

MEDFORD MAIL TRIBUNE

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WEST HOLIDAY MEMBER OF THE ASSOCIATED PUBLISHERS OF OREGON

Ye Smudge Pot By Arthur Perry. The ascension of a former and reformed Alabama Klansman to the supreme court bench is hailed as a victory for "liberalism."

"Doubting Our President"

"Anyone who notes Roosevelt's assertion that he did not investigate Black before appointing him may take it for what it is worth. As a matter of routine business it is customary to go into the record of every man who comes up for an important federal appointment with the utmost care."

The above reprinted by the Oregonian on its editorial page, represents partisan journalism at its lowest ebb. There isn't a statement in it supported by the facts. The paragraph ranges from an inexcusable insinuation, that President Roosevelt, in denying that he looked up Senator Black's record, didn't tell the truth; to a conclusion that is so palpably false that no newspaper, not blinded completely by a malicious and stupid hate, would even consider printing it.

It is true that in most federal appointments, particularly to the lower bench, it is customary to go into the record of the individual with the utmost care. This is because, in nine cases out of ten, the President and his associates are not personally acquainted with the applicant, and without careful scrutiny and a close checking up, would have to rely solely on information from some self-interested source.

BUT this was not true of Senator Black. He was one of the President's closest personal friends, and most valued supporters. He had worked more closely with him perhaps than with any other member of the upper house. He didn't look up his record because he knew it—or he thought he knew it.

As far as the Ku Klux Klan charge is concerned, the present writer was in Washington when Black's name was sent to the senate, and doesn't doubt for a moment, that the President's attitude toward this charge was the same as practically every other, impartial and fair-minded observer, of the dramatic incident.

Such an independent and liberal minded statesman as Senator Borah for example, who vigorously opposed the administration's Supreme Court proposal, and personally didn't approve of Black as a Supreme Court justice rose in his seat when this charge was made, and said:

"There never has been at any time one iota of evidence that Senator Black was a member of the Klan. No one has suggested any source from which such evidence could be gathered—We know that in private conversation, not since this matter came up but at other times, Senator Black has said that he was not a member of the Klan, and there is no evidence that he is. There is no fact or fact even indicating it. It is rumor, hearsay."

With his opposition refusing to take the charge seriously how could anyone have expected the President to do so? There is not the slightest reason to doubt that President Roosevelt, dismissed the accusation, as did practically every responsible authority in Washington at the time as just one of those things,—kicking up a cloud of dust, in a last desperate and futile effort on the part of his enemies to injure Black and embarrass the administration.

In fact in all the criticisms we have read, by newspapers and columnists, of the Black appointment, the Yakima Republic stands alone in questioning the President's truthfulness. Such caustic and persistent critics as Frank Kent, Dorothy Thompson and Mark Sullivan, have gone out of their way in fact to absolve the President of all blame in the matter—except that of haste, pique and in the appointment itself, poor judgment.

BUT the Yakima paper, which the Oregonian so highly honors, not only declares President Roosevelt knew Black was a Klansman when he appointed him, but this it declares is the TRUE reason he "put the man on the supreme bench!"

Of course this would be laughable if it weren't so contemptible that as astute a politician as Franklin D. Roosevelt, would not only ignore Klan affiliations in such an appointment, when suspecting them; but would go out of his way to find a Klansman to place on the Supreme Bench, just goes beyond all limits of unmitigated and unadulterated nonsense.

This would be true of any sane American citizen occupying the White House but President Roosevelt!

Who nominated Al Smith at two Democratic conventions? Who went down with him to defeat, at the hands of the Ku Klux Klan? Name a President, who has a cleaner clearer record, for racial and religious tolerance, than the present occupant of the White House!

And yet the Yakima Republic declares, the President, not only knew Black was a Klansman, but that this was the real reason, he chose him to be a Justice of the Supreme Court of the United States!

WE can think of no better example, of how blind, unreasoning hate, can completely warp the judgment, and render the victim of it whether an individual or a newspaper, a pitiful example of futility and incompetence.

The Final Word

IN the last analysis, one's view regarding the Black appointment is determined by one's view of the Supreme Court.

There are two radically different, and opposing, schools of thought in the country today. There are those who regard the Supreme Court as onerous—a sort of constitutional verminiform appendix, the excision of which would do no serious harm. Therefore the qualifications of a new member, are not of so much importance, as long as he has no police record, and in the class struggle can be depended upon to support the cause of the under dog.

The opposing school holds a different view. They regard the Supreme Court, as an institution of great importance, a necessary balance wheel in our form of democratic government, which in its membership should represent, the HIGHEST type of character, legal learning, ability and wisdom, the country can produce.

The first school naturally finds no cause for alarm in the Black appointment. The second school, just as naturally DOES.

THIS paper belongs to the latter group. Not that we regard the Supreme Court as in any sense, sacrosanct, either above criticism, or like any other human institution, above making mistakes; but we do believe, that this department of the government, does demand a higher type of character and ability,—above all a greater disinterestedness moral courage, a stronger devotion to abstract principle, regardless of popular or political clamor,—than any other.

We don't maintain all the members of the present Supreme Court come up to this high standard. But we do maintain, that when a vacancy occurs, and a candidate like Hugo Black, falls as he does so FAR below it, to do everything that can be done to prevent the appointment, is a service to good government.

As we see it however, what can be done, now has been done. Justice Black will not resign, and we fear there is no legal way to force his retirement. We can see therefore no useful purpose, by pursuing the matter further.

BEFORE closing the subject entirely however we would like to clear up one point, raised by an anonymous correspondent, who beating his breast with righteous indignation, condemns this paper for "the same narrowmindedness and intolerance, that it ascribes to the Klan, for disqualifying an appointee to the Supreme Court simply because some time in the distant past he joined that organization."

We fear our correspondent hasn't read this column very carefully. If Senator Black had thoughtlessly made the mistake, in his exuberant youth, that many other good citizens did, and when he discovered his mistake, resigned, and had no further commerce with the Klaverns and the Klegles, this column would not have held that fact so much against him.

We all make mistakes. Even when the highest tribunal in the land is concerned, innocent mistakes in the distant past can be forgiven.

BUT that wasn't Justice Black's record. As before stated it wasn't the Klan so much, as Senator Black's attitude toward it, not only AFTER he had become a member of the Senate, but after he had been appointed to the Supreme Court; that, in our opinion, disqualified him, to take his place on the Supreme Court. That was a record of evasion, moral abtuseeness, and a ruthless, unprincipled SELF interest.

In short it wasn't Justice Black's membership in the Klan per se, but the attributes of character that his treatment of this membership revealed, that finally determined this column's position, as to his taking his place on the Supreme Court.

Personal Health Service

By William Brady, M. D. Signed letters pertaining to personal health and hygiene, not to disease diagnosis or treatment, will be answered by Dr. Brady if a stamped self-addressed envelope is enclosed. Letters should be brief and written in ink. Due to the large number of letters, received only a few can be answered. No reply can be made to queries not conforming to instructions. Address: Dr. William Brady, 265 El Camino, Beverly, Calif.

ONCE IN FIVE YEARS. Newspaper clippings of items dealing with rabies, anonymously sent me from time to time, add to the conviction that rabies is a racket.

One item from a Midwest rural town says the county footed a "rabies outbreak" bill of \$4,410.70 for the year, comprising payment for treatment of 135 cases—cases of what one can only infer from the context, the item says there was one fatality from rabies infection, and "the ensuing panic resulting from this death caused a great amount of our expense. Not many of the 135 were actually bitten, but were treated because of... well, to make a tail story short, because of panic. But that \$4,410.70 is only a drop in the bucket. Generally the people themselves pay for Pasteur treatment—unless they are paupers and seek it at public expense. The physicians in the community generally charge \$50 for Pasteur treatment, the item says. So if 100 of the 135 victims of panic were treated by their own physicians, that would jump the cost immediately an additional \$5000.

Another interesting item in the present collection of clippings is taken from an Eastern paper. It is merely a notice like this (stetionous substitute: — names given in item): Al Bell's swing orchestra 7:15 - 7:45. Frantic search of Ohio's State Police for Ernest Wareham after he had been bitten by mad dog—will be dramatized at 7:30 p.m.—WKZ.

No better way to propagate panic than by dramatizing the myth over the radio. It inoculates children and the childminded adults even more successfully than does the printing of ugly superstitions. One enthusiastic but inexperienced young health officer of a W. Va. county, reproving me for my teachings, candidly explains "In W. Va. we have a hard time getting out local appropriations sometimes... I have never had a serious situation in regard to rabies, but I have used other epidemics to dramatize our work. I will probably always do so." Always, of course, meaning for the health director's term of office, which generally depends on the whim of the politician who happens to have control of it.

A third item is taken from an Oklahoma paper. Scarehead says: "Neglected Dog Bite Kills Girl." Item says 10-year-old girl complained on a Monday that she was not feeling well, but as it was four weeks

pet fascist state controlled by Mussolini at her back door. England doesn't want both sides of Gibraltar controlled by Italy. So they are beginning to talk turkey.

I mean business, he will probably withdraw his Italians from Spain. But if he thinks they are bluffing, he will run a still taller bluff. To date, Mussolini has been the most successful bluffer in Europe.

THE great nations of the earth that already are sitting reasonably pretty DON'T WANT TO FIGHT. Shrewd Mussolini knows this, so he stepped in and stole Ethiopia. In Spain, he is moving cautiously so he just how far France and Britain will let him get.

Comment on the Day's News By FRANK JENKINS FRANCE and England say to Mussolini: "Take your soldiers out of Spain, where they have no business to be, or we'll open the border between France and Spain and let in the Russians—or anybody else that wants to come in and fight on the side of the Spanish loyalists."

THE point is that they probably mean business. France, with Fascist Germany at her front door, doesn't want a pup-

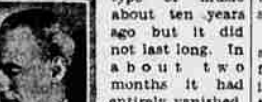
Shrewd Japan knows also that the great nations don't want to fight, so she is stepping in and stealing China.

THE pacifists, who are well-intentioned but exceedingly silly, tell us the way to prevent war is to disarm so that we can't fight. This is fine in theory, but in practice some hard-boiled realist is always stepping in and taking what he wants while the surrounding idealists are too weak to object.

That is what Italy and Japan are doing right now, and what Germany would LIKE to do.



NEW YORK, Oct. 5.—No one knows the why of the Hawaiian orchestra vogue that jettied up so auspiciously this season. There was a craze for this plaintive type of music about ten years ago but it did not last long. In about two months it had entirely vanished.



There were at one time this summer more than 100 Hawaiian orchestras in the greater city. Some saw the renaissance was due to the islands. And others thought it due to the Hawaiian movies and the songs that Bing Crosby bleated so often.

The first Hawaiian orchestra to gain fame in America was at Nat Goodwin's cafe, "The Ship," at Venice, Cal., about 20 years ago. But they were only pseudo-Hawaiians. Indeed, the leader was none other than the now celebrated song writer, Bud DeSylva.

Ziegfeld interpolated an Hawaiian scene with Gilda Gray in one of his follies and it made a tremendous hit on the road, but somehow never clicked big in New York. I like that joke that Hawaiians are always singing good-bye and never leaving.

Then the marimba bands which flourished about 15 years ago. Every smart night club such as Montmartre and Buzanov's, had one as a sort of fill-in while the regular orchestra went out to smoke. Now there are only a few left, playing what remains of the vaudeville circuit.

Old-time troupers are jubilant over the click of Sophie Tucker in the movies. She was the last Hollywood holdout, and many believed there was some reason for it. That her voice would not register or she did not screen well. Sophie is an old-timer to be sure, but far from being washed up. She can, any time she desires, fill a night club in New York or London. There is a certain something about performers of Sophie's era, including, of course, her. They have studied finish to every bit of routine. It is a polish that comes with vast experience and expertise in timing. So pronounced among such performers as Ted Lewis, Joe Jackson, Blossom Seeley and Bennie Fields and Al Jolson.

Among theater folk ten would have got you a hundred that two performers who would never marry were Lou Holtz and Clifton Webb. But Holtz went off the deep end no other week and while there are no indications of an altar romp by Webb, the Rialto wouldn't wager. Harry Richman seems, however, to be the most persistent of the marriage dodgers. Beginning with Clara Bow, he has been reputedly engaged to at least 30 charmers on the stage and in the cabarets. Only recently during a London engagement, one beauty crossed the ocean with a fanfare, ostensibly, according to the public prints, to be Richman's bride. But she came back alone and the singer is still whole heart and fancy free. It's a good trick—if the lawyers will leave you alone.

It's a joy now and then along the Eating Trail to stop in at venerable Luchow's. Here time seems to halt. One is back in the salad days where beer has a high collar and cabbage is red. There are no social climbers at Luchow's. Food is hearty—pig's knuckles, sauer kraut, stuff and things—and more leisurely, and wings of talk have a wider sweep. The waiters do their waiting methodically and with no special hurry, just as though they might be looking after a roomful of friends. Instead of rasping jazz and the shrieks of hide-hi there are the low dulcet strains perhaps of "The Blue Danube." Over there Al Smith, napkin tucked under chin, may be doing right by a bowl of noodle soup and ponder Fannie Hurst may be nibbling at cheese cake. Henry Menck often comes in for his favorite brew. So does Theodore Dreiser. Luchow's has been there in the same dark-timbered decor for more than 50 years. It is one of the few things in town that has never changed.

An almost hysterical telephone caller—I suspect Gena Crater—could scarcely make herself understood this morning. All of a sudden in the bath he was struck with a worry. A wonder, at this late day, why Mary Pickford didn't name her Hollywood home Pickford "Doug-Out!"

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PORTLAND CYCLISTS QUALIFY FOR RACE UNION N. J., Oct. 5.—(AP)—Ray Grant and Muir Kelly, both of Portland, Ore., were among 19 riders who qualified last night for the national motorcycle racing championships to be held here Wednesday night.

It is estimated that a submarine can attain not more than 28 knots surface speed with the present 3,000 h.p. engine.

Behind Washington Headlines By H. R. Baukhage Copyright 1937, by The North American Newspaper Alliance, Inc. (Continued from Page One)

to those who are supposed to know what goes on inside the rather tight little group which makes up the S. S. board, it is an important step—the first in a carefully guarded program which may include an effort to amend the social security act.

What is back of the strategy is the very privately expressed fear of increasing criticism. Or, if not that, the growing concern in the minds of the public as to the administration of social security funds.

The change of the name of the old age payments was apparently made for psychological effect. "Insurance" is something a lot more specific to the man in the street than "benefits."

The wording of the law will be altered, if congress agrees, for the same reason. The purpose of the proposed legislation, which will be carefully drawn so as not to arouse any doubts as to its constitutionality, will be to link that part of the law which has to do with the collections of money and that part which has to do with the passing out of benefits.

There would be no attempt to merge the two functions, which are now administered by separate departments; the act would simply be amended so that the passage in the law referring to one function would mention specifically the other.

The idea would be to convince the public that the money that is being collected is going to be spent for benefits (excuse us—"insurance") and nothing else.

Meanwhile, the first reaction to the change from "benefits" to "insurance" came from the insurance companies which seemed to learn about it before the general public. As might be expected, some of them immediately resented this implied government competition with their business.

The present crop-control program of the department of agriculture may be taken out of its hands. That is, if we can believe some unofficial, long-distance weather prophets, who insist on reading between the lines of a recent official weather report on conditions in the midwest.

The southwester says that it foretells another big drought next crop season. "A serious lack of moisture," the report states, exists in the midwest—rainfall in the wheat belt less than one-fourth to one-half normal.

If Dame Nature does step in, it will take a large load off the minds of the folks who worry about supplies. And it will give Secretary Wallace's ever-normal granary just about what it needs for success.

Virginians returning homeward from Washington to hear Senator Black's radio speech noted with some surprise that the Lee mansion, overlooking the capital from Arlington, was illuminated.

The pillared home is lighted only on special occasions. Inquiry of the guard, however, revealed that there was no intention to honor Mr. Black. It was the birthday of the wife of General Lee.

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All students at the U. S. naval academy are designated as midshipmen.

Yankees defeat Pittsburgh in second game of world series.

Craterian to show pictures of Dempsey-Tunney fight.

During the last two weeks, two new cars of the closed type have been purchased by citizens of the community, one by the Schfers and another by the Davisons of the Table Rock store.—(Table Rock Tablets.)

California has another light earthquake.

Ideal Indian summer weather prevails. Farmers need rain for fall plowing.

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Congress votes 16 millions for war needs.

Forest fires again cast pall of smoke over city and valley.

Chicago White Sox defeat the New York Giants, 2 to 1, in first game of world series.

Senate regrets that Sen. LaFollette of Wisconsin "has lent himself to German propaganda."

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Phelan told his warriors the yardstick did not show California to be as far superior as the 24-6 score might indicate, and he pointed out three of California's touchdowns were the result of Beaver fumbles. The Huskies came through their 7-0 victory over U. S. C. with Fullback Al Craver's broken finger the major casualty.

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