

## Elkins Conviction Reversal Sought

Washington—UPI—A Washington attorney asked the Supreme Court Monday to reverse the 1957 wiretapping conviction of James Butler (Big Jim) Elkins of Portland, Ore., on the ground evidence used against him was illegally seized by state officers.

The evidence consisted of five tape recordings found in the home of Raymond F. Clark, one of Elkins' employees. Clark was convicted along with Elkins and joined in his appeal.

The two were found to have violated the federal communications act, which forbids intercepting and divulging telephone conversations without permission of the parties concerned.

Attorney Frederick Bernays Wiener, who represents Elkins and Clark, argued use of seized property in a federal trial was unconstitutional.

He said former Multnomah County District Attorney William Langley "was out to get Elkins" and obtained a search warrant lacking the necessary supporting information.

**NOT GUPP**

Minneapolis, Minn.—UPI—Despite Le Roy Douglas' announced shouts, Mrs. Helen Gorton, security officer at the market, grabbed his belt and held on until police arrived. In addition to a chicken hot from a rotisserie, police also found six steaks under Douglas' belt.



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## Matter of Fact

By Joseph Alsop

HERTZ'S DECISION

Washington—Unless appearances deceive, it is unfortunate that Prime Minister Macmillan has come to Washington to talk with President Eisenhower about the negotiations for a ban on nuclear tests.

It is unfortunate simply because the President decided, on his own hook and before the Prime Minister got here, to do just about what Macmillan wants him to do. Hence Macmillan's intervention will mainly tend to make an independent decision look as though it has not been independent. Thus another needless complication will be added to a painfully complicated business.

The decision the President has reportedly taken is to accept, at least in principle, the latest Soviet proposal for a comprehensive ban on nuclear tests. Agreement must also be reached with the Soviets on several other hotly disputed points. But the Eisenhower decision at least resolves the seemingly irreconcilable conflict over underground tests too weak to be detected by an inspection system.

If all goes well, detectable tests will now be banned by a formal treaty, providing a full inspection system. And undetectable tests will also be banned by a simple agreement to continue the existing test-moratorium for at least

another year, while the scientists tinker with their detection methods.

The pros-and-cons of this intricate device of a treaty-plus-an-agreement were hotly debated before a decision was reached. Prime Minister Macmillan in fact invited himself to Washington, because, at one moment, it looked as though the victory would go to those who wished to reject the Soviet proposals out of hand. The debate produced the opposite result after Macmillan had packed his bags, so to say, and before he arrived in America.

The pattern of the debate is still worth study, because of the strong light it sheds on the recent evolution of the Eisenhower administration. To begin with, even the opposition struck a new note. Former Chairman of the Atomic Energy Commission, Admiral Lewis Strauss, literally opposed any kind of ban on nuclear tests. The new Chairman, the able John McCone, favors a ban that can be inspected and enforced. But McCone fought the agreement to continue the test moratorium, because such an agreement will cover tests which cannot be detected by the inspection system.

Then too, a crucial role was played by the new civilian leaders of the Pentagon, Secretary of Defense Thomas Gates and Deputy Secretary James Douglas. The Pentagon used to feel as much distaste as the A.E.C. for any ban on nuclear tests. But Gates and Douglas now cast favorable votes. This is one of several recent and important indications that these two men are quietly bringing a new light into the Eisenhower administration's self-created caves of darkness and winds.

Finally, the President's decision was a major victory, in a very personal sense, for Secretary of State Christian R. Herter. Herter led the fight for the affirmative, constructive approach. He was the spearhead of his side in the argument. And even after the argument seemed to be going pretty badly, as Macmillan's hasty journey proved, Herter got his way in the end.

THIS was all the more noteworthy, because it was a repeat performance. In the long period of humiliating indecision about this country's policy on general disarmament, Herter played exactly the same effect.

When the Coolidge Commission turned in its report, in effect recommending that the United States could not support any kind of disarmament except fake disarmament, it was Herter who secured the report's rejection. He then fought for an affirmative, constructive approach through week after week of inter-departmental committee meetings. And although the final decision took on unconscionable time to reach, Herter got his way in the end.

Herter's recurring advocacy of sensibility and affirmativeness in dealing with the Soviets by no means implies a lack of firmness. When the Soviets played their tricks with the passes of the Western Military liaison group at Potsdam, the Secretary of State was the first to insist on a firm response.

Again, when the Pentagon said that high altitude flights to Berlin were "an operational necessity," the Secretary

## Wall Street Chatter

New York—UPI—Stock market history indicates the probability of a summer rise between June and August, and another rise between October and the end of the year, according to Speare & Staff.

The investment advisory firm says that during all but five of the last 22 election years, stocks have sold higher in August than the low for June.

Furthermore, the firm adds, stocks have sold higher in November or December than the low in October in every election year except 1884—regardless of which party won.

Prospects favor Borg-Warner whose product line has sufficient depth to afford favorable participation of the general business development of the economy, says the Fitch Survey.

The housing picture is not as bleak as it may appear, according to Investors Advisory Institute. "Essentially, the current slump has been due largely to the effects of tight money, which has caused a shortage in the supply of mortgage funds. However, recent developments in the money market suggests that a pick up in housing starts could occur soon," the institute adds.

## Narcotics Peddler Given 45 Years

Los Angeles—UPI—A 33-year-old convicted narcotics peddler, Henry Joe Ponce, Monday was sentenced to 45 years in prison by a federal judge who said Ponce preyed on the ignorant.

Described as a leading supplier of Mexican-grown heroin to southern California, Ponce was convicted March 16 of three counts of selling heroin. When his attorney protested the sentence, U.S. District Judge Ernest A. Tolin said he was "kicking myself for not making it 60. If I gave him a short sentence, he would be out on the street peddling again."

of State took the lead in securing the allied agreement that high altitude flights would be ordered. The flights were not ordered, solely because the civilian leaders of the Pentagon took another look at the operational facts, and saw that the alleged necessity did not exist.

In short, what can only be called a Herter style of policymaking is beginning to be fairly clearly discernible. It is a pretty impressive style, too.

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## Navy Blimp Sets Flight Record

Lakehurst N. J.—UPI—A Navy blimp landed at the naval air station today after setting a record for sustained flight of almost four days.

The craft, a ZPG-2, spent 93 1/2 hours in the air, a Navy spokesman said. The previous endurance record for an ordinary airship was 73.1 hours, set less than two weeks ago by another Navy blimp from the air station here.

The airship returned after flying an operational antisubmarine training mission more than 100 miles at sea.

Lt. Lundi Moore, Rancho Santa Fe, Calif., a veteran of airship flying, was in command of the record-breaking flight. In addition to Moore, the airship carried a crew of 19.

The blimp in its flight circled over a prescribed area, simulating discovery of an enemy submarine. It tracked the imaginary target without refueling or taking on fresh supplies.

Chedabucto Bay on the northeast coast of Nova Scotia is 30 miles long with a width of 15 miles.

MAIL TRIBUNE, Medford, Or.  
Tuesday, March 29, 1960

## McClellan Urges Ousting Hoffa

Employee Freed From Excavation

Portland—UPI—A city water bureau employee was trapped for a time in an excavation in southwest Portland Monday.

Ralph W. Prouty, 48, Portland, was freed by fellow workers and taken to Emanuel hospital where he was in satisfactory condition.

Prouty was working in an eight-foot deep trench putting in shoring when one wall gave way. He was covered by about 1 1/2 feet of dirt.

Washington—UPI—Sen. John J. McClellan (D-Ark.) said today it would be "a great day for decent and honest unionism . . . and for the welfare of the whole country" if James R. Hoffa were ousted as president of the Teamsters Union.

McClellan, chairman of the Senate Rackets Committee, said that he and Sen. Karl E. Mundt (R-S.D.) were on Hoffa's "purge list."

But, he said, "I doubt if the American people are going to let Hoffa determine who is

going to be their United States senator."

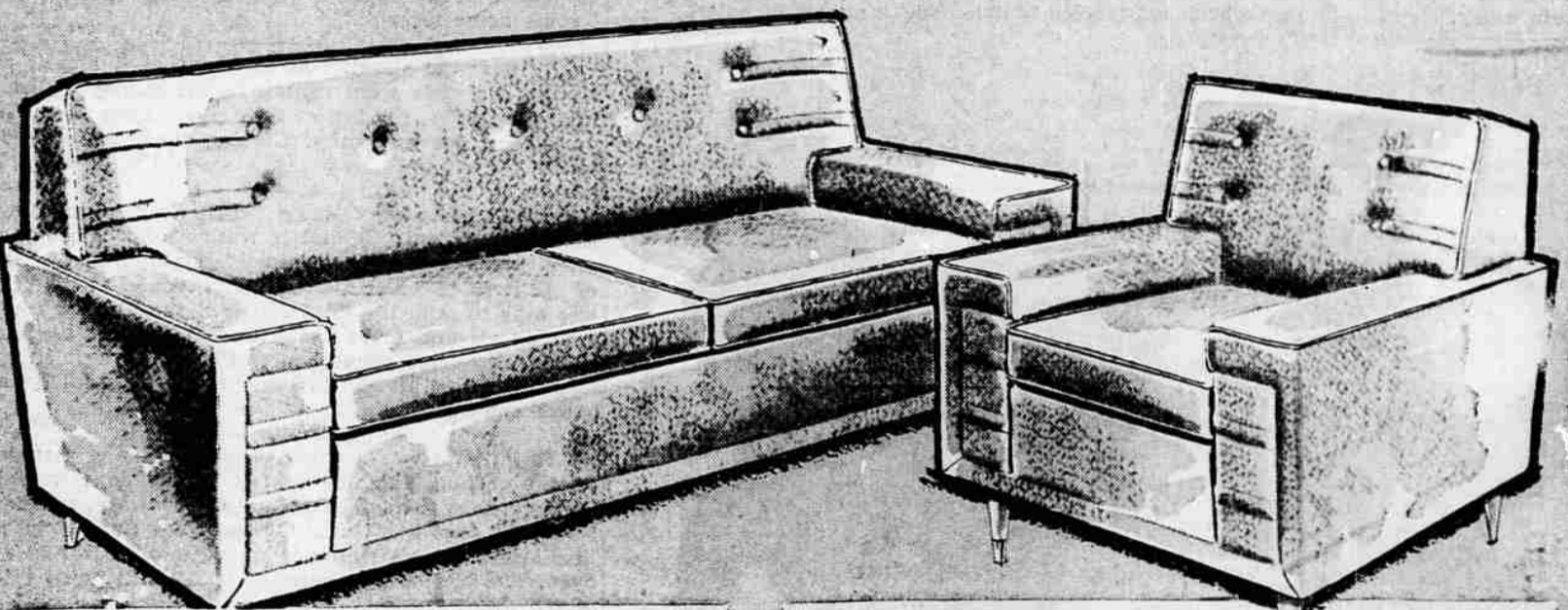
McClellan said "if justice is ever attained" on Rackets Committee testimony, "Mr. Hoffa will be relieved of his official connection with the Teamsters Union."

**GETS DIVORCE DECREE**

Los Angeles—UPI—Actress Irish McCalla, 30, awarded an interlocutory divorce from Patrick H. McIntyre, 33, nearly three years ago, Monday picked up her final divorce decree.



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