

Weather

Forecast: Sunday, mostly clear with spotty local fogs in the morning. Temp. Highest yesterday 51. Lowest this morning 22. Precipitation none.

MEDFORD



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NO AUTHORITY FOR WARD SEIZING

WARD LACKS POWER UNDER LAW SAYS VITAL DECISION

Chicago Federal Judge Hands Down Ruling—Government To Appeal

Chicago, Jan. 27—(U.P.)—Federal District Judge Phillip L. Sullivan, in a decision vitally affecting the handling of wartime labor controversies, ruled today that President Roosevelt was without authority to seize possession of Montgomery Ward and company properties.

The decision was so far-reaching that at Washington chairman William H. Davis of the War Labor Board said that unless it is reversed by a higher court or unless congress takes action to make WLB orders enforceable the ruling will collapse the whole plan of peaceful settlement of wartime labor disputes.

Judge Sullivan, who was appointed to the federal bench by President Roosevelt 11 years ago, said in his decision: "I am of the opinion that the president was without authority, either under Section 3 of the War Labor Disputes Act, or under the war powers conferred upon him by the constitution as commander in chief of the army and navy to take possession of the plants and facilities of Montgomery Ward and Company."

The judge gave his opinion in denying the government's petition for an injunction to prevent Ward officials from interfering with the army's operation of 16 Ward plants seized in seven cities. The properties were taken over Dec. 28 under the order of the president for failure to comply with a War Labor Board order. Judge Sullivan also denied the government's request for a judgment declaring the seizure was legal.

The government moved immediately for an appeal. U. S. District Attorney J. Albert Woll said the appeal would be taken before the U. S. Circuit Court of Appeals in Chicago Monday or Tuesday and would be presented in the U. S. Supreme Court within a month.

Meanwhile, the army will continue to operate the seized properties until the high courts give a final decision. Judge Sullivan entered an order maintaining the army's right to continue in charge until the case finally is settled.

"The War Labor Disputes Act authorizes the president to seize a plant or facility only when it is equipped to produce articles necessary or useful in the war effort," Judge Sullivan said, referring to company claims that Wards is engaged in distribution only.

The jurist ruled that he was unable to find that "distribution" and "production" were the same thing, saying that the government's contention did not justify "application of the term to facilities whose sole business is that of retail sale and distribution."

"These plants and facilities may not be seized by the president simply because at some future time, on account of the existence of a labor dispute between it and its employees, Montgomery Ward may not be able to deliver supplies deemed necessary or useful to the war effort," Judge Sullivan said.

Turning to the constitutional issues raised by the company, the judge said:

"The constitutional guarantees that protect the sacred rights, liberties and property of American citizens, from the humblest to the most exalted, still remain inviolate. These rights may not be transgressed with impunity nor be disregarded because of expediency."

"I believe it is not too much to expect that for the duration employers, employees and unions should make a determined effort to adjust their labor disagreements without resorting to strikes and lockouts."

Gold Hill, Jan. 28—Gold Hill branch of the Jackson County Health association will meet at the home of Mrs. Norman Gall, Riverside Colony, Feb. 5. The meeting is scheduled for 1 p. m. and a large attendance is desired.

Breakthrough on Berlin Road



Soviet spearheads knifed to within 94 miles of Berlin in breakthrough beyond besieged Poznan and almost reached Germany's Brandenburg province. The second breakthrough came near Polish border town of Zbaszyn, south of Poznan and only 97 miles from Berlin. The Nazi high command was reported throwing its last reserves into the battle in an all-or-nothing gamble to turn back the Red Army invaders.

HALSEY'S ATTACKS INDUSTRIAL AREA NETS 100 SHIPS OF TOKYO BOMBED; AND 479 PLANES FOE AIR LOSS 75

Japs Suffer Most Destructive Loss of War Adm. Nimitz Reveals

U. S. Pacific Fleet Headquarters, Pearl Harbor, Jan. 27—(U.P.)—Carrier Aircraft Adm. William F. Halsey's hard-hitting third fleet destroyed or damaged 100 Japanese ships and small craft and 479 planes at Formosa and Okinawa Jima last Saturday and Sunday in one of the fleet's most destructive assaults in the Pacific war, it was announced tonight.

More than 125,000 tons of Japanese shipping, including 30 enemy vessels, was sunk or damaged at Formosa in Saturday's strike and 311 Japanese planes were destroyed or damaged, a second communique by fleet Adm. Chester W. Nimitz revealed.

Reporting for the first time on results of last Sunday's carrier plane assault on Okinawa, northeast of Formosa, Nimitz reported that 29 ships were sunk and 41 vessels damaged. In that attack, 68 enemy planes—28 destroyed and 40 damaged—were added to the mounting toll of Japanese air and sea losses.

The supplementary report on the Formosa attack Jan. 20 said that the 80,000 tons of shipping sunk included:

Six oilers, two medium cargo vessels previously damaged, one medium cargo ship, four luggers and one medium vessel. Damaged ships, totalling 65,000 tons: one large transport, two large oilers, one large cargo ship, three luggers, one destroyer, two medium cargo ships, four small coastal cargo ships.

Kansas City, Mo., Jan. 27—(U.P.)—The body of Thomas J. Pendergast, son of Irish immigrant parents who rose to rule a now-broken political dynasty, lay in state tonight in a funeral home here and high and low alike called to pay final respects.

Services for Pendergast will be held at 9:30 o'clock Monday morning at the funeral chapel and at 10 o'clock at the Visitation Catholic church with Msgr. Thomas McDonald preaching the sermon.

Pendergast died last night in Menorah hospital, where he was taken Tuesday, suffering from an old heart ailment and a lack of appetite which had reduced his once stout 250 pounds to about 150.

Washington, Jan. 27—(U.P.)—A mighty sky-fleet of American Superfortresses, breaking through perhaps the heaviest fighter opposition so far encountered, destroyed or damaged a record number of 75 Jap planes today, then successfully blasted the industrial area of Tokyo.

Gen. H. H. Arnold, commanding the global 20th airforce, said crews of the returning B-29s claimed 31 enemy aircraft were definitely destroyed, 10 probably destroyed and 34 others damaged in what was described officially as the biggest catch by the giant bombers on a single mission.

Five of our Superfortresses were reported missing on the raid, the 24th major attack on the Jap homeland in seven months.

Once the Marianas-based Superfortresses broke through the formidable fighter defenses they achieved "generally good" results in their bombing of the Tokyo industrial area, Arnold's announcement said.

The raid's details were made public by Arnold in a supplement to an earlier communique which told of fires being started in Tokyo by explosive and fire bombs dropped by the B-29 fleet.

At the time the raid was carried out, other B-29s were striking a coordinated blow at Indo-China, 2,700 miles southwest of the Japanese homeland. These Superfortresses flew from bases in India.

BULLETINS

Eugene, Ore., Jan. 27—(U.P.)—The University of Oregon swept to its second and final victory of the current two-game series here tonight by defeating the University of Washington, 54 to 51.

The victory boosted the Web-foot's margin in the northern division race to two and one-half games, with seven wins and two losses. A record turnout of 5,500 fans jammed into MacArthur Court to see the hotly contested game.

Bob Hamilton was the big gun in the Oregon attack with 15 points, while Jorgensen and King, with 17 and 19 points respectively were high for the Huskies.

Pullman, Wash., Jan. 27—(U.P.)—The University of Idaho Vandals tacked their sixth straight defeat on their northern division hoop record tonight as a fast-breaking Washington State colosseum five game from behind for the second successive time in the current series to win, 43 to 37.

Berkeley, Calif., Jan. 27—(U.P.)—The University of California varsity basketball team tonight trimmed College of Pacific 54-33 on the Berkeley court, holding the Tigers in check all the way.

Yank Tanks Within 43 Miles of Manila

AMERICANS OPEN MOSELLE VALLEY DRIVE TO RHINE

Third and Seventh Attack—British Gain Bring War Plants In Range

Paris, Sunday, Jan. 28—(U.P.)—Berlin broadcasts reported today that American forces had opened an offensive in the Moselle valley east of the Luxembourg border, striking for the Rhine in the vicinity of the manufacturing city of Koblenz, 70 miles away.

Berlin identified the attacking units as part of the U. S. 7th army, but placed the scene of operations as "southeast of Remich," a sector held by Lt. Gen. George S. Patton's famous 3d army, according to allied dispatches as late as Saturday.

The Yanks were attacking with battalions of infantry each supported by some 20 tanks, the enemy broadcast said, and had achieved some penetrations in the area of Butzdorf. Butzdorf lies in the Saar basin 15 miles southeast of Luxembourg city and was reported captured by 3d army troops Friday in allied reports.

The enemy report of the Moselle valley drive came as British troops plunged to a point 15 miles inside Germany and brought the Rhinefront factory centers of Rheydt and Munchen-Gladbach within artillery range. Troops on the western flank of the 3d army at the same time drove to the Reich border at the northern tip of Luxembourg after knifing through the last three miles of the Ardennes bulge.

The 7th army, which Berlin said was attacking along the Moselle, had eased for the moment the German attacks on its eastern flank near Haguenau and Strasbourg as the bitterest blizzard of the winter whipped that area. The 7th army was known to have taken over the third army's front as far west as the Saarbrücken area, but Patton still was in command on the Moselle front, according to latest allied reports.

The bulge became "little more than a memory" in the words of a supreme headquarters spokesman, as the 3d army slashed through the last few pockets west of the Germans' Dec. 18 starting line and brought up its own front to within one to two miles of the reich border at all points.

FAG SALE CHANGE FOR POLIO FUND CALLED 'ILLEGAL'

Portland, Ore., Jan. 27—(U.P.)—David Wainer, cigar store proprietor, was advised by the OPA to ask customers to leave their change from cigarette purchases is "illegal."

Weiner had collected \$800, more than \$700 above his nearest competitor, by asking cigarette buyers to drop the change from a quarter into the March of Dimes milk bottle in his store, after buying a package of cigarettes for 14 cents. Likewise, he asked for and got the change from a \$5 bill by selling cigarettes by the carton.

Spencer Yates, district OPA retail violations head, announced that the investigation of Weiner's tie-in sales would continue, on the possibility that other violations may be discovered. He did not make the customary offer to accept a voluntary contribution to the U. S. treasury.

NEW PRODUCTS HEAD Salem, Ore., Jan. 27—(U.P.)—Herbert J. Cox of Eugene has been elected president of the new Epestry Products foundation, it was announced today.

ONRUSHING SLAVS ENCIRCLE POZNAN; VICTORIES MOUNT

Silesian Mining Towns Fall—Nazi Trap Tightened—Counter Attacks Fail

London, Sunday, Jan. 28—(U.P.)—Onrushing soviet armies yesterday encircled the great Polish fortress city of Poznan on the direct road to Berlin, drove to within four miles of the east Prussian capital of Konigsberg and smashed within eight miles of the border of west Prussia.

Moscow announced that Russian spearheads were within 100 miles of the great German Baltic port of Stettin and that the Vistula river fortress of Torun, 88 miles south of Danzig, have been encircled and its trapped nazi garrison was being wiped out.

Piling victory on victory, red army forces also captured five major Silesian mining cities vital to Adolf Hitler's tottering war machine and squeezed 200,000 trapped nazi soldiers in east Prussia into a pocket that was reduced to 3,500 square miles.

Bitter enemy counter-attacks launched in an attempt to break out of encircled east Prussia were smashed with heavy losses, Moscow said. Far to the south, southwest of Budapest, Marshal Fedore I. Tolbukhin's 35th Ukrainian army shattered all nazi efforts to break through to Budapest, regained several lost towns and "considerably improved its positions," Moscow said.

Poznan, 136 miles east of Berlin and 97 miles from Frankfurt-on-the-Oder, the next big city on the direct route to the refuge-packed German capital, was encircled after a four-day battle by troops of Marshal Gregory K. Zhukov's 1st White Russian army. They captured the town of Buk, 17 miles to the west and only 122 miles east of Berlin. This was the closest approach to the German capital announced by the soviet high command. But Berlin broadcasts said tank vanguards already had reached the Obra river border of Germany and Poland and a Wilhelmstrasse spokesman, quoted by the DNB agency, said they had been checked at the river at Bentzen, 93 miles east of Berlin.

NIPS SURRENDER REGIMENTAL FLAG TO OREGON UNIT

Headquarters, 41st Division, Southwest Pacific, Jan. 27—(U.P.)—For the first time in the Pacific war, the colors of a Japanese infantry regiment, which Japanese troops traditionally must defend to the last, have been surrendered voluntarily to an American unit.

A starved Japanese sergeant recently walked into the mess-hall of the 162nd (Oregon) Infantry of the 41st division on Biak Island and handed over the remnants of the chrysanthemum-crested battle flag of the enemy's 222nd regiment, 38th division.

This regiment, veteran of three years conquest in north China, landed at Biak on Christmas day, 1943, and its Commander, Col. Naoyuki Kuzume, boasted that his 200 fighters and 3,800 men some day would parade the streets of Australian cities.

But at last count, the 222nd Japanese regiment had eight officers and less than 90 men alive, and these were beaten, furtive stragglers in Biak's jungles. Kuzume committed Hara Kiri, but only after an elaborate ceremony in which the center was burned from the sacred regimental colors.

Remnants of the battle flag were entrusted to a sergeant. He thought that if the colors were surrendered to the Americans, they might get back to Japan after the war.

Ding Dong Daddy Behind Bars



He "just always wanted a home"—and so, Francis Van Wie, the 58-year-old Ding Dong Daddy of San Francisco's D car line, finds a temporary home in a Los Angeles jail cell while awaiting for police to bring him back to San Francisco to explain the estimated total of at least 10 wives he accumulated without benefit of divorce.

Los Angeles, Jan. 27—(U.P.)—Matronly, black-haired Miss Calliedonna Pearl Pullen today told of meeting Francis Van Wie, the bald and street-car-driving casanova, and in five days reaching a point that might have made her Mrs. Van Wie the ninth except for his apprehension last Thursday. Miss Pullen told of meeting Van Wie last Saturday in Pershing Square, center of Los Angeles' downtown section and focal point for pigeons, soap-box orators on religion and politics and resting place for tired people.

SILVER STAR TO LT. B. HAMMOND, CITATION LAUDS

Washington, Jan. 27—(U.P.)—The silver star today was awarded to 1st Lt. Robert R. Hammond, of Medford, killed in action.

He is survived by his widow, Mrs. Maxine R. Hammond, his parents, Mr. and Mrs. R. B. Hammond, a sister, Virginia, a brother, Major Bruce Hammond in the marines, and an aunt, Mrs. Minkler, all of Medford.

The citation read: "In Italy, on May 28, 1944, preceding a coordinated attack, he moved into enemy territory and reconnoitered approach routes and German positions. Shortly thereafter, he led his machinegun platoon in the attack. When his company was subjected to severe artillery and machinegun fire he maneuvered his platoon to a supporting position on the exposed flank. The enemy subsequently launched a counterattack supported by armor. He directed accurate fire which neutralized several hostile machineguns, depriving the attacking enemy of much of its fire support. He was killed while working his way through his platoon under intense fire, direct and indirect, and his gallantry and leadership reflect highest credit on the armed forces."

Doctors Named To Board Of Health

Salem, Ore., Jan. 27—(U.P.)—Dr. C. E. Hardwich, of Hood River, Dr. Thomas E. Robertson, Portland, and Dr. Charles E. Hunt, of Eugene, have been named to the state board of health, it was announced today.

Dr. Hardwich will succeed Dr. Thompson Coberth, of The Dalles, whose term expired January 15. The two others were reappointments.

GLARING LIGHTS BLAMED Salem, Ore., Jan. 27—(U.P.)—Faulty and glaring headlights caused many of the 19 traffic fatalities in Oregon during the first 19 days of the month, Secretary of State Robert S. Farrell, Jr., reported today.

ARMORED PATROLS FEEBLY OPPOSED NEAR TO CAPITAL

Main Force Takes Culayo—Fall of Manila Seen As Advance Speeds

Allied Headquarters, Luzon, Sunday, Jan. 28—(U.P.)—Armored spearheads of Maj. Gen. Robert S. Beightler's 37th division outran the main body of U. S. troops in a race for Manila today and drove on past Angeles, 43 airline miles northwest of the Philippines capital, whose fall has not yet been reported officially.

It appeared that the armored patrols were meeting little if any resistance in their drive down highway No. 3, a situation that was supported by the views of many officers who expressed doubt that the Japanese would be able to make another serious stand this side of the capital city.

The daily allied war bulletin announced that the main body of the 37th, marching down the road to Manila, overran Culayo and poured on south behind the searching armored patrols. Culayo is 3 1/2 miles northwest of Angeles and just southwest of Clark Field.

Reports from the front said the armored spearheads had reached a point only 45 road miles from Manila. Meanwhile, troops of Maj. Gen. Rapp Brush's 40th division poured into the hills southwest of Clark Field and Fort Stotsenburg to take on the difficult task of cleaning out Japanese positions there, while other forces drove against the Japanese in the Clark Field area itself.

One regiment of the 40th was sweeping westward, threatening an estimated 5,000 Japanese in the hills with envelopment. Japanese artillery and mortar fire, which fell heavily in the area southwest of Bamban Friday, was slackening fast yesterday as American guns and planes sought out one position after another and blasted them into oblivion.

CAVEMEN WALLOP KLAMATH QUINTET

Grants Pass Cavemen took command of third place in Southern Oregon conference play Saturday night when they walloped Klamath Falls 28 to 18 in a rough basketball game played at Grants Pass. Klamath Falls moved into cellar position as a result of their two losses to the Cavemen.

Many fouls were called on both teams, according to a telephone message from Grants Pass, with each team losing a player on five personal fouls and Grants Pass losing one for unnecessary roughness.

Klamath Falls plays Ashland at Klamath Falls next Friday and Saturday nights while Grants Pass comes to Medford for an infantile paralysis benefit game Tuesday night.

Increase Favored Old Age Pensions

Portland, Ore., Jan. 27—(U.P.)—An increase in the old age pension ceiling above the present \$40 limit today was endorsed by the Oregon state public welfare commission. Grants would be made on the basis of physical needs under the proposal. There are no limits on aid to blind and needy children.

Court Meet Set Chicago, Jan. 27—(U.P.)—The seventh annual professional world's championship basketball tournament will be held here, March 19-21 and 23 and 24.