

The Weather
Forecast: Fair tonight and Friday;
no change in temperature.
Temperature
Highest yesterday 61
Lowest this morning 34

MEDFORD MAIL TRIBUNE

AWARDED
Pulitzer Prize
FOR 1934

Thirtieth Year MEDFORD, OREGON, THURSDAY, MAY 2, 1935. No. 35.

FATE OF NRA DEPENDS ON TRIAL



News Behind The News
By PAUL MALLON
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WASHINGTON, May 2.—What President Roosevelt told Chairman McSwain of the house military committee about published secret war testimony was plenty. But what he said privately at a White House dinner the night before was even more. Apparently the president has not been so greatly aroused about anything in a long time.

The affair has deep roots. The McSwain forces and the war department general staff have been more or less openly at odds for a long time. It may not be true that Mr. McSwain let the matter out intentionally, but you can never make chief of staff MacArthur believe anything different. These two misunderstand each other with deep and relentless feeling.

It was General MacArthur, as well as the state department officials, who helped to inspire Mr. Roosevelt's wrath. If it really needed any inspiration.

What made MacArthur red-headed was that the published secret told the world the weakest points of American defense. In fact, it disclosed how any foreign power could beat an about attacking the United States.

For instance, it contained a list of vital areas of attack, mentioning oil refineries, pipe lines and water routes. Before more it told how the attack could be instituted easily if any foreign country would secretly send over a couple of freight-fueling ships and establish temporary air bases at points nearby. Then the bombers could come along later in a hurry, pick up fuel, and go to work, before we knew what they were about.

Perhaps some of this has been figured out by some of the foreign powers. But if they did not know it before, they do now.

These roots were neatly covered up in the public handling of the matter. The army officer whose secret testimony was disclosed was induced to make a statement that his testimony represented only his personal opinions. This hardly fooled any of the eight military men or anyone else. All it did was to lay the diplomatic dust which was being kicked up, mainly from Canada.

What made the Canadian angle so embarrassing for the state department is that the non-militarized frontier between this country and Canada is one of the diplomatic petes of the department. We are forever calling the attention of other nations to it as an ideal for them to follow. To have the lines make it appear that we were contemplating secret air bases there was, to say the least, exasperating.

POULTRY CASE IN SUPREME COURT IS TEST OF VALIDITY

Officials Present Arguments—Congressional Action Looms—U. S. Chamber Commerce Hits Entire Act

WASHINGTON, May 2.—(AP)—The blue eagle, in its present form, went on trial for its life today in the supreme court.

Arguments in the Schechter live poultry case from New York—selected by the government to test the validity of the recovery legislation—were opened late this afternoon by Stanley Reed, the solicitor general. He contended the act was constitutional. Donald Richberg, chairman of the NRA board, sat by his side ready to speak later.

Arguments against the legislation were due to be delivered tomorrow. Earlier in the day, an attempt by some senate leaders to force through a resolution extending NRA with some modifications until next April was threatened with failure after the finance committee had rejected all attempts to change the measure.

WASHINGTON, May 2.—(AP)—After adopting a series of resolutions attacking virtually every phase of the new deal legislative program, the chamber of commerce of the United States today selected as its new president Harper Sibley, Rochester, N. Y., banker, described by his associates as somewhat critical of the administration policies.

Friend of Roosevelt.
The new official, a personal friend of President Roosevelt, succeeded a Henry L. Harriman who headed the business organization for the past three years. He advocated a middle-of-the-road policy.

Sibley, in an interview, declined to comment specifically on whether he was a friend of Roosevelt.

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Complains Because She Looks Like Mae



Evelyn Olson, 22-year-old Milwaukee beauty operator, complained in a letter to Mae West that, because she resembles the film actress, autograph hunters make her life miserable. "At first I was a little flattered but now it is nearly driving me crazy," she said. This is Evelyn. (Associated Press Photo)

COUNTY ASKED TO PROVIDE AID FOR FAMILY OF BANKS

The county court yesterday afternoon heard plea for, and then took under advisement, an application for county aid for Mrs. Edith Robertine Banks, wife of L. A. Banks, former local agitator, now serving a life sentence in state prison for murder. The application was heard upon the second anniversary date of the start of Banks' trial at Eugene May 1, 1933.

Friends of Mrs. Banks, now a resident of Salem, presented pleas in her behalf. The application was made under section 27-301 of the Oregon laws, which provides that the counties shall provide not to exceed \$20 per month for the minor dependent of persons confined in state institutions, and not to exceed \$16 for each additional minor child. The law, according to the court, is unconstitutional.

Portland, Ore., May 2.—(AP)—The arrest early today of Bernie Heckman, 29, members of the Brewery Workers' Union, followed a new outbreak here last night between members of that union and the teamsters' union. For months the two affiliates of the American Federation of Labor have been quarreling bitterly over which has jurisdiction over certain brewery employees.

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HAUPTMANN JURY NOT SEQUESTERED CHARGES COUNSEL

Undue and Improper Influence Seen by Defense—Court to Decide Charge On Briefs Submitted

TRENTON, N. J., May 2.—(AP)—The court of errors and appeals today denied the application of attorneys for Bruno Richard Hauptmann to take testimony supporting its allegations that the jury which convicted him of the Lindbergh baby murder was not properly sequestered.

The court, however, granted the lawyers permission to include in the record the opening addresses to the jury of Attorney General David T. Wilentz, chief of prosecution, and Prosecutor Anthony M. Hauck, Jr., of Hunterdon county, and Wilentz's imputation.

TRENTON, N. J., May 2.—(AP)—Bruno Richard Hauptmann's counsel charged today the jury which convicted him of the Lindbergh baby murder was not properly sequestered, resulting in "undue and improper influence" upon it by persons outside the court's jurisdiction.

Counsel appealed to the New Jersey court of errors and appeals for permission to take testimony to support its allegations. A motion for oral argument was denied, and the court announced it would decide the case later today on briefs.

In their brief, the defense attorneys, Egbert Rosecrans, Frederick A. Pope and C. Lloyd Fisher, charged

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Youngster Dies of Fright When Tooth Is Pulled

JOHNSTOWN, Pa., May 2.—(AP)—Mike Shenselyne, aged just six, is dead—dead the doctors say because he was frightened at having a tooth pulled.

The mother, Mrs. Metro Shenselyne, took him to Dr. R. G. Stringer in Wilber yesterday but when Mike refused a local anesthetic the dentist declined to proceed.

The mother, Coroner H. A. Zimmerman said, told the dentist to go ahead "anyway."

One tooth was pulled and Mike jumped out of his chair, holding his breath, the coroner said. At a winter hospital physicians decided death was caused by asphyxiation—brought about by fright.

MEDIC TESTIMONY IN LAMSON TRIAL DEFENSE TARGET

SAN JOSE, Calif., May 2.—(AP)—In the second day of arguing to save David Lamson from the gallows for wife murder, Defense Attorney Edwin McKenzie launched into a vigorous attack on prosecution medical testimony in Lamson's second murder trial today. His argument is expected to continue through tomorrow.

Dr. Frederick Proescher, county pathologist who testified for the prosecution, in his tests indicated bloodstains on the iron pipe found in the house Lamson was tending the morning his wife was found dead in the bathroom, was special target of his fire.

Dr. Proescher testified that the bloodstains were "innocent" and that the piece of pipe also was "innocent."

BRITISH-GERMAN SPOKESMEN TELL OF ARMS PLANS

Goering Says Air Force Is Match for Any foe—Ramsay MacDonald Reveals Adequate Defense

PARIS, May 2.—(AP)—A dispatch from Nancy to the newspaper Le Matin tonight said German schutz polizei (picked police) were stationed along the Rhine-lands demilitarized zone ready to occupy it in violation of the Versailles treaty.

(By the Associated Press)
Prime Minister Ramsay MacDonald of Great Britain and Gen. Hermann Wilhelm Goering, Germany's minister of aviation, spoke simultaneously today. The former addressed the house of commons in London; the latter spoke to foreign correspondents in Berlin.

Said Goering: "Our air force is a match for any assailant."

Said MacDonald: "We propose to put our power of defense into a state which will enable our people to feel they are protected."

Said Goering: "We want peace, we do not want to be provoked into breaking it."

Said MacDonald: "I must express surprise that this moment has been chosen by Germany to announce a shipbuilding program, especially the building of submarines."

LONDON, May 2.—Prime Minister Ramsay MacDonald announced today the British government "already is taking steps for a further acceleration of shipbuilding."

Held In Mail Theft



Rocco J. De Grasse (above), indicted in Chicago for alleged participation in the \$260,000 mail robbery of Dec. 6, 1932, was arrested in Portland, Ore. He slept surrounded by miniature arsenal. (Associated Press Photo)

WASHINGTON, May 2.—(AP)—Attorney General Cummings today said Grover Cleveland Bergdoll, world war draft dodger, would receive "no clemency from the department of justice."

Told at a press conference that Mrs. Bergdoll had landed in New York with the intention of seeking a pardon for her husband, now in Germany, the attorney general said: "Bergdoll is a fugitive from justice. He was convicted at court martial and was serving time at the time of his escape. Two other indictments are facing him in the eastern district court of Pennsylvania."

Cummings said the question of clemency on the military sentence would be a matter for the war department and the president.

He said the pending indictments would be considered later.

ABOARD S. S. WASHINGTON, May 2.—(AP)—Mrs. Grover Cleveland Bergdoll, the German wife of the United States world war draft dodger, is aboard this ship en route to the

Clearing skies last night dropped the temperature to an official mark of slightly under 30 degrees, and the orchards in the lower sections of the valley smudged between 3:30 and 4 o'clock. Official reports said the mercury reached 29 degrees in the extreme cold parts of the valley. But Meteorologist R. J. Rogers had sent out a frost warning early in the evening that saved all orchards from possible damage. The cold came as a surprise to the weather bureau.

WORKMEN START CLEARING DEBRIS BURNED CAPITOL

Interior Will Be Cleared Out and Walls Leveled—Disaster Took Old Structure Week Ago Today

By CLAYTON V. BERNHARD Associated Press Staff Writer
SALERIE, May 2.—(AP)—One week ago tonight a small line of smoke lazily drifting skyward from the dome of Oregon's capitol gave the first notice to a shocked citizenry of a fire which within a few hours laid low the state's 60-year-old historic building.

An hour after the first signs of the catastrophe became visible the copper dome gently bowed its head in a harmony of color to bid farewell to the thousands who had learned to look upon its crowning peak as a symbol of stability built up by the early pioneers, and to love its greenish hue.

Official Picture Changed
One week later that fire had changed the entire picture of official Oregon and particularly the immediate setup at the capital city. The results and developments during those seven hectic days since the very core of material government was suddenly swept away revealed a different course than had been followed or had even been suspected.

The state planning board, called into action immediately after it had been created only several months ago, started work on plans for the construction of a new capitol building at a cost ranging from \$2,000,000 to more than \$5,000,000, a structure that would take care of the future needs of state government.

Special Session Later
Governor Martin, forced to shorten his trip to southern Oregon, declared a special session of the legislature was inevitable, but such a session would not be held for at least several months. Emergency meetings of the board of control have been held daily, and sometimes called into session as much as three times a day.

A voluntary capitol fund, started with a \$1 bill, was continuing to grow. It will be used for some special feature of the new building.

Razing of the old structure, after all vaults had been opened and found virtually intact and what materials could be salvaged in the form of files and supplies had been taken out, was started today under the direction of F. G. Leary of Portland, using crews of SERA workers.

Other than the supervisor and three key men, the work will be done by relief workers. 20-15 men crews were started today, working six hours each daily. The construction of an eight-foot board fence around the ruins was the first step in the wrecking.

BERGDOLL'S WIFE COMING TO MAKE CLEMENCY PLEA

WASHINGTON, May 2.—(AP)—Attorney General Cummings today said Grover Cleveland Bergdoll, world war draft dodger, would receive "no clemency from the department of justice."

Told at a press conference that Mrs. Bergdoll had landed in New York with the intention of seeking a pardon for her husband, now in Germany, the attorney general said: "Bergdoll is a fugitive from justice. He was convicted at court martial and was serving time at the time of his escape. Two other indictments are facing him in the eastern district court of Pennsylvania."

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EUGENE RADICALS' LEADER ARRESTED

EUGENE, May 2.—(AP)—The arrest of an alleged communist leader and the striking of a communist flag nailed to the flagpole on Skinner Butte, marked the red May day demonstration here yesterday. A scheduled parade failed to materialize.

Police arrested Paul Welborn, alleged leader in the local communist party, charging him with defacing city sidewalks. Police said he had written several communist slogans on city park sidewalks. In police court Welborn was given the choice of cleaning up the sidewalks or paying a fine and after a little deliberation he decided to use the sponge.

Early yesterday morning residents remarked a huge red flag, with the familiar crossed hammer and sickle, flying from the butte flag pole. Police promptly pulled it down on orders from the mayor.

Medford Elks lodge will hold election of officers at their regular lodge meeting tonight, with competition in two offices. Exalted Ruler H. N. Butler urges all members to be present, as he wishes the lodge to express unanimous opinion for these two positions.

Final plans will also be made at tonight's meeting for the Elks dance which is to be held at the temple next Saturday night. Lodge members are invited to bring their house guests to this dance.

BODY OF VETERAN FOUND IN SLOUGH

KEISO, Wash., May 2.—(AP)—Investigation of the slaying of a man identified as A. V. Jensen of Portland, a world war veteran who had been on relief rolls there, whose body was found in a slough a mile and a half south of Kalamazoo late yesterday, was pressed by Coswilt and Thurston county authorities today.

The identification was announced by the sheriff's office at Olympia last night, after Codwilt county deputy sheriffs had traced a card near the body, bearing the names of H. H. Hymer, route 2, box 361, Olympia. The body bore numerous injuries, including a small hole in the back of the head, a broken leg, and it was wrapped in papers, they reported.

PORTLAND AGAINST MOVING CAPITOL

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DREAD DIPHTHERIA YIELDS TO TOXOID

The second of a series of statements from Medford physicians on immunization of children against disease, which is being stressed during Child Health Week by the Jackson County Health association, was released today. It is from R. W. Steeter, M. D.

"One of the most outstanding and most successful accomplishments in the field of preventative medicine has been the perfection of the treatment used for the immunization against diphtheria. This has been done with the preparation 'Toxoid,' given in two or three doses. It has no reaction even though used in infants and will immunize the child against diphtheria for life. It is not expensive and should be given early in childhood because it takes from 2-3 months following its injection to develop immunity."

MORE LUMBER MEN TO STRIKE IN PORTLAND

Portland, Ore., May 2.—(AP)—With at least 1,200 lumber mill and camp employees already out on strike for higher wages and shorter hours, a walkout of about 900 others in Portland mills was expected hourly today.

Nominate Hawks As Klamath P. M.

WASHINGTON, May 2.—(AP)—Postmasters nominated today included: Oregon—Sanford Adair, Baker; Burt E. Hawkins, Klamath Falls.

PIERRE, S. D., May 2.—(AP)—I. D. Weeks, 33, state superintendent of public instruction, was appointed today by the state board of regents as president of the University of South Dakota, succeeding Dr. Herman G. James, who resigned recently to become president of Ohio university.

Portland, Ore., May 2.—(AP)—Gabriel Baker, Sioux Indian, star witness for the federal government against Willie Williams, 18, Klamath Indian, charged with slaying Charlie Cowan, 17, Modoc Indian, testified in federal court today he saw Williams fire the shot which killed Cowan.

SIDE GLANCES

by TRIBUNE REPORTERS
Glen Clough-Trybe: Patrick taking another shave yesterday to bolster himself through a heating at softball.
A H. Banwell winning a pipe for smoke, and actually smoking it.
Burdette Klunder: Intellectual looking for a pair of lost spurs.
Hogson Gray polishing the spruce trunk of the 31-M above without that a m.
Harry Gill: Watching in the street in hope of catching what team they best please.

Extra!-It Rained Today In Southwest Dust Bowl

SPRINGFIELD, Colo., May 2.—(AP) Rain! Rain! It rained today in the little dust bowl of the southwest! People tumbled from beds before dawn to see the big drops splash in the street. Small children, who never had seen a downpour before, were frightened as it beat loudly on roofs.
Three-tenths of an inch fell, the first moisture in Baca county since January and the greater single amount in three years.
It soaked in almost as fast as it fell but early this morning there were still a few puddles where children played happily. Farmers said the moisture was barely enough to humidify them but everybody agreed it would mean the dust storms of the past few days.
The Democrat-Berald, Baca county weekly newspaper, put out an extra edition today "All About the Storm."
The weather man, Will Spurgeon, slept through the rain.
"I heard some pattering on the window but thought it just another dust storm swirling in," he said.
Excitement prevailed at Lamar, Colo., 30 miles north of here at the upper end of the dust bowl, when the storm struck last night. Town folk ran into the streets to feel the rain pattering down on their heads and shoulders.
The storm was "spotted" and apparently covered only a small portion of the dust bowl of western Kansas, southeastern Colorado and the Oklahoma and Texas panhandles. Part of the dust storm in New Mexico also received rain or snow.

BASEBALL

NEW YORK, May 2.—(AP) The two National and one American league baseball games scheduled for today were postponed on account of rain and cold weather.

WILL ROGERS says:

BEVERLY HILLS, Calif., May 1.—You know the other day I had a little "gag" in the papers about every time some nation sneezed a little louder than usual the others run into a huddle. Well, that might sound like a joke, but look at 'em today. Germany announced some submarines and now these diplomats' heads are closer together than a barber shop quartet.
The one thing these old boys with a big navy are scared of and that's submarines. They are always claiming they are inhuman and not a civilized mode of warfare. It would be rather interesting to see published the names of the weapons that are considered a pleasure to be shot by.
Yours,
Will Rogers.
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