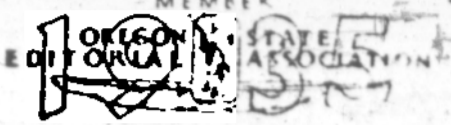


Sherman County Journal

SHERMAN COUNTY OBSERVER, Established Nov. 2, 1888
GRASS VALLEY JOURNAL, Established Oct. 14, 1897
CONSOLIDATED, MARCH 6, 1931
WASCO NEWS-ENTERPRISE, Established 1891
CONSOLIDATED, MARCH 4, 1932
Published Every Friday at Moro, Oregon, By
GILES L. FRENCH Managing Editor



Entered as second-class matter at the Postoffice, at Moro, Oregon, under Act of Congress of March 3, 1879.

SUBSCRIPTION RATES—PAYABLE IN ADVANCE.
One Year \$1.50
DECEMBER 6, 1935

SEPTEMBER VOTING

Voters of Oregon will decide in January on the future date of primary elections. One of the measures to be voted on would change the nominating election from the third Friday in May to early in September.

Arguments for this proposal is that it shortens the period of political worry for the voter and the candidate alike and yet gives the voter sufficient time to decide which of the candidates he prefers. Those opposed to the amendment argue that the shorter time handicaps a candidate who has little money with which to make a campaign. The voters will be guided by their judgment between these two contentions.

If people are fond enough of political arguments to wish to have them on the radio, in the papers and on the platforms from April to November they will, of course, vote to retain the present law. If, however, they would like to shorten the period of stump speeches, personal and political charges, and the other things that go to make up a modern campaign they will vote to make September the primary date instead of May.

From the standpoint of efficiency in government there does not appear to be any serious difference between the two dates. At best it is a minor change which will aid the candidates by cutting the time for them to blink in the spotlight.

TUT, TUT, TUT

Another one of the scientists who were present at the opening of the tomb of Tutankhamen has died and again the story is revived about some fatal curse attached to the tomb of that departed monarch.

The statement was that swift death should take those who touched the tomb. It has not been so for Mr. Breasted, who died but this week, has lived several years since the day he, with others, found the burial place of Tutankhamen.

Anyone will agree with the statement that all who enter King Tut's, or any one else's tomb, will die. Such a fate is the end of all of us whether we break into tombs or stay religiously or fearfully away from them. Many of the members of that party are still alive and as far as we hear are as healthy as those of us who were never even interested in Egyptian kings, dead or alive.

We like a bit of superstition in our daily diet of news and it has been provided plentifully in this case. We like to ponder over strange things that might have happened; of strange 'ifs', of supernatural matters about which we know nothing because, oftentimes, they are figments of imagination.

A lot of the complication of this would be removed if it were possible to get something for nothing. This having to pay, in one way or another, for what we get cramps the style of public as well as our personal affairs. Maybe some day it will be arranged so that everyone can have all the good things of life without undergoing any of the hardships or paying any of the taxes. We may be able to work without eating and eat without working for we can already get tired without working and work without getting tired.

A news item from LaGrande states that Union county is the second wheat county in Oregon. We instantly rise to object. No doubt there is a smattering of wheat grown in Union county; the federal census gives the total as 1,014, 614 bushels which is something of a wheat crop perhaps and a matter of local pride and all that. But, as a well known national figure was fond of saying, "Let's look at the record". From the same census we learn that Sherman county produced the same year 1,517,884 bushels which, any mathematician will admit, is larger than the Union county crop. Quite a bit larger. No, No we can't have our reputation filched by any and every boastful scribe who takes his typewriter in hand to inform the public on matters of record. No, indeed.

If the capitol building committee waits until it gets complete information from the planning commission we will be without a capitol for a long time.

The Oregonian in announcing its 85th birthday states that it is reaching for a piece of cake. Well that's better than grabbing for a piece of pie.

Now the next spectacle of the century will be the cardinals trying to handle the mustangs in the Rose Bowl.

Jim Farley says Roosevelt will win the next election. It is going to look bad when Jim says otherwise.

Mussolini is finding that making it hot for the blacks is right down their alley. They seem to do well on it.

STATEHOUSE GOSSIP

Continued from page one.
clerk in the state department points out that the special election act itself provides that "there shall be submitted to the people for their approval or rejection at the said special election ... all measures enacted at said regular and special sessions and referred to the voters either directly by the legislature or by referendum petitions completed and filed with the secretary of state."

Appointment of Mrs. Helen Durrell Voorhies of Medford as a member of the state capitol reconstruction commission gives southern Oregon representation on this board which will supervise construction of the new state house. Mrs. Voorhies who is a member of a pioneer Oregon family takes the place of Mrs. Edith Waldo Johnson, Portland who resigned from the board. Both were appointees of Governor Martin.

Absence of Governor Martin and President Corbett from the state gave Howard Latourette, speaker of the House, his big chance of officiating as governor of Oregon last week and the Speaker did not lose any time taking advantage of the opportunity.

Thousands of dollars in interest payments are being saved by Oregon cities and school districts under the provisions of a bill passed by the regular session of the legislature, according to State Treasurer Holman. Under the terms of this act, sponsored by Holman, civil subdivisions of the state may fix the interest rate on their warrants at a figure lower than the legal rate. Many municipalities are paying as low as three cents on their outstanding warrants according to reports to the treasury department.

No 1936 automobile license plates will be available for use on cars—new or old—before December 15, according to Secretary of State Snell. The new plates will present an aluminum background with black letters and figures.

Possibilities that state activities will be financed entirely from revenues through income taxes and miscellaneous sources by 1938 is seen by the state tax commission. Only a few years ago property owners were contributing as much as \$5,500,000 a year toward the support of state government.

The city of Salem is preparing to make good its offer of Willson park for capitol purposes. The city council is expected to pass an ordinance covering the proposed transfer at an early session. So far no objection has been heard from any of the Willson heirs to the transfer and city officials do not expect any protest. It is not expected that the park will be used for building purposes but will be preserved intact as a part of the capitol grounds.

In Other Days

From the Observer Dec. 7, 1906.
The first holiday party was given at the home of City Recorder Wm. Henrichs, the occasion being in honor of his cousin Everett Henrichs, formerly of Sherman county, but now a resident of Nez Perce, Idaho. Mrs. Henrichs, assisted by Misses Gertrude and Hazel, introduced new and novel games, affording much merriment. 26 lads and lassies participating. Prize winners were Miss Lillian Stanley and Claire Axtell. Misses Myrtle Messinger and Lorraine Johnson played several pretty instrumental pieces upon the piano. Collis, the little son of E. H. Moore was bitten by a spotted pup, while at play Sunday, lacerating his legs as he rode down hill on his sled. Sentence of death has been passed upon the pup. Mr. Buxton started his dray in



'Have more than thou showest, speak less than thou knowest.'

- DECEMBER
1—Oberlin, first fully-acad college, opens 1833.
2—Lillian Russell, noted stage beauty, born 1861.
3—Prohibition reaches legal end in United States, 1933.
4—Rhode Island colonists seize 44 British cannon, 1774.
5—Gold reaches per first time in sixteen years, 1878.
6—Ship-to-shore telephone service started, 1929.
7—Alcott's "Little Women" first published, 1850.

Moro on the 1st of the month under very favorable circumstances, having enlisted all the business interests of the city in his behalf. Lineman who were dismayed at the appearance of the wires of the phone and electric plant which resembled cables, for four days, up till 11 a. m. Tuesday, became beaming with broad smiles when old Sol smiled.

From the Observer Dec. 8, 1918.
A. H. Barnum is an exhibitor this week at the Portland International Livestock Show, leaving Sunday with a car load of famous Hereford cattle.

About eight inches of snow fell in this vicinity Monday last, much to the enjoyment of the youngsters and the discomfort of the elders. The temperature still remains low and the indications are that the white mantle will tarry with us for some time.

W. S. Powell, O. G. Sayers, C. G. Silver and wife left Monday for Portland, driving to The Dalles by auto and then by train. They visited the Portland International Livestock Show before going on to McMinnville where, as delegates from Moro local, they attended the state convention of the Farmers Educational and Cooperative Union.

The home of Mr. and Mrs. R. P. Hulse was gladdened December 4th by the birth of a boy. Dr. Poley attending.

Miss Ida Hines was in Moro this week arranging for a mid-winter indoor Chaufanque festival for some time the last of January. It will be presented here under supervision of the Ellison-White Co. who received a guarantee from 22 local people as to its success.

White—Why is it that you have become so quiet since you got married?

Black—You see I have to be careful what I say these days. My wife thinks I'm the smartest man in the country and I don't want her to find out the truth.

Supreme Court Fairness Praised By Dean Morse

Although there is probably some truth in the comment of critics of the United States supreme court to the effect that the personal philosophies of the members influence their decisions, still we should not overlook the fact that there has been a marked consistency in the constitutional decisions of the court.

True it is that the flexible clauses of the constitution have been stretched so that they now cover many situations which were not contemplated when the court first started to give meaning to them. But for the most part the constitutional law decisions, as pronounced by the court from time to time, show a clear resemblance to precedent and a sensitivity to new conditions and changed social needs.

perence of the court, the powerful tradition which surrounds it, have undoubtedly made it the greatest stabilizer in our national life.

I believe that its power to exercise judicial review has exerted an even greater influence on orderly change than its exercise of judicial review. The number of unconstitutional legislative proposals and schemes which have not been approved in legislative halls because of this known power of judicial review must be legion.

Nevertheless, it is sometimes proposed that no act of congress should be declared unconstitutional by the court except by a unanimous vote, or by some ratio other than the majority vote rule.

Critics of the majority vote rule contend that an issue so important as the constitutionality of an act should not be determined by a bare majority vote because this practice places too much power in the hands of one man. The vote of one man may, and often does, decide the fate of important legislation in other branches of the government.

The proposal to require a six-to-three or seven-to-two vote, or a unanimous vote, likewise places a great emphasis upon the vote of one man because under such a plan a very small minority of the court, by holding out, can prevent a two-thirds vote, or a unanimous vote, and thus succeed in having declared constitutional an act which a clear majority of the court believe to be unconstitutional. Thus it seems that such proposals place a false emphasis on the mechanisms of judicial review.

It should be remembered that proposals to change the votes necessary to declare an act unconstitutional would affect only a small part of the problem. After all, the five-to-four decisions on constitutional questions are few in number when compared with the

ZELL'S FUNERAL HOME

Phone 345 The Dalles, Ore.

GRASS VALLEY PHARMACY Phone 222

total number of constitutional law cases.

It is true that many of the five-to-four decisions were rendered in cases involving vital social and economic problems, such as the income tax, child labor, and interstate commerce decisions, but in many more instances the court has not been divided even though the issues involved have been just as significant.

Thus, the vote ratio proposals would seem to exaggerate the importance of split decisions and ignore the real problem of adjusting legislative needs to constitutional safeguards.

Another proposal is that congress should be empowered to overrule a decision of the United States supreme court on a constitutional question by a two-thirds vote of both houses of congress.

This plan strikes at the very vitals of the doctrine of judicial review and would inaugurate a government of legislative supremacy rather than of judicial supremacy.

Its proponents contend that the constitution reserves legislative powers to the legislative branch of the government and that the court often functions as a superlegislature when by way of judicial legislation, it declares acts of congress unconstitutional.

Of course it is true that the court also legislates when it sustains acts of congress as constitutional by interpreting phrases of flexible meaning in a light favorable to the legislation. Judicial legislation in this sense is unavoidable and under our present form of government can be checked by the amending process.

However, it is contended that the amending process is too slow and cumbersome and the history of the income tax and child labor cases is cited in support of the argument.

Although it cannot be said that such a plan would destroy our constitution, neither does it follow that such a plan would assure us that the constitution would be more readily adjusted to social odds and ends, at least not until we have a better trained class of political servants.

After all, the doctrine of judicial review has met with a great deal of favor in this country because we have come to distrust waves of hysteria and populism which often control legislative power and popular assembly.

We have learned also that minority rights are easily overridden by popular opinion and are best protected by the judiciary. Furthermore we must recognize that private property and the rights of the property class are likely to be victimized by an unthinking public.

Undoubtedly the day of a constitutional interpretation which placed a predominant emphasis upon the rights of private property often at the expense of human rights has passed. Nevertheless, we are a long way, let us hope, from a repudiation of the rights of private property.

The preservation of the doc-

trine of judicial review would seem to be essential, if we are to preserve and protect the contributions to our social interests and national life which the institution of private property can make.

At the same time, we must not permit political dogma to blind us to the fact that millions of Americans are economically destitute, made so, for the most part, by economic and social forces over which they have had no control.

The maintenance of national stability depends in a large measure upon a program of social legislation which will advance, protect and balance their interests to the

maximum degree compatible with the interests and welfare of all groups within the country.

In accomplishing such an end, it is essential that necessary social legislation designed to protect and advance human rights be adjusted quickly to constitutional demands, and incidentally, it is paramount that the constitution be adjusted to changed and changing social realities.

In furtherance of such an ideal, the slogan might well be changed from "Back to the Constitution" to "Forward into an ever-changing future with an expanding constitution."

HOLIDAY EXCURSION Rail Fares to all points in the United States for CHRISTMAS and NEW YEARS In Coaches, Tourist and Standard Sleeping Cars. Dec. 12, 1935, to Jan. 1, 1936, inclusive. Return limit Jan. 31, 1936; Stopovers permitted. LOW-PRICED MEALS in Air-conditioned Coaches and Tourist Sleeping Cars on the Portland Rose and Pacific Limited. Breakfast 25c, Luncheon 30c, Dinner 35c. Phone or call on Local Agent for details. UNION PACIFIC

At The Same Old Stand Doing Business Every Day Highest Quality Merchandise Famous IHC Brand Tried and True. Well Spoken on Every Hand Buy What Others Are Satisfied With. It Pays We Have Your Wants In Stock Call And Get Them Roy J. Baker Hardware Man Grass Valley, Oregon

QUALITY of printed forms reflects upon the CHARACTER OF FIRMS USING THEM. DECEMBER calendar grid. Our Job Department is Ready To Make Those New Forms SHERMAN COUNTY JOURNAL