

'Scram—the honeymoon's over!'



Two recent events prove courts can be wrong on some occasions

The judicial process is an interesting one, an important one, and rarely gives room for much real criticism. But two events of recent weeks attracted attention to things which should be corrected.

First occurred during the legal hassle involving the sale, or no sale, of the Pilot Butte Inn. County Judge D. L. Penhollow signed an order, as circuit judge pro-tem, holding up the sale for a few days. It is true the regular judge of the circuit court, Robert H. Foley, was absent from the county at the time. The normal circuit judge pro-tem, Joe Thalhofer, was also absent. But a temporary judge of the circuit court can be appointed rather quickly, in the normal manner, in an emergency. Penhollow did not fit the legal requirements, and had not been so appointed. He erred in signing the order, and those who requested the order of him erred in so doing. The order was quickly vacated by Judge Foley, and no lasting harm was done, but the action was wrong.

Our second criticism is of a recent decision of the Oregon State Supreme Court, in a decision by Justice Sloan. The case involved The United States National Bank vs. Underwriters at Lloyd's of London. The criticism is based upon two grounds.

The decision was upon a motion for reconsideration of a previous decision by the court. The case had been appealed from Sherman county, and the Supreme Court had made its decision. Attorneys for the losing side had asked for a re-hearing, which was denied. By this time the case had been decided three times,

Zipped again

The ZIP program may work into something worthwhile. But a happening of the other day makes us wonder if it's working out just the way Postmaster General Eddie Day envisioned it.

The editor of the Corvallis newspaper sent a letter to the editor of the Bend paper. He included the

Oregon's Caryl Chessman

Jeannace Freeman, convicted of murder by a Jefferson county jury two years ago, with a resulting mandatory death sentence, was turned down the other day in another legal maneuver to save her from the Oregon gas chamber. Legal grounds for her appeals have been rather thin, but they keep coming.

The reason is obvious, of course. Her attorneys hope to save her from the gas chamber. They feel that dragging the matter through the courts time and again for another year or so might do just that. The people of Oregon are to vote on abolition of the death penalty in 1964. If the death penalty is done away at that time — no qualified observer is willing to guess the outcome at this point — there is hope Governor Mark Hatfield will commute the sentences of those persons

once in the circuit court and twice in the Supreme Court. Then a petition for reconsideration was filed. This is something new in Oregon, so far as can be determined. Neither the statutes nor precedent offer any foundation for such a petition. But the court granted it.

The point, it seems, is this: The case had gone through the normal processes, and had been decided. Now a new kind of petition is presented, and the case goes through the mill once more. Did the Supreme Court intend to set a precedent in this case? What happens now if a petition for re-consideration is presented? Or a petition for re-consideration? Where does litigation end? Are we, willy-nilly, to lengthen it forever? When are the questions involved to be set at rest?

There was another thing which is disturbing in Justice Sloan's decision in the case. At least part of his reasoning, and apparently a good part of the decision, rested upon an act of the 1963 legislature. This change in the law was made after the happenings which provided the basis for the original court action. The opinion seemed to place weight upon a legislative enactment after the fact, commonly known as an ex post facto law. Anyone can find a hundred citations which would hold that legislative action should not apply excepting to cases which arise after passage of the law.

The would appear, in this case, the court should have applied only the law as it existed at the time of the event which led to the action. The coincidence is just too handy.

ZIP number. (Where he got it we don't know.) It was postmarked in Corvallis. A second postmark was in Coos Bay. Obviously someone in the Corvallis Post Office got Bend and North Bend mixed up.

Which is just the sort of thing the ZIP codes were supposed to make impossible.

awaiting execution.

The Freeman woman seems to be well on the road to turning into Oregon's version of Caryl Chessman, the Californian who kept the courts of that state and the federal government busy with his affairs for several years.

Quotable quotes

To be always at the end of the hiring line; always the first to get the pink slip; always the sweeper or washroom attendant and never the machine operator or sales manager — this is the shameful role in which we have cast the 10 per cent of our population whose skin is not white. — Sen. Joseph S. Clark, D-Pa., appealing for the passage of a fair employment practices bill.

Capital Report

Education Commissioner learns he cannot slight women teachers and get away with it

By Yvonne Franklin
Bulletin Correspondent

WASHINGTON — Rep. Edith Green, doughty defender of equal rights and pay for women, took up the cudgels again last week and raised a few lumps on the hapless Commissioner of Education, a man who had dared advance the cause of more male teachers.

What had aroused Mrs. Green's ire were a number of speeches Commissioner Francis Keppel had made in which he had stressed the need to raise the quality of education by attracting and holding male teachers by paying them more.

He omitted womankind from his speeches and, alas, repeated this sin when he appeared before the House Education Subcommittee. This proved too much for the former Oregon school teacher.

"...Why the continuing emphasis on the need to attract and pay men teachers more?" she asked Keppel, launching into a small speech before he could reply. "This is a philosophy I find most distressing, especially in view of the fact that this Congress recently passed a bill after nine years at least of struggle on equal pay for equal work, and Congress went on record that when a woman was doing the same work as a man that she would be paid the same amount of money."

Before she had finished with Keppel, he had apologized for being "factless" in not focusing attention on women, said he would need to "reform" and pleaded that he had not truly intended to forget women, but had merely wanted to say there should be a better balance between men and women teachers and that one way to do this was to raise salaries

which would attract men.

Keppel pointed out that in 1962-63 the average salary for public teachers was \$5940 which compared unfavorably with the higher pay of other professionals.

He said that accountants average \$11,000; auditors \$7700; engineers \$9700, and that the obvious way to attract men was to raise salaries. He thought the administration's bill which provides salary increases for teachers would be of great help.

Mrs. Green attacked again when Keppel was defending his statement in which he said that because over 40 per cent of the men teachers, (compared to 7.6 per cent of the women) take outside jobs, they need more money. He claimed low salaries appear to hit the men teachers harder.

"There are a lot of women who are heads of families and the sole support," retorted Mrs. Green. "Why do they need extra income more than women?" "Because I take it, I don't know Mrs. Green, you know more than I," stammered Keppel, "but I assume that for the man teacher over 30 with a wife and several children, the costs are higher for at least 40 or 50 per cent of the men..."

Mrs. Green broke in with "what about the woman over 30 who has the sole support of four youngsters?"

A cowed Keppel said "I entirely agree, Mrs. Green." He explained that his feelings that there should be more of a balance between men and women teachers was caused by a "common sense approach" and his reading in psychology, and he thought it in the public interest for boys to identify with male

teachers.

Mrs. Green said that she had inferred from his speeches that he was advocating a dual salary scale for men and women. Keppel hastened to assure her that he had no such intention and that if he were unclear "I misspoke myself."

Goaded by a congressman who more male heads of households than women, Mrs. Green pointed to the fact that 65 per cent of the women teachers were married and that they too have a second job, keeping house.

If the housewife - teachers "received a higher salary the same as men, they would be able to hire a full - time housekeeper, and therefore, they are in fact holding a second job — as high a percentage as men," said Mrs. Green.

Keppel meekly agreed that her point "was valid."

The Commissioner tried valiantly to reassure the congresswoman that he truly wanted equal pay for equal work for both men and women teachers and that his "main concern was to make teaching a career with dignity and proper salary."

But the last word went to the lady.

"I couldn't agree more, and am delighted to hear the commissioner put emphasis on higher salaries for both men and women, because I think if the impression got abroad in this land that the Office of Education or this Congress were only concerned about improving salaries for male teachers, that there would be nothing that would ruin the morale of the teaching profession quite as much or as quickly — when 75 per cent of the teachers are women."

Washington Merry-go-round

Cabinet divided over tax on foreign bonds, stocks

By Drew Pearson

WASHINGTON — There was more than met the eye behind JFK's sudden recommendation of a U.S. tax on the foreign stock and bond issues floated in this country. In taking the step he ran counter to his own Secretary of the Treasury, Douglas Dillon, who once was head of the one of the biggest Wall Street investment firms which floats foreign securities.

There was no cat-and-dog fight over the tax. Secretary Dillon, though a Republican, is a loyal member of the Kennedy team. Nevertheless, the tax on foreign issues was proposed four months ago, and nothing happened.

First proposal was made to the President by Rep. Wright Patman, the Texarkana, Texas, Democrat who heads the House Banking and Currency Committee and is a nettle for small business. During a talk with Kennedy last March, Patman warned of the disastrous effect on the economy if the Federal Reserve raised interest rates in order to check the gold outflow. Instead Patman urged a tax on both foreign stocks and bonds floated in the United States, and on American direct investments by U.S. business firms in foreign countries.

Kennedy asked Patman to write him a letter on the subject and was so impressed with the letter that he had it mimeographed and sent it to Secretary Dillon and other financial advisers in the administration.

The Treasury, however, did nothing. It claimed the tax would upset the investment market. Undersecretary of the Treasury Robert V. Roosa did talk to key members of the Ways and Means Committee, which writes the taxes, and later reported that the committee was unenthusiastic.

Continued Drains

Meanwhile the drain on the dollar continued. Chrysler sent \$100,000,000 to France to complete the purchase of Simca stock. Dillon Reed, the old firm of Secretary Dillon, helped float stock and bond issues for Japan Development Co., of Japan, \$20,000,000; City of Milan, \$9,700,000; Government of Norway, \$12,000,000; Dal Nippon Printing Co., \$5,000,000; Nippon Telegraph and Telephone, \$20,000,000; Austrian Investment Finance Co., \$5,000,000.

There were various other issues handled by other Wall Street houses, ranging from Quebec Hydro-Electric for \$300,000,000 to the Republic of Panama \$9,000,000; and from Manitoba Hydro - Electric for \$25,000,000 to the City of

Montreal for \$25,000,000.

The great majority of these issues were to Canadian, Mexican or other friendly allies and neighbors, so the Treasury, understandably was opposed to making the money market more difficult for them.

On July 10, however, with the drain on the dollar continuing, the Joint Economic Sub-committee, under the chairmanship of Rep. Henry Reuss, D-Wis., called Secretary Dillon.

"The committee in the past has recommended that we make foreign access to our 'new issues' market in Wall Street more difficult and more expensive, either by screening or by taxation," Reuss said. "The administration has rejected this recommendation. What are the reasons?"

"I think I expressed the reasons rather fully regarding the difficulties of exchange controls," replied Dillon. "I don't think I can add much to that. We don't feel that a partial exchange control would work."

However, Reuss, Wright Patman, and Sen. Paul Douglas, D-Ill., kept up the pressure.

The White House decision to recommend this tax took place at a closed door meeting July 15 which included the President, Dillon, Chief Economic Adviser Walter Heller, and William McEneaney Martin, chairman of the Federal Reserve Board.

Three days before, Martin had raised the Federal Reserve discount rate, and Kennedy was alarmed that this would cause tight money and put a brake on business loans and the general economy. He called Martin in to make sure there were to be no more interest rate hikes.

It seemed obvious that either there would have to be further interest hikes to stop the drain on the dollar, or a tax on foreign issues floated in Wall Street. Dr. Heller argued in favor of the latter. Secretary Dillon at this point agreed. Note — Secretary Dillon, a man of high integrity, had no conflict of interest in taking his official position. He resigned as chairman of Dillon Read and Co., when he entered public service in 1953.

OFFERS LOW BID

PORTLAND (UPI)—J. F. Oldham, Eugene, submitted the low bid of \$25,215 on construction of bank protection works along the Willamette River one mile south of Harrisburg, the Army Engineers announced Tuesday. The work is to be completed in two months.

Rival governors claim victory in rights test

MIAMI BEACH (UPI)—Democratic and Republican governors all shouted victory claims today in appraising the outcome of the partisan civil rights contest which kept the annual governors' conference boiling for three days.

Gov. Nelson A. Rockefeller of New York, who led the outnumbered Republicans in their campaign, claimed a victory because the final product was similar to the proposal he submitted a month ago.

But it was a Democratic proposal which was approved Tuesday by a 38 to 3 vote with only three Southerners dissenting. Three Dixie governors were recorded for it and five were absent.

There was little doubt, however, that the heat generated by Rockefeller had resulted in approval of the compromise plan instructing the conference executive committee to give "top priority" to civil rights in the coming year. It also appeared to have warmed his presidential hopes considerably.

Meeting Ends Today

The 55th annual governors' meeting ends today after two more business sessions which may cause an anti-climactic argument over more Republican civil rights proposals. These were reported coming in a minority report from the Public Welfare Committee in the form of demands that federal aid be withheld from states permitting racial discrimination in state-federal programs.

Election of a new chairman was also on today's agenda with the job going to a Republican under the traditional rotation between the parties. Gov. Robert E. Smylie of Idaho was understood to be the probable choice.

After Tuesday's round of roll call votes revolving around the civil rights issue, the governors adjourned for their black-tie state dinner at which Vice President Lyndon B. Johnson was the principal speaker.

Barbs

What you think you are taking your car into a repair shop for is usually only the beginning.

Lots of kids looked forward to vacation and are now complaining to Mom that they haven't a thing to do.



Imagine the pain of sitting down if a youngster got all the spankings his mother told him his dad would give him.

When a girl marries a poor man he has the satisfaction of knowing it's for love.

Other pens ...

Jobs for kids

A youth between 18 and 21 can get a job in a grocery store. He can fill the big ice boxes with beer. As a box boy, he can carry beer out to a customer's car. But if he is operating the cash register, he can't ring up the sale. He must call an employee who is over 21 to do that. He can ring up the toothpaste and the rutabagas and the canvas gloves, but he can't ring up the beer.

Now this is pretty silly on the face of it. But it's more than silly. It also contributes to one of the state's most serious problems, jobs for the young. In Portland, the Metropolitan Youth Control Commission has asked the Liquor Control Commission to change its regulation. The youth board has the testimony of grocers that they hesitate to hire people under 21 to work cash registers because of the beer nuisance.

The Liquor Commission's reasoning is that a person under 21 doesn't have good enough judgment to tell if a prospective beer buyer is old enough to buy beer. But the state licenses people under 21 to have enough judgment to tell a blacktail from a Guernsey in the fall, and to tell if it's safe to pass the truck ahead. And grocers often credit them with enough judgment to cash, or not cash, a customer's check.

Young people need work. State agencies ought to stop throwing roadblocks in front of them, especially, as in this case, when there is no real question of liquor control, the Liquor Commission's only legitimate concern. (Eugene Register-Guard.)

Evil

Those who would regulate what others may read are enemies of the people. If the censors are armed with the authority of government, they are doubly dangerous. That's why the General Services Administration, after years of a rather bland life, has suddenly become a truly dangerous branch of government. The General Services Administration has prepared a list of approved magazines that may be sold in government buildings. No listing, no sale.

Not on the list are girlie books, expose publications, and magazines of political opinion.

The rummied girlie books are excluded. But so is Playboy, which, despite the gatefold nude, is a high class magazine of excellent fiction, provocative articles and challenging editorials. Also not included are the New Republic, The National Review, The Reporter, and the Nation.

Suppose the Saturday Evening Post, as it often does, carries an article of political opinion? Will that be jerked? What about Time and Life and Newsweek — Newsweek with its columnists, Life with its editorial on political matters and Time with its undisciplined slant on the news? Even the Ladies' Home Journal and McCall's are getting increasingly into the field of political controversy, as they should. The astute can find keen political satire in Mad.

This newspaper, and any other newspaper worth its salt, also gets into political controversy, and should.

What would the censors let patrons of government buildings buy? Is Perry Mason too thought-provoking? (Eugene Register-Guard.)

Oops!

The World Almanac, Page 403, lists American military and naval leaders in the country's wars. Included in the World War II list are Patton, Arnold, Halsey, Marshall, etc., etc. But Eisenhower, MacArthur and Bradley are missing.

What do you have to do to get your name in the Almanac, anyhow? (Eugene Register-Guard.)

NEW AIDE FOR QUEEN

LONDON (UPI)—Group Capt. Clive Stanley George Stanbury was appointed aide-de-camp to Queen Elizabeth Tuesday.

ANSWER TO PREVIOUS PUZZLE

ACROSS
1 Chicken
4 Softshelled
8 Green vegetables
12 Fourth Arabian caliph
15 Harness part
14 Singing voice
18 Howling
18 Hires
20 Harvest
21 Abstract being
22 Famous British school
24 Apple center
26 Ancient country
27 Crafty
30 Citrus fruit
32 Lithuanian city
34 Dissolved
35 Landed property
36 Abstract entity (comb. form)
37 Approach
39 Row
40 Osculate
41 Masculine nickname
42 Amphitheater
43 Keener
48 Withdrawal
51 Bustle
52 European street
53 Small island
54 Taxi
55 Small tumors
56 Female saint (abbr.)
57 Printer's measure

DOWN
1 The ship
2 Embellish verb

