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The Case for Clemency

Three Oregon daily newspapers — the Eugene Register-Guard, the Coos Bay World, and the Portland Reporter—have called upon Gov. Mark Hatfield to commute to life imprisonment the death sentence of Jeannace Freeman. Various others are of the opinion that the death penalty should be carried out. This division reflects the division among the populace at large over this highly emotional question. Those who believe in capital punishment believe in it strongly; those who disapprove, do so equally strongly.

OUR opposition to capital punishment is a matter of record. But the Freeman case has elements to it which would cause us to oppose this particular execution even if we believed in capital punishment in principle.

The Register-Guard, in a closely reasoned editorial, reviews most of the reasons given for commutation, and rejects them. These include the "sob-sister" arguments, that she is a woman, that she is a "weirdie," that she's had a fantastically burdened and deprived life, that she needed help and didn't get it.

In rejecting these, the R-G then comes to its point: that a simple injustice has resulted, when of two women, equally guilty, one is given life imprisonment, the other death.

THE Register-Guard gives this brief review of the case:

"The mother of the (dead) children confessed, implicating the Freeman girl. Her confession supplied the evidence of premeditation that was essential for a capital case. Using this confession and the mother's additional testimony, the state tried the Freeman girl for first degree murder before a jury that was understandably angry and shocked. She was convicted, with no recommendation for mercy. Death was mandatory. Then, after the Freeman girl was on her way to the death house, the mother was brought back into court. But she was not tried before a shocked and angry jury. She was permitted to plead guilty (and to throw herself on the mercy of the court.) She was sentenced to life imprisonment. "The evidence against the Freeman girl, especially the evidence of premeditation, came from a woman who said she was equally involved. How can the state of Oregon believe that one committed a premeditated crime, the other a (lesser offense)? Why, if the evidence of premeditation was so strong in the Freeman case, was it so conveniently forgotten in the mother's case? "Ordinarily . . . we would not appeal to the governor to use his special authority in a specific case. The first time we have urged its use is now, in the case of Jeannace Freeman. "The governor has the power of executive clemency for use in cases like this. No legal errors are apparent, so in law there is no remedy. Yet, it is apparent, equal justice under the law was not achieved . . ."

THE provision for executive clemency was placed in the Oregon Constitution for a reason. It is there to be used in cases where the Governor feels an injustice has occurred. Thus, in employing that power to prevent an execution, he is "upholding the laws" just as he would be if he allowed the execution to take place.

Thomas E. Gaddis, author of "Birdman of Alcatraz," writing in the Oregonian, quotes noted crime writer (and lawyer) Erie Stanley Gardner as follows:

"It is true that a governor is elected to enforce the law, not as he would like to have it but as the citizens have enacted it. Where a state maintains the death penalty, a governor has no right to extend clemency simply because he or a large group of his constituents may be against the death penalty. "The moral obligation upon a governor, therefore, to extend clemency in cases where the equities require it is just as great as the obligation to see that any of the other laws are enforced."

LET it be said that, for a conscientious and ethically-motivated governor, such as Mark O. Hatfield, a decision such as the one he must make is an agonizing one. The responsibility for saving, or not saving, a human life is awesome. Nor will we find it possible to be unduly critical of him should he withhold executive clemency in this case. Still, on the basis of the facts as they have come to light in the past few months, we believe that the case for executive clemency is clear cut and iron clad. It is our hope that Governor Hatfield will exercise it.—E.A.

The Times' Unreported Story

No newspaper in the world does a better job of covering the news than the New York Times. It takes very seriously its boast of being the "newspaper of record," and of printing "all the news that's fit to print."

But there is one story—a fascinating one—which it hasn't even hinted at in its own columns. This is the story of the New York Times itself, and particularly of its western edition, during the New York newspaper strike.

The western edition was started a few months ago to make the Times truly a national newspaper. It had a circulation of several thousand, but it was not a profitable operation.

WITH the "mother paper" in New York closed down, one would expect the western edition to close, too. But no. It has continued printing each day (except Sunday) since the strike started. And, judging by the evidence, it is doing just about as monumental a job as before. Most of the familiar by-lines of Times writers continue to appear. If the news and editorials are being processed as before the strike, it is all being done in New York—a full staff putting out a "ghost newspaper," which is being published nearly 3,000 miles away.

We'd like to read the story of this operation—some time, if not immediately.—E.A.

"Gee, That Was Exciting—Some Day, Let's Actually Go In"



Matter of Fact

By Joseph Alsop (c) New York Herald Tribune Syndicate

A SOLID GAIN FOR KENNEDY

Washington—The members of the House of Representatives registered their opinion of the outcome of the 1962 election in votes on Tuesday and Wednesday. The House members plainly think that the election result, the meaning of which has been much disputed, was really a major win for the President.

After that kind of election result, it is hard to imagine the younger Republican members successfully challenging the super-partisan and obstructionist leadership of Rep. Charles Halleck of Indiana as they did on Tuesday. And it is almost impossible to imagine a major victory of the House Democratic leadership in the battle over the Rules Committee on Wednesday.

INSTEAD, Halleck's aging henchman, Rep. Hoeven of Iowa, was replaced as chairman of the House Republican Conference by Rep. Ford of Michigan, as a result of a well-planned junior Republican insurrection against their party's dictatorial House leader. By the same token, the liberalization of the Rules Committee was voted the next day by a majority of 235-196—a far better showing than two years ago.

THEY HAD their bases so precisely and completely covered that Speaker McCormack, at breakfast, at the White House on Wednesday morning, was able to tell President Kennedy just what the vote would be that afternoon despite the last-minute Republican attempt to throw all into confusion by demanding a vote on the previous question. Even the great Speaker Rayburn did not do this kind of meticulously detailed job.

Over-all, however, these House votes mainly prove that nothing succeeds like success. President Kennedy and his supporters did far better at the polls in November than the wisecracks anticipated. The result was a solid win for the President at the opening of the new Congressional session.

This win in turn forecasts a more successful session for the President than most people have been expecting. The forecast is reinforced by the highly significant fact that the crucial House Ways and Means Committee has two vacant seats, which will be filled with men pledged to Kennedy's views on Medicare and tax reform and reduction. On Wednesday evening, the President was reported as downright cock-a-whoop, and with some reason.



"It's part of the training for the new phase of the cold war. They have to stand eyeball-to-eyeball without blinking!"

Today & Tomorrow In the Day's News

By Walter Lippmann (c) 1963, The Washington Post

PROGRESS WITHOUT CRISIS The new Congress is meeting in a time of lull from a prolonged crisis. There has come a pause in world affairs. For the first time in a number of years—say since the challenge over Berlin in 1958—the threat of a nuclear war has receded somewhat into the background. From Berlin, the Congo, the resumption of nuclear testing, and finally to the climax in Cuba, the crisis mounted.

Now, for the time being at least, in both halves of the world, the pause which has a faint resemblance to peace has relaxed the tension enough to release the rivalries and ambitions of normal and unfringed men. After the armistice which ended the fighting of the First World War, Winston Churchill wrote that the battle of the giants had ended and that the wars of the pygmies had begun. In the aftermath of mortal crisis, there are removed the unifying pressures to hang together lest we hang separately, the urgency to rally around the leader lest everything should fall apart. Thus, with the Cuban crisis behind him, Mr. Khrushchev can turn on the Southern Democrats, reaction to the Republican gains in the South, which are the grand aim of Halleck and Goldwater. The shrewder Southerners like Sen. Herman Talmadge of Georgia have long predicted that important Republican advances in the South would drive the average Southern Democratic politician to abandon the extreme conservative posture, and to make a stronger show of party loyalty. It is difficult to see anything but a fulfillment of this prediction in the recent House vote, occurring just after a significant Republican pick-up of Southern House seats.

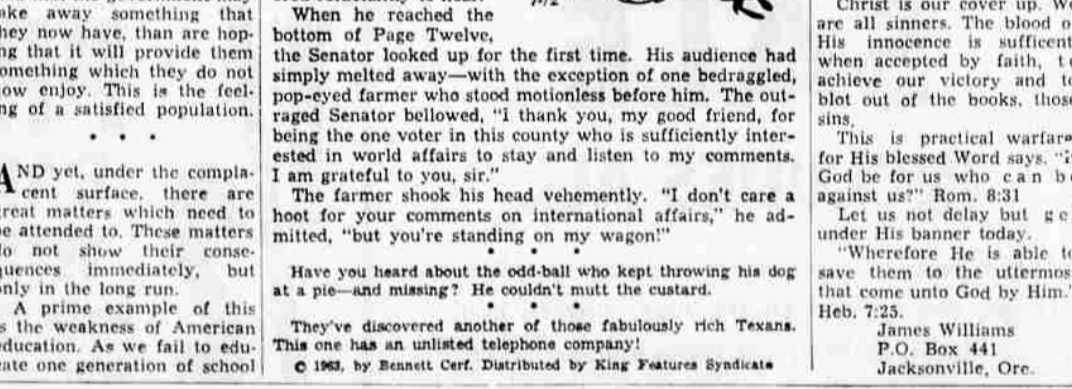
WE may expect that the new Congress will reflect the pause in world affairs. In our American constitutional experience, the power of the President to lead is, generally speaking, a function of some kind of national crisis, abroad in time of war and at home in a time like the great depression of the 1930s. President Kennedy's problem in this Congress is how to lead it when there is no apparent national crisis. There is, to be sure, plenty of trouble and danger in the world in which we are so deeply involved. But trouble which does not carry with it the danger of nuclear war is, for this case-hardened generation, not a real crisis. At home, there are many problems. But there is no crisis remotely resembling that of the Thirties which generated the steam behind the New Deal. While a great many Americans are very angry about a good number of things, more people are worried that the government may take away something that they now have, than are hoping that it will provide them something which they do not now enjoy. This is the feeling of a satisfied population.

AND yet, under the complacent surface, there are great matters which need to be attended to. These matters do not show their consequences immediately, but only in the long run. A prime example of this is the weakness of American education. As we fail to educate one generation of school children, the evil results of this failure do not appear fully until these children grow up and become the uneducated parents of a still-less-educated generation. It is hard to arouse democracies about the long run. This is the President's difficulty in dealing with the crucial matter of overcoming the chronic sluggishness of the American economy. The American economy is not doing what it could to provide the means for meeting the long-time needs of our expanding urbanized population. But the American economy, sluggish though it is, does nevertheless provide a remarkable defense and a rising standard of private living. The President must try to rally the support of a people which does not feel itself under the pressure of a crisis.

HE has to try, because he is not President for this day but for the many days to come. As there is no crisis which drives the people to follow him, he must lead by persuasion. He has to prove his case not only in a court of impartial judges, but in the arena where prejudice and passion and special interests contend. Thus, he has to be not only persuasive, but overwhelmingly persuasive, which is impossible with a very big and complicated program of measures, but may be possible with a program which is concentrated on some great issue, as for example and in particular, the expansion of the American economy. To achieve overwhelming persuasion where there is no great surge of emotion behind him, he will have to take the risk of boring the public by saying the same thing over and over again, if possible in different words. That has not been in the Kennedy style. But it may be indispensable.

A WINDY, UNRECONSTRUCTED Southern senator put on an unexpected appearance at a big country picnic one late summer afternoon and announced that if a platform could be provided, he happened to have a few words to say to his constituents. Reluctantly, somebody pulled up a farm wagon which the Senator mounted. He then whipped a long speech out of his pocket and began to read it, while some two hundred picnicers, slices of watermelon or ears of corn in their hands, gathered reluctantly to hear. When he reached the bottom of Page Twelve, the Senator looked up for the first time. His audience had simply melted away—with the exception of one bedraggled, pop-eyed farmer who stood motionless before him. The outraged Senator belatedly, "I thank you, my good friend, for being the one voter in this county who is sufficiently interested in world affairs to stay and listen to my comments. I am grateful to you, sir."

The farmer shook his head vehemently. "I don't care a hoot for your comments on international affairs," he admitted, "but you're standing on my wagon!" Have you heard about the odd-ball who kept throwing his dog at a pie—and missing? He couldn't mutt the custard. They've discovered another of those fabulously rich Texans. This one has an unlisted telephone company! © 1963, by Bennett Cerf. Distributed by King Features Syndicate



U.S. Withdraws From Popularity Contest

At the risk of appearing offensively smug, I must say that the thinly disguised "background" comments by the President in Florida, concerning his decision to strike out more boldly as the allied leader, came as both relief and justification for some of us who have long been pleading for precisely this posture. There are, after all, a few axioms that can be firmly fixed even to the shifting swamp of international conduct. Two of them would go about as follows:

1. It is not possible for any alliance to follow a line of conduct that is alien to the policy of the major power within the alliance, which policy must necessarily serve the ultimate security ends of the major power. 2. In a peacetime alliance of democratic governments, it is impossible to achieve advance agreements on actions that will cause serious and immediate pain to any of the members, even though the distant goal appears of overriding importance. For these reasons the United States was obliged to act alone in the Caribbean; advance agreement from our Latin American allies would never have come. For these reasons the President now feels obliged to put the screws to our European allies in pressing for a build-up of their conventional forces, on which they have been defaulting for domestic reasons, and in discouraging ideas of independent, national nuclear arsenals. This is not to say that the United States will, in fact, prove to work its will; but the whole logic of the situation obliges it to try. It is not to say, either, that the areas in which Washington can successfully strike out on its own are unlimited. Berlin carries a built-in limitation upon unilateral action. So does the Congo, given the present state of the U.N. involvement, possible as it may be that we will become chief supplier of manpower and strategies as well as of money and materials—a prospect this observer contemplates with dread. I realize the size and influence of the opposing school of thought, those convinced that unless an alliance moves all in step it will break apart. My own answer would be that the true test of an alliance is whether it can act effectively in a true crisis. I see little evidence that any of our systems of alliance can do this even with the push from behind; what is inherently required is the pull from in front. I believe these axioms can and must be applied even in the case of our ad hoc alliances for economic uplift and stability, meaning particularly

the Alliance for Progress. I doubt very much that even a country of such good purpose as Brazil, now half drowning in inflation, will act to save itself unless we act first, even though our action is negative. We are obliged to convince Brazilian leaders that we really will cease our periodic bailout unless they act to overcome their domestic ailment, excruciatingly painful though the cure may be. In this case and in others we are now obliged to establish, so to speak, the credibility of our economic deterrent. In acting upon the forementioned principles, we are going to undergo an intellectual and emotional crisis ourselves. The prevailing psychology of 20 years encrustation is not to be changed without suffering; and if we think we have an "unpopular image" now, it is nothing to what it will be, and in places where we very much want to be liked. But the President has now finally and frankly stated what some of us have long waited for—we are withdrawing from the popularity contest. Morally responsible leadership comes to this sooner or later, whether in a domestic family or in a family of nations. It must—in the name of the final good for the greater number. (Distributed 1963 by The Hall Syndicate, Inc.) (All Rights Reserved)

Flight o' Time

Medford and Jackson County History from the files of The Mail Tribune 10, 20, 30, 40 and 50 years ago.

10 YEARS AGO

Jan. 13, 1953 (Sunday) A second 24-hour skywatch station has been set up in Jackson county, according to civil defense officials.

20 YEARS AGO

Jan. 13, 1943 (Friday) Sheriff reports only four prisoners in county jail; lowest winter month total for several years.

30 YEARS AGO

Jan. 13, 1923 (Sunday) Dr. Henry Hartman tells local orchardists that "Medford is rapidly losing its reputation for first quality pears."

40 YEARS AGO

Jan. 13, 1913 (Monday) Oregon Jones, held in Grants Pass jail, confesses holding up couples leaving dance at Medford fairgrounds.

50 YEARS AGO

Jan. 13, 1913 (Wednesday) W. W. Eifer, longtime member of Medford city council elected mayor by margin of 100 votes over C. E. Gates.

What's Your I.Q.?

Nine or ten correct is superior; seven or eight is excellent; five or six is good.

- 1. Which U. S. President was a tailor by trade?
2. Was the novelist George Eliot a man, or a woman?
3. Who played the movie role of Babe Ruth in "The Babe Ruth Story"?
4. Correct the following: A basket of flowers were presented to the patient.
5. Of which state is Olympia the capital?
6. What land was ruled by the House of Orange?
7. Does the male mosquito bite or sting?
8. Was Niccolò Machiavelli a writer, painter or musician?
9. What do these men have in common: John Jay, Salmon P. Chase, William Howard Taft, Charles E. Hughes?
10. Is there a limit to the number of pennies that can be used in paying a debt?
Answers: 1. Johnson. 2. Woman. 3. William Bendix. 4. A basket of flowers was... 5. Washington. 6. The Netherlands. 7. No. Writer. 9. All chief justices of the U. S. 10. No.

GUEST SPEAKER

Ashland—Dr. Arthur Kreisman of the humanities division at Southern Oregon college, was guest speaker at the American Association of University Women's chapter meeting recently in the Ashland Trinity Parish house.