

Senator-Lawyers Provide Field Day With Debate Over Civil Rights Trial Amendment

By A. ROBERT SMITH
Mail Tribune Correspondent
Washington — If the public is a bit baffled by precisely what is at stake in the current civil rights debate in the Senate over a jury trial amendment, the issue has provided a field day for the lawyers of the Senate.

Senators such as Wayne Morse of Oregon, Henry M. Jackson of Washington, Frank Church of Idaho and Joseph O'Mahoney of Wyoming, all of whose attorneys have been dominating the debate over this critical feature of the civil rights bill.

O'Mahoney and Church, with Estes Kefauver of Tennessee, are sponsors of the jury trial amendment. The bill as it stands would allow federal district attorneys to go into federal district courts and get injunctions or restraining orders to protect the civil right to vote of any citizen, presumably Negroes in southern states.

A federal judge can issue the injunction. If a public official, say a local election official, does not comply with the court order, the court could have authority to jail or fine him until he agreed to carry it out. No jury is involved in this procedure.

Criminal Contempt
The jury trial would come in when it became the purpose of the court to punish anyone who obstructed the court order, say an election official who continued to intimidate a voter in order to prevent his casting a ballot. This would be a case of criminal contempt of court, as distinguished from civil contempt when the court simply sought to attain compliance with its order.

The jury trial amendment would apply only in criminal punishment, but the judge alone could issue injunctions and jail officials until they complied with injunctions.

In arguing against the jury amendment, Morse, pointed out that "there never has been a right trial by jury in contempt proceedings, either civil or criminal." He said to interpose a jury between the court and the defendant would deprive the courts of their historic power to preserve their own integrity by punishing failure to comply. He said the defendant's protection lies not in a jury trial but in the power to appeal the court's decree to a higher court, ultimately to the Supreme Court, which decides all issues without a jury.

New Procedure
Senator Jackson, arguing for the jury trial amendment, said the bill without it would allow the federal attorneys to bypass the normal procedure, of getting indictments for crimes and trying them before a jury, and giving them a new procedure of getting court injunctions against certain criminal acts and punishing the violators without a jury trial.

Jackson said "trial by jury, just as the right to vote, is one of our traditional civil rights. And like all civil rights, it is designed to shield the individual from the potential tyranny of the state. We need not be so fearful of the future of voting rights that we now endanger one civil right to guard another."

Morse declared that juries are for "cases of controversies between individuals, in damage suits, and in other private controversies" but that to let a jury of laymen decide contempt of court cases involving constitutional rights would "weaken our court system" because "some juries are inclined to subordinate constitutional rights to local social, economic, and political attitudes and biases."

On Grounds of Policy
Sen. Richard L. Neuberger of Oregon, agreeing that plausible arguments had been made by lawyers on both sides of the issue, each side marshalling impressive precedents in law, said the Senate would have to decide the issue "on grounds of policy, not of law."

"If trials there must be, which will be more in the public interest?" Neuberger asked the Senate.

Neuberger, like Morse and Sen. Paul Douglas before him, pointed out that juries in the South are frequently carefully selected to exclude Negroes. This may be done in some states by limiting jury duty to registered voters — and since voting registration has been restrictive against Negroes, through poll taxes, literacy tests and other obstacles of discrimination, this means few Negroes can qualify for jury duty and fewer are called to serve by local jury commissioners. Sponsors of the jury trial amendment agreed to accept Neuberger's qualification that would apply only in states where Negroes are not excluded from jury duty.

Effectiveness Questioned
Douglas questioned the effectiveness of allowing juries to determine civil rights cases by citing the findings of a committee headed by Federal Judge John C. Knox which looked into

jury selection methods in the South. The Knox report found that a jury commissioner and a clerk of the court are appointed, one from each party, who in turn write to so-called "key-men" in each county for suggested names of jurors. The key-men are usually businessmen or political leaders, and in any event tend to be white citizens. Their lists are sent to the jury commissioner for the federal court of each district. The commissioners then select jurors,

sometimes by the spin of a wheel and sometimes by picking them by name from the lists, Said Douglas:
"Very few Negroes, I think — certainly a very small proportion of Negroes, I think — find their way onto the lists. Still fewer are selected for jury duty. Therefore, the juries which will try these contempt cases, if the amendment is adopted, will be carefully winnowed, and the Negroes of the South will have very little representation on them."

Quotes From the News

By UNITED PRESS
Washington—Defense Secretary Charles E. Wilson, on placing an air-tight spending limit on the military services:
"I won't approve anything that would raise defense costs one dollar in the name of mind I'm in now."

Washington—Sen. Barry Goldwater (R-Ariz.) on the garment industry activities of labor racketeer Johnny Dio and his associate, Theodore (Teddy Ray) Rii:
"I am ashamed that people like this hide behind the skirts of America."

Hollywood—Cornelius Vanderbilt Whitney, on plans to divorce his third wife and marry the star of his first Hollywood movie:
"It is difficult to explain marital troubles, and it is always unpleasant to try—but increasing conflicts have beset my marriage over the past several years."

Denver—Mamie Eisenhower, on dedicating a park in her honor:
"I hope through the years that all the young mothers in this area will say to their children: 'Hurry up now and get over there and play in Mamie's park.'"

Hollywood—Irish-Italian starlet Gia Scala, denying she was drunk when her sports car hit a house:
"I just had a couple of glasses of champagne with a doctor who is treating my mother. I'm really a good girl."

Hollywood Scandal Hearing Delayed to Seek Larger Room

Hollywood — The show billed as the spiciest in Hollywood history opened today in Superior Court with such a crowd of stars called to reveal their intimate lives that the first act had to be postponed until a bigger courtroom was available.

Scheduled to start at 9 a.m., the conspiracy trial of Fred and Marjorie Meade, first of actions against the notorious scandal-mongering magazines, Confidential and Whisper, had to be put over until 2 p.m.

Curious Spectators
That was the first time in the day that balliffs found available a court big enough to hold the 135 witnesses from among film-land's elite whose presence dragged out a mob of curious spectators.

The Meades were the first targets of authorities attempting to quash the retailing of movie-land peccadilloes. Their investigating agency was the collection point in film-land for the naughty gossip about the stars. From them it went to Confidential and Whisper. They were charged with conspiracy to publish libelous and obscene matter about celebrities.

Hollywood industry sources reportedly were supporting an investigation last spring by the state attorney general's office that resulted in an indictment against the Meades and other officers of the magazines by the

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U.S., Canada Join In Air Defense Against Russia

Washington — The United States and Canada took a big step forward today in setting up one overall North American air command to defend against possible Russian attack.

The two countries outlined plans for partially merging their air defense forces and putting them under the single control of U.S. Air Force Gen. Earl E. Partridge.

Partridge would be responsible to the chiefs of staff of both countries. His deputy commander in chief would be Air Marshal C. R. Slemon, Canadian chief of air staff.

System of Control
The two countries announced Thursday night that they have "agreed to the setting up of a system of integrated operational control of the air defense forces in the continental United States, Alaska and Canada."

The joint headquarters of the two air forces will be situated at Colorado Springs, Colo. Known as Adcanus, the headquarters will be organized along lines similar to the central command of the North Atlantic Treaty Organization (NATO).

The full powers of the commander and his deputy remain to be worked out in detail, a Pentagon spokesman said.

Sen. George Said 'Steadily Weaker'

Vienna, Ga. — Former Sen. Walter F. George, 79, fought stubbornly for his life today in what physicians called the gravest of a succession of crises of his heart ailment.

Dr. M. L. Malloy, his family physician, said the one-time "dean" of the U.S. Senate who retired last January after serving 34 years had reached "the lowest point yet" in his illness.

The influential former chairman of the Senate Foreign Relations committee afterward was named President Eisenhower's ambassador to NATO. His condition is becoming

Holmes Gives Pardon To Convicted Forger

Salem — Gov. Robert D. Holmes has granted a full pardon to Walter E. Baer, 58, Seattle, whom the federal government has been trying to deport to Germany for 23 years.

Baer, a former Portland resident, was convicted of forgery charges in 1919 and 1921 and was granted a conditional pardon by the late governor Earl Snell in 1945.

Baer's attorney, Irvin Goodman, Portland, said he thought

"progressively graver." Malloy said after consultation with Dr. J. Willis Hurst, heart specialist and head of the Emory University medical department in Atlanta.

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