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Oregon Supreme Court Decisions

Salem—The Oregon Supreme Court Wednesday reversed the criminal libel conviction of Julius Kerekes, Baker.

Kerekes wrote a letter to the city manager of Baker accusing the Baker police and particularly the chief of police of having ransacked and robbed his home and having menaced him with a gun in front of his children and neighbors.

The decision, written by Justice Alfred T. Goodwin, said Kerekes proved at his trial that he had sought and had been refused audience by both the city manager and the district attorney before he wrote the letter.

Goodwin said there was some evidence in support of the truth of each of the statements made by Kerekes in the letter but there was a jury question with reference "to the truth of all the matters contained in the letter."

Must Prove Malice
"Where a private citizen addresses a written complaint to a public official concerning a matter within the addresser's area of responsibility," the decision said, "the defense of qualified privilege is available in an action for libel, civil or criminal, and the jury should be instructed accordingly. In cases in which privilege is an issue, malice is not presumed from a published falsehood, but must be proven."

Other decisions:
William E. Jensen, appellant vs. Peter C. Westenskow and Faith J. Westenskow; appeal from Union County; opinion by Chief Justice William McAllister; Judge William W. Wells affirmed as modified; suit for determination of a boundary line, decree favoring Westenskows modified to provide that expense of surveying the boundary be charged equally to plaintiff and defendant.

State Highway Commission, appellant vs. Charles Parker, et al; appeal from Lincoln County; appeal by Justice George Rossman; Judge Richard Anderson reversed and case remanded; condemnation proceeding by the commission with verdict and judgment for Parker of \$3,740 reversed, and case remanded; condemnation proceeding by the commission with verdict and judgment for Parker of \$3,740 reversed, commission argued that \$84 was sufficient.

Joyce A. Trombley vs. Lauren E. Trombley; appellant; appeal from Washington County; opinion per curiam; Judge Glen Hiefer affirmed; decree in a divorce suit awarding wife \$150 a month and \$375 a month child support for three children affirmed.

Mable Harris and Martha Pfeiffer, appellants vs. Archie Harris, et al; appeal from Umatilla County; opinion by Justice Gordon Sloan; Judge W. F. Brownnton affirmed; suit against heirs after an estate had been closed to recover a debt alleged due from the deceased, decree for defendants affirmed.

State of Oregon vs. Walter Robert Fowler, appellant; appeal from Lane County; opinion by Justice Gordon Sloan; Judge Alfred T. Goodwin affirmed; conviction of Fowler on a charge of robbery while armed with a dangerous weapon and a life sentence affirmed.

Bill of Sale Set Aside
Oscar K. Nygard, trustee of estate of Fatsen G. Shannon and Anna Shannon, bankrupts vs. Baker Distribution Yard, Appellant; appeal from Baker County; opinion by Justice pro tem Dal King; Judge W. F. Brownnton affirmed; suit in bankruptcy to set aside a bill of sale for personal property given to defendant, decree for plaintiff and judgment of \$3,873 affirmed.

James W. Morrison and Leonard L. Lamping vs. State Highway Commission, appellant; appeal from Marion County; opinion by Justice pro tem E. H. Howell; Judge Val D. Sloper reversed; judgment of \$39,000 for a contractor against the commission for alleged failure to furnish a proper right of way and compensation for increased costs due to changed conditions reversed.

Beverly Bland, appellant vs. L. G. Williams and L. F. Williams; appeal from Yamhill County; opinion by Justice Alfred T. Goodwin; Judge Arlie G. Walker affirmed; damage action brought by a passenger against driver of a car, judgment of involuntary non-suit affirmed.

Drug Therapy For Cancer Can Harm Marrow of Bone
London—(Science Service)—Drugs used to treat cancer can damage bone marrow. However, five cancer patients whose bone marrow was damaged by treatment with chemicals deadly to cells have recovered spontaneously, Ian Campbell Cree of Westminster Hospital, London, reported here in the British Medical Journal.

The five cases studied by Grant Batchelor of the West London hospital showed remarkable powers of bone-marrow recovery, Cree, formerly of West London Hospital, said.

The drugs used were thiopeta, (triethylene thiophosphamide) and testosterone, the male hormone.

Surgery and chemotherapy, or drug treatment, for some 50 cases of breast cancer given by Batchelor and other British surgeons and reported during the past year have shown favorable results.

Cree said that although the final verdict of this form of treatment must await a five-year or even a ten-year follow-up, the disappearance of skin metastases, the complete clearing of pleural effusions, and the relief of pain in bone metastases, combined with a remarkable improvement in the sense of well-being in advanced cases, has been most encouraging.

The only important side effect encountered, he said, was toxic damage to the bone marrow among five of 17 cases treated by Mr. Batchelor. Caution in dosage was advised.

Washington—(Science Service)—The giant solar storm now disrupting international communications also interferes with radar detection of missiles.

Even if the storm's results did not affect certain radars, long-distance communication of what a radar screen shows is seriously impaired, or even cut off, when the sun hurls high-energy particles earthward.

Such disruption is worse at the high altitudes of the North, where the radar screens that form the core of the U.S. early warning system are located.

Any detection system working at high frequencies or using the lower part of the very high frequency spectrum, up to about 30 or 40 megacycles, would be affected by a large solar storm.

The present magnetic storm is the most severe in a decade.

Not only are long-distance shortwave communications seriously upset following large solar storms, but the orbital time of all satellites within about 300 miles of earth will be slowed, due to expansion of the earth's atmosphere.

Scientists believe that the following events occur when giant sunspots erupt on the sun:

Clouds of ionized particles, mostly protons, speeding spaceward from the sun are trapped in the earth's magnetic field. (Ionized particles are atoms stripped of electrons.) Electrons may also be present in such clouds, but they are very difficult to detect because their effects are so very much smaller.

Particles Guided
The particles are guided to two belts of the earth's high atmosphere by the magnetic field, one belt about 23 degrees from the North Pole and one the same distance from the South Pole. The high-speed incoming particles are believed to fill up the Van Allen belts, the earth's natural radiation regions hundreds of miles up encircling the earth beyond the ionosphere. These then overflow and spill their contents earthward, resulting in auroras.

Instruments in satellites and studies of their motions are helping scientists build up a better picture of the interactions between solar particles and the earth's magnetic field.

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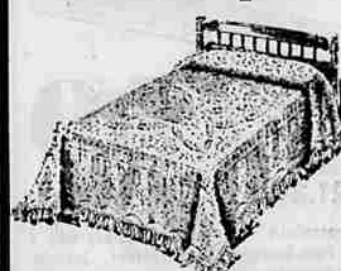


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