay."

Thurmond then bore down on whether a mythical barbershop on a state border would be covered under the proposed civil rights law.

"A barbershop would not be covered as a general rule, but it might be covered if its percentage of interstate commerce was 30 per cent or more," Kennedy replied. "Even if the number were lower, the decision on coverage would depend on other factors."

"You're a little vague on this, aren't you?" Thurmond jibed.

The hearing adjourned. As the Attorney General departed. He bumped into the man who had cross-examined him. They left the room together.

"I only wish mah clients gave me such straight answers," remarked the senator from South Carolina.

They parted as if nothing had happened.


# THE BULLETIN

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Glenn Cushman, Gen. Manager — Jack McDermott, Adv. Manager
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# Tower doubts Goldwater win

WASHINGTON (UPI) — Sen. John G. Tower, R-Tex., a leading supporter of Sen. Barry Goldwater, doubts that the Arizona conservative can win the GOP presidential nomination solely by a draft movement.

"He'll have to announce his decision—one way or the other—by the first primary," Tower said Sunday in a television interview.

He appeared on Meet the Press —NBC.

Tower said New York Gov. Nelson Rockefeller's chance for the nomination have been damaged by his divorce and remarriage. But, Tower said the "back Barry" movement was gaining momentum before Rockefeller married the former Mrs. Margaretta (Happy) Murphy.

If Goldwater does not win the nomination, Tower said he would urge him to remain in the Senate rather than accept the vice presidential nomination.

Tower said Goldwater has been an important influence on the Senate even though no major legislation bears his name.

"Sen. Goldwater has become an ideological leader and symbol to stimulate the nation's imagination," he said.

## Barbs

A young girl's diary is filled with items she'd rather forget a few years later.

**People are more satisfied with their lot when there is a happy home built on it.**

When you consider all the little kids running around, a lot of time is wasted on painting "Keep Off The Grass" signs.

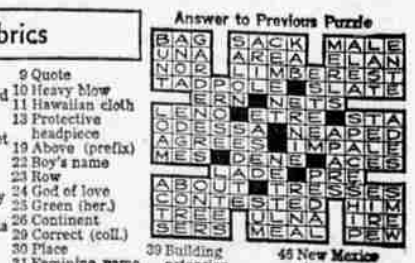
**General tightening stops noise in your car, like leaving the little kids home.**

### POPE VISITS CARDINAL

VATICAN CITY (UPI) — Pope Paul VI left the Vatican Sunday night to pay a visit to ailing Clemente Cardinal Micara, his vicar for Rome.

## Fabrics

Answer to Previous Puzzle



**ACROSS**
1 Twilled worsted
6 Ribbed wool dress goods
12 Biblical prophet
14 Eye part
15 Woolly
16 Pedal arch
17 Chinese pottery type
18 Native of Latvia
20 Time period
21 Storm
24 Uncle Tom's friend
27 Mill dam
28 Kansas city
32 Reposition
34 Flowered dress material
35 Constellation
36 Nautical term
37 Boy's nickname
38 Authenticate
40 Color
41 Stabled
44 Feline animal
47 Legendary Norse king
48 Hair style
52 Funeral vehicle
54 Basement
56 Excite to action
57 Passerine bird
58 Creator of Hyman Kaplan
59 Proportions

**DOWN**
1 Lustrous fabric
2 Son of Isaac (Bib.)
3 Genus of frogs
4 Monstrous being
5 Consume
6 Slaier
7 Leases
8 Belongidg to it
9 Quote
10 Heavy blow
11 Hawaiian cloth
13 Protective headpiece
19 Above (prefix)
22 Boy's name
23 Row
24 God of love
25 Green (her.)
26 Continent
29 Correct (coll.)
30 Place
31 Feminine name
33 Eternities
34 Wan
36 Cotton cloth
38 Satin-like cotton
39 Building extension
42 Splint (armor)
43 Lesser veneration
45 Go by aircraft
46 New Mexico city
49 Diagram
50 Valley
51 Mineral rocks
53 Wheel track
55 Make a mistake