

Court Decision Leaves Issue Raised by Cases Undecided

Right To Choose Customers Left To Future Term

Washington—(UPI)—The Supreme Court has momentarily removed the sting from Southern sit-in prosecutions, but the great issue posed by the cases remains undecided.

It is: Does a business establishment open to the general public have a right to choose its own customers?

This blockbuster was reserved by the court at least until next term.

It could be speculated that the the short step the court took Monday was all it felt the country could stand in view of current racial unrest. But the truth is that no one but the nine justices know why they do things, and they aren't telling.

Overturns Convictions

The court overturned trespass and criminal mischief convictions in four lunch-counter cases on the ground that local governments—not storekeepers—were actually to blame for the racial discrimination.

The ruling had the peculiar result of barring discrimination in cities where there are local ordinances requiring segregation, and leaving the whole matter up in the air in cities which do not have such ordinances.

The suggestion was made during November arguments that a decision like Monday's might well result in a rush to get such ordinances off the books.

Justice Harlan Dissents

Only Justice John M. Harlan dissented from the court's reasoning in the sit-in cases. He said:

"Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure by protection from governmental interference."

Harlan said the mere existence of ordinances requiring segregation in public eating places did not remove the businessman from the sphere of private choice. He said it should be shown in each case whether the proprietor was motivated by the ordinance or by some purpose of his own.

A case argued last fall first operated the rights of the operator of a private business. It concerned five Negroes who insisted on riding the carousel in privately operated Glen Echo Amusement Park in Montgomery county, Md.

The course announced Monday that the case would be reargued some time during the term starting next October.

Kennedy's Plane Sets Speed Mark

Washington—(UPI)—President Kennedy's jet transport Air Force No. 1 set a Moscow-to-Washington record of 9 hours, 53 minutes and 52 seconds today, cutting nearly three hours off the Russian mark.

It was the second record in as many trips for the President's Boeing 707. On the trip to Moscow from Washington Sunday, the jet, piloted by Col. James B. Swindal, 46, set a trip record of 8 hours, 38 minutes and 42 seconds.

Air Force No. 1 had to buck considerable headwinds on the return trip and landed at Andrews Air Force base in a driving rain, but it was still far better than the 12 hours and 21 minutes it took a Russian TU114 turbo-prop plane to bring Premier Nikita Khrushchev to Washington in 1959.

The President's plane took Atomic Energy Commission Chairman Glenn T. Seaborg to Moscow to sign an agreement on an information exchange.

Mt. Everest Conquerer Without Oxygen for 3 1/2 Hours

Katmandu, Nepal—(UPI)—James W. Whittaker, first American to conquer Mt. Everest, had to struggle down from the world's highest peak for three and a half hours without oxygen, he disclosed Monday.

Whittaker, 32, Redmond, Wash., was accompanied by Nepalese Sherpa guide Nawang Gombu on the successful summit assault May 1.

Details of the climb were made known in Whittaker's first radio expedition on the

slopes of the 29,028-foot peak. The broadcast also brought word that a five-man team attempting to scale the unexplored west ridge of Mt. Everest would be "very, very lucky" to reach the summit but another team was proceeding on schedule by the relatively familiar south col route.

The two teams had hoped to meet at the summit Wednesday. Storms slowed the west ridge team, scattered its equipment and nearly

swept away two of its members.

Whittaker and Gombu carried special new lightweight oxygen tanks on their climb into the rarefied atmosphere on the windswept peak, but apparently exhausted the air supply on the way to the top. "We were without oxygen from the summit until we reached our camp, about three and a half hours," Whittaker said.

He said the wind was so strong at the peak that he and

Gombu could hardly speak to each other.

"There was no communication other than by jerks of the rope," he said.

Whittaker said he and Gombu reached the summit side by side and remained there about 20 minutes. It was previously reported they had spent a half hour on the peak. "I was so busy I did not check my watch all the time," he said.

He said he drove a four-foot aluminum pole bearing the American flag into the snow "at the highest point of Everest."

"The flag was unfurled and flying in the high wind," he said.

There was no sign of a bust of Communist Chinese party leader Mao Tse-tung at the summit, Whittaker said. A Chinese team claimed it scaled the peak in 1960 and left the bust there. Whittaker said it might have been lodged

among rocks just below the summit on the Tibetan side, where he did not venture.

Barry C. Bishop, 30, Washington, and Luther G. Jerstad, 26, Eugene, Ore., were reported following the route of Whittaker and Gombu through the south col in good weather today, with a good chance of reaching the summit sometime Wednesday.

The National Geographic Society in Washington said James B. Corbet, 26, Jackson,

Wyo., and Allen C. Auten, 36, Denver, along with four Sherpa guides, spent last Thursday night clinging to the edge of a crevasse while being buffeted by 80-mile-an-hour winds.

The men had slid 100 feet down the ridge during a storm that blew away their tents. They were pulled to safety unhurt by another member of the team who had inched down from a higher camp.

Corbet, Auten and Dr. Richard M. Emerson, 37, Cincinnati, set out on a reconnaissance climb today, according to radio reports from the base camp. They were attempting to establish Advance Camp 5W as close to the summit as possible.

Dr. William Unsöld, 36, Corvallis, Ore., and Dr. Thomas F. Hornbein, 32, San Diego, planned to follow three hours later, saving their strength for the summit assault they hoped to make.

Foreign Briefs

ITALY LAUNCHES MISSILE FROM SARDINIA
Rome—(UPI)—Italy successfully launched a Mike-Pache missile Monday from a base in Sardinia to a height of 128 miles for atmospheric studies, the Defense Ministry announced.

The sub-orbital launching was the first from the island of Sardinia since eight experimental missiles were sent up in 1961.

'HOT LINE' DISCUSSIONS CONTINUED
Geneva—(UPI)—American and Soviet negotiators met again today to continue discussion of the "hot line" communications link between Moscow and Washington.

PARIS RESIDENT ACCUSED OF SPYING
Paris—(UPI)—A Polish-born officer of the French Navy reserve has been charged with spying for a foreign power, the government announced today.

The announcement said Jean Pikus, 35, a resident of Paris, was arrested by French secret servicemen at Paris' Orly airport and charged with spying and threatening the security of the state.

WEST GERMANY REJECTS BIDAULT'S PLEA
Bonn—(UPI)—The government said today it has rejected former French Premier Georges Bidault's second bid to win political asylum in West Germany.

Tax Reform, Better Pay for College Teachers Given High Place by Hatfield

Salem—(UPI)—Gov. Mark Hatfield gave high priority to tax reform and better pay for college teachers Monday as the 1963 legislature started on what may be its final week.

Hatfield warned that failure to reform the tax structure would do "more to enhance the cause of sales tax supporters than any other action that could be committed."

And, he said, unless more money is provided for the faculty in the state system of higher education, the quality of education will be seriously threatened.

The legislature's tax pro-

gram now is in a conference committee.

Speaking at his weekly news conference, Hatfield stressed the importance of a base-broadening income tax feature, to pick up new taxpayers. Only scraps of his own income tax plan remain in the latest proposals.

"I want to make it clear I will look at any program objectively," he said.

Asked whether he might veto a distasteful plan, he said: "It's an alternative, certainly not one I would relish... I don't think the taxpayers would either."

He said because the legislature has waited until the "last dying moments," a veto

would pose the problem of a special session.

The recommendations for higher education are being handled by the Ways and Means committee, and still faced floor action in both houses.

Hatfield said the Board of the legislature increase the committee's recommended salary figure by \$1 million "has both my approval and encouragement."

Hatfield said a good faculty is the key in "maintaining Oregon's competitive position of quality education."

Hatfield also criticized Ways and Means cuts in sal-

ary increase money for state employees. He called it "false economy" and said the costs in turnover of state employees are greater than the savings in salary.

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Stocks Hold Steady As Rails Supply Most of Firmness

New York—(UPI)—Stocks held steady today with rails supplying most of the firmness.

Steels and autos were firm as were chemicals where Du Pont picked up a point. International oils were fractionally better. Electronics were mixed with fractional changes taking the upper hand. Controls Data was an exception, losing more than 3.

Sugar shares met demand and American Crystal Sugar and Amalgamated were up more than 1.

The exchange held up trading on Underwood following news that Olivetti is seeking to acquire 100 per cent of Underwood's outstanding shares at \$14.50 a share. Underwood closed at 13 1/2 Monday.

DOW JONES AVERAGES
New York—(UPI)—Dow Jones final stock averages: 30 industrials 720.18, off 4.63; 20 railroads 167.80, off 0.28; 15 utilities 140.79, up 0.11, and 65 stocks 256.42, off 1.05. Sales Monday were about 4.71 million shares compared with 4.41 million shares Friday.

Lockheed Aircraft	36 1/2
Martin	19 1/2
Merck	36 1/2
Montgomery Ward	37 1/2
National Biscuit	48
New York Central	20
Northern Natural Gas	51
Northern Pacific	27 1/2
Pac Gas Elec	32 1/2
Penney J. C.	48 1/2
Pratt & Whitney	16 1/2
Perma Cement	14 1/2
Procter & Gamble	78
Radio Corporation	63 1/2
Richfield Oil	43 1/2
Safeway	26 1/2
Santa Fe	28 1/2
Sears	80 1/2
Shell Oil	42 1/2
Secor Mobil Oil	66 1/2
Southern Co.	33 1/2
Southern Pacific	23 1/2
Sperry Rand	17 1/2
Standard California	84
Standard Indiana	37 1/2
Standard Oil	64 1/2
Sun Mines	10 1/2
Texas Co.	67
Texas Gulf Sulfur	16
Texas Pacific Land Trust	65 1/2
Thiokol	25 1/2
Trans America	31 1/2
Trans World Air	17 1/2
Tri-Continental	47
Union Carbide	110 1/2
Union Pacific	40 1/2
United Air Lines	47 1/2
U. S. Plywood	27 1/2
U. S. Rubber	48 1/2
U. S. Steel	48 1/2
United Utilities	77 1/2
West Bank Corp	39 1/2
Westinghouse	28 1/2
Youngstown	29

Monday's prices on selected stocks:

Allied Chemical	49 1/2
Alum Co Am	62 1/2
American Air Lines	24 1/2
American Can	45 1/2
A. T. & T.	123
American Tobacco	30 1/2
Anacosta Copper	30 1/2
Armco	55 1/2
American Standard	18 1/2
Bendix Corp	33 1/2
Bethlehem Steel	31 1/2
Boeing Air	36 1/2
Brunswick	13 1/2
Caterpillar Corp	41 1/2
Chrysler Corp	38 1/2
Coca Cola	34 1/2
C.B.S.	34 1/2
Continental Can	45 1/2
Crown Zellerbach	34 1/2
Curtis Wright	23 1/2
Dow Chemical	54 1/2
Dy Pont	250 1/2
Eastman Kodak	113
Firestone	30 1/2
Ford	30 1/2
General Electric	81 1/2
General Foods	51
General Motors	70 1/2
Greyhound	40 1/2
Gulf Oil	43 1/2
Honesty	48 1/2
Idaho Power	35 1/2
Int. Paper	31 1/2
Johns Manville	48 1/2
Kennecott Copper	78 1/2

Currency Change Nearing Approval

Washington—(UPI)—The Senate today was expected to approve and send to the White House President Kennedy's 1961 proposal to back \$1 and \$2 bills with gold reserves instead of silver.

Under the House-passed bill the Treasury would gradually withdraw present \$1 and \$2 bills, now backed by silver, and replace them with Federal Reserve notes.

The change was proposed because the use of silver is exceeding production and the price is going up. The demand for silver coins is also increasing due to the expanding economy and the increased use of coin-operated vending machines.

Under the proposed change, it would no longer be necessary to buy silver to back \$1 and \$2 bills, and the government can use the supply of silver on hand to make coins for many years. The Treasury now owns 1,600,000 ounces of silver.

The new Federal Reserve notes would be backed by 25 per cent gold reserve.

Hatfield Facing Busy Schedule

Salem—(UPI)—Gov. Mark Hatfield will speak Wednesday morning in Portland at a meeting of the American Association on Mental Deficiency.

At noon he will attend a luncheon of the Mystic Order of the Rose.

Thursday Hatfield will take part in dedication of the Dr. Irvin Hill memorial at Fairview Home. Thursday noon he will lunch with Mayor and Mrs. Lew Davis of Tucson, Ariz.

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MEDFORD TRIBUNE

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