

The Evening Herald

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GALLOP EDITOR
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MEMBER AUDIT BUREAU OF CIRCULATION

Circuit Judge Election

THE unprecedented stream of letters to the editor of the past few weeks on the circuit judge election is certain evidence of unusual public interest in this contest and strong personal feeling on the subject.

This is due, of course, to the personality and procedural policies of the incumbent, Judge Edward B. Ashurst. Whatever one may think about them, it is quite plain they have stirred the public deeply, and at this time, with the election at hand, the community is definitely divided into Ashurst and anti-Ashurst camps.

It will be remembered that Judge Ashurst was nominated in 1934 in a widely split field, running second in the primary race. There was strong public conviction at that time that there should be a change in the circuit judgeship. The incumbent in 1934 was a lovable character and a fine gentleman, but there was a lack of diligence in conducting the affairs of the office that had come increasingly to public attention. In the general election, Mr. Ashurst benefited from this sentiment for a change to the extent he was given a strong majority in the two-man run-off. The county was ripe for a dignified, diligent administration of the duties of the circuit judge.

Now Judge Ashurst is up for re-election, with four seasoned attorneys running against him and a good-sized battle of public opinion raging about the contest.

Judge Ashurst has been diligent and generally hard-working. We believe he has sought to be fair in the conduct of trials, the making of decisions, and the meting out of punishment to those convicted in his court.

What aroused public sentiment to its present high pitch was the judge's flare for publicity and sensationalism, and the unique methods by which he has achieved these ends from the bench.

For example, when the judge has felt called upon to ask the grand jury for an investigation of commercial gambling, he has not merely advised it of the law and the need for an investigation. With a characteristic excess in language, he has gone beyond that point to name names and make specific charges and accusations from the bench. The same has been true of other matters in which he asserted the law was being violated—notably his direct attacks on Councilman Elmer Hoising, State Legislator Harry Bolvin, and the late District Attorney Hardin C. Blackmer.

The result has been that the judge's grand jury pronouncements have been singularly unproductive of indictments that stand up. Following the first sensational affair, the grand jury did indict a number of public officials, but these bills were thrown out because it was found the judge had invaded the province of the grand jury when he chose to tell the jurors in public that certain individuals had committed crimes, instead of advising the jurors to investigate and discover if crimes had been committed.

In later instances, the judge made outright accusations from behind the immunity of the bench, but the jurors reported they could not indict because they had been advised by the state's attorney general that no law had been violated as charged. These accusations had the effect of reflecting, at least, on the character of those accused, and naturally when nothing came of them, there was a strong reaction.

Affidavits of prejudice in unusual numbers have marked the six years in the circuit court that Judge Ashurst has been in office. Unquestionably, this undesirable situation has been due in part to his sensational methods.

Judge Ashurst's strongly-worded public pronouncements against gambling have created a public pressure that has, in fact, stopped certain forms of public gambling which had been permitted to operate here, although they brought no convictions. His motives in this connection have been generally approved by decent people, even though they may have questioned his methods.

He is running for re-election largely on a claim that he has lifted the community from a quagmire of vice and sin, and in exaggerating the sin to put across this point he has, to a considerable extent, offended community pride. His main campaign slogan is that "there is no substitute for diligence, competence and fidelity," a statement with which none will disagree.

Judge Ashurst is likeable, generally affable and not lacking in a sense of humor. His eccentricities of dress, in keeping with his flare for showmanship, can hardly be counted against him or for him as a candidate for judge. They are simply Judge Ashurst. The judge is undoubtedly a great reader and student, and can call at will upon literature to bolster speeches that, despite their remarkable flow of language, grow boring because of their length and repetition.

The four candidates running against Judge Ashurst are experienced attorneys of good character.

In alphabetical order on the ballot, the first-named is Henry Perkins. Mr. Perkins has practiced here for about a dozen years, and has been an attorney-at-law for 26 years. He is fair-minded and hard-working. He is not colorful, but inspires confidence.

David R. Vandenberg, who has practiced here for 15 years, is young, aggressive, and active. He has probably received more public attention than the other candidates in the past half dozen years, due to his participation in a number of prominent trials. He is well-liked. Wilson S. Wiley has a rich experience in public and private practice, extending over many years. He is former district attorney and mayor. He is probably the best public speaker among the candidates, and whether elected or not, local organizations would do well to call upon him more often for public addresses.

A. C. Yaden, another lawyer of long experience, who for six years has been referee in bankruptcy here, is highly respected in the profession and among his friends. He is a student of the law and is fundamentally fair-minded and conscientious.

That is the field. The voters, on Friday of this week, will either elect one of these men circuit judge by giving him a majority of the primary vote, or will nominate two of them who will run against each other in the general election next fall. In this discussion, the fruit of a fairly consistent observation from close at hand over an eight-year period, we have naturally discussed Judge Ashurst at greater length because he is the incumbent, and because, in the public mind, the main issue now is the manner in which the judge has conducted the office.

NEWS BEHIND THE NEWS

By PAUL MALLON

WASHINGTON, May 14

Young new deal lawyers are scurrying under cover to prevent themselves from being eaten by their own pet octopus—the lawyers guild. They have actually organized on the quiet to keep the guild's communist tentacles from encircling them in the same suffocating manner as was done in the National Youth Congress and the Negro Congress.

The guild was spawned at the time of the supreme court capture to promote Mr. Roosevelt's blitz-reform of that third branch of government. Communists filtered in. Accumulating signs recently have indicated to the new dealers that the guild was planning to capture this year's guild convention. The same old red-herring resolutions were to be proposed, denouncing not aggressors or invaders but wars, praising NOT liberty and democracy, but peace. A criminal slate of officers is known to have been drawn up.

To block all this, a sort of round robin agreement has been circulated among the new deal attorneys pledging the Washington delegation in writing to oppose the crimson—and they don't mean Harvard. A public explosion such as was narrowly averted in Mrs. Roosevelt's Youth Congress is likely.

Behind the round robin are Messrs. Jerome Frank, Eicher and probably Tom Corcoran.

SAME POINT

The big point to military men is that Hitler has now at least chosen to gamble on the same point the kaiser lost—the invincibility of the German army. He has hit where the allies should be able eventually to muster their maximum strength against him for the first time. Up to his crossing of his Dutch rubicon, he had isolated the great army of France (still called here "the best in the world until proven otherwise.") He was then fighting Britain alone; now he has doubled his active enemies. He has opened the gate of the lowlands for his own use, if his attack succeeds, for use of the allies to invade Germany, if it fails—a gate which otherwise was beyond their reach.

BIG LIST

TEN-SECOND INTERVIEW: Gen. Marshall, chief of staff, U. S. army.

"I don't know where we may have to fight, but I do know where we have fought: France, Germany, Belgium, Italy, Russia, Siberia, China, the Philippines, Mexico, Cuba, Puerto Rico, Canada, Tripoli, the United States." "The number of troops now engaged in maneuvers is so small that it is not a question of where we are preparing to fight, but one of learning how to fight and securing the equipment with which to fight."

BLAST

The A-A (anti-aircraft) fire which Treasury Secretary Morgenthau directed against the new glass RFC bill was aimed at Jesse Jones, the lending administrator, but verbally wounded an innocent bystander, Budget Director Harold Smith.

Morgenthau was unaware of it but Jones worked up the bill and received an okay on it from Smith before it was passed along to Senator Glass for introduction in the senate. Glass naturally assumed it was an official administration bill.

But one little provision in the measure would deprive Morgenthau of the right to pass on preferred stock of banks and insurance companies accepted by RFC. Another would extend the reckoning date on securities in RFC for another five years. Jones has thus been disabled by his own administration A-A's although everyone concerned is chuckling except Morgenthau.

ITEMS

The Belgian minister here, at least, was shocked by the German invasion. He received his first warning when he was called from dinner by Presidential Secretary Watson. All he could say was: "My heavens, my heavens!"

The off-on-one tactics of the railroad brotherhoods on the Wheeler-Lea railroad bill has left congress in a daze and the bill probably in a sewer. No action is likely.

Mr. Roosevelt's civil aeronautics authority revision suffered heavily in the senate from failure to come out with his reasons for the change (squabbles in the authority). He outmaneuvered himself by not presenting his best case. Nor did he have the services of his best presenter. Senator Jimmy Byrnes, who usually handles such things, has been looking

SIDE GLANCES



"Your business needs variety, Cluckwell! Doesn't anybody ever try to produce a new kind of carrot or bean?"

the other way, leaving it to Floor Leader Barkley.

Telling The Editor

DEPLORES PERSONAL BITTERNESS

KLAMATH FALLS, Ore. (To the Editor)—I am a newcomer to Klamath Falls and perhaps I should not express an opinion, but I was astounded to hear a so-called address to the grand jury by Edward B. Ashurst several weeks ago in which he attacked a Mr. Bolvin. To me it sounded most bitter and vicious.

Imagine my consternation when I learned the judge of the circuit court had flagrantly misquoted the law attempting to indict Mr. Bolvin! I wish Mr. Knight would draw a cartoon to depict Mr. Ashurst sitting so snugly behind his judicial bench lashing a man's good name to bits. I hope I shall never be at the mercy of his tongue! Is this procedure legal? To my knowledge, nary an apology did the judge make to Mr. Bolvin.

There should be no place for personal bitterness in our public affairs.

EUNICE PETERSEN, Merrill Road.

INFORMATION PLEASE

Just what has become of the shining light, Whose non de plume was Winter Knight?

Has he run out of dope so soon in the game

He started, to bring our "dear judge" fame?

Or has he gone to some cleaner place

That no "red lights" or "gangsters" grace?

I have read the funnies since Heck was a pup,

And I read them now that we are both grown up.

"Bringing Up Father" and "Betty Boop"

And all the rest down to "Alley Oop."

But the screwiest mess that has come to light

Was "Cleaning Up Vice" by Winter Knight.

With our dear little judge in the midst of it all,

Making them scam, with his dagger small.

Now Mr. Knight, just what kind of hay

Do you smoke, to get to feeling that way?

Do you raise it yourself, or have it sent in?

Does it come in a bale, or done up in tin?

Next time you light up, and get on a jag,

Won't you please concentrate, and think up a gag

That will get us some roads out here in the sticks,

For that's what will please we "Suburban Hicks."

MARY McGUIRE, R 2, Box 313, K. F.

JUDGE AND PRINTING

KLAMATH FALLS, Ore. (To the Editor)—We wish to announce that the letter signed by J. A. Henry, president of the Pressmen's Union No. 325 and H. C. Raymond, president of the Allied Printing Trades Council was not an official act of either one of these organizations, but was just a personal opinion.

It is not to be construed that we are taking sides in this campaign, but we do know that Judge Ashurst has been a consistent buyer of union printing and carries the union label on his stationery.

JACK SANOR,

Sec. of the Allied Printing Trades Council.

C. GRIFFITH,

Sec. I.P.P. and A.U. No. 325.

Chemult

The new store near Palmer is well under way. Jack Rose and Son are the contractors for the building. Biggs is doing the painting. A new refrigerator has already been installed.

Van Arens of Klamath Falls was a Chemult visitor this week. Mr. and Mrs. Red Wilson from the Mohawk tavern in Crescent were business visitors last week-end.

The Gilchrist nursery is now open to the public with a nice variety of cut and potted plants, as well as a nice line of garden necessities such as grass seed, fertilizer, soil etc.

Although the weather has been cold and the water high, the fishermen report several nice catches.

Walter Berg is putting a marker on the front of his building. He is using pumice from the West Coos pumice mine for the foundation.

Francis Bray Serter and Mrs. Walter Berg were Chemult visitors last weekend. They brought some lovely flowers to Mrs. Berg for her birthday.

It has been snowing and raining the last few days. Looks like our summer was a short one.

Rogers Construction company had to close their rock crusher down because of the snow and rain.

Bing's Service and Joe's Place have a new coat of paint.

The Ritchies have been making considerable improvements on their place, planting lawn and flowers. They have a lovely outdoor swimming pool that is available to the public.

RENO LICENSES

RENO, Nev., May 14 (UP)—Marriage licenses issued: Howard T. Kellison, 27, and Mildred D. Vestal, 25, both Chilodun, Ore.; Aaron T. Hoffman, 45, and Helen E. Alcorn, 42, both of Bly, Ore.; Carl Franke and Janet Callahan, each over 21, Lakeview, Ore.; J. I. McGrew, 35, and Jane Burk, 30, both of Klamath Falls.

STILL SERVICEABLE

A copper pipe, removed from the 8500-year-old pyramid of the Egyptian Pharaoh Cheops some years ago, held water even after so many centuries.

Advice to ladies: Gentlemen prefer Wieland's Extra Pale.

VOX
NOW PLAYING
LOVE OF A HORSE... THAT POINTED THE WAY TO HONOR

TWO THOROUGHBREDS
JIMMIE LYDON
JOAN BRODIE
I. M. KERRIGAN
ARTHUR HORN

BAD BOY
JOHNNY DOWNS
RYLAND KEITH
JACKIE COLE
ARTHUR HORN

Dr. CYCLOPS
ALBERT DEKKER
JANICE LOGAN
THOMAS COLEY
CHARLES WALTON

RAINBOW
Novelty
Travel
Cartoon
News

TWO MEMBERS FOR PLANNING BOARD OKAYED

Appointment of two new members to the city planning commission by Mayor Clifton Richmond was confirmed last night by members of the city council, bringing to seven the total members of the group.

The new members, Arthur Wilson and Charles Mack, as some guties immediately. Wilson's term will expire January 1, 1946, and Mack's on January 1, 1947. The appointments were made when it was found in a recheck of city ordinances that the commission should consist of seven members instead of five, which has been the extent of the membership to date.

Members Listed

The commission consists of the following old members: Elmer Balsiger, chairman; Frank Jenkins, A. M. Collier, W. T. Lee and the Reverend Arthur Charles Bates. Ex-officio members are City Engineer E. A. Thomas, County Engineer Frank Howard and City Attorney D. E. Van Vactor. The ex-officio members have heretofore been considered regular members but an investigation disclosed that technically two new regular members are necessary to bring the body up to its legal status.

At a meeting of the planning commission Tuesday afternoon two measures to be placed on the ballot in the special city election for installation of traffic signals and purchase of a new street sweeper were endorsed as outlined by the city council.

Come To Vote

The measures will come up for vote at the primary election Friday, May 17, with provisions to raise the necessary funds calling for one mill levy.

It was decided to have crosswalks painted on Main street and parallel to Main as far as available funds go. The matter was suggested and a motion to that effect made by Councilman R. A. Cantrill. The motion was passed after a short discussion and the matter was referred to the city engineer for action.

Attorney Authorized

The council voted to authorize the city attorney to sign a waiver of damages in connection with the purchase by the city of property on the southern shore of upper Klamath lake from the California Oregon Power company. The action was asked by Copco on the assumption that damage may result from wave and water action on the shoreline from Copco's lake control system.

Another matter connected with the California Oregon Power company dealt with an agreement with Copco signed by the city on May 6, 1935, under which Copco installed 10 two-inch water outlet standpipes. The standpipes were rented by the city at \$97.56 per year. With the expiration of the agreement, Copco asked either its renewal or purchase of the standpipes. The matter was referred to the city engineer and the light and water committee.

Police Reports

In a report from the city police department it was disclosed that a total of 274 arrests were made during April, bringing the total to 882 this year. Twenty-nine auto accidents were reported during the month, in five of which injuries occurred.

A report from City Recreation Officer Spec Murray for April stated that 27 bicycle licenses

• HOW to EAT to BEAT the HEAT

By ALICE H. SMITH
Nutritionist, Cleveland Health Council

WHAT! You can't eat that? How often are you troubled—or think you're troubled—by certain food combinations? Are you sure you can't mix your proteins and your starches? Do you have to eat your vegetables in the "natural" state?

Well, there are a lot of people like you. Somehow the idea is pretty prevalent that this is "toxic" or that is "acid." And there are real digestive troubles. In such cases a physician should be consulted. But, generally speaking, most of these food "fads" are totally without foundation.

You can't mix your starches and proteins? "Oh, I never do that," you hear someone say. Carefully that person avoids roast beef and mashed potatoes, or broiled fish and a glass of milk at the same meal. Yet that same person will smack his lips at the mention of oyster stew, lobster a la Newburg, codfish cakes or baked beans and Boston brown bread, all combinations of starch and proteins.

The trouble with your stomach is often mostly in your head. Nature, fortunately, has the food-mixing problem pretty well in hand. Milk, for example, contains both sugar (starch is changed to sugar in the process of digestion) and protein. Likewise all cereals contain both protein and starch; also vegetables.

In fact, there are very few pure starches and proteins and they would not only provide unattractive meals but deficient ones. Even starch in the form of flour contains some protein.

But your food is "toxic," you say. Normally, food isn't toxic. That's one thing to remember next time you begin to worry about food combinations.

Of course, there are some people with definite allergies, and to them certain foods are toxic. These obviously should be avoided. A physician should advise in such cases. But, generally, were you to avoid several foods because they were "toxic," you would run the danger of diet deficiency which might result in troubles much worse than sensitivity or allergy.

The same holds true for "acid" foods. Normally, tomatoes and citrus fruits do not cause an "acid condition." The acids in these foods are normally burned

or oxidized and their residues are alkaline.

TEETH! Everybody uses them, but how many do anything about them? Apparently too few. Poor teeth are one of the great health menaces of today. Hundreds of surveys have shown the appalling number of decayed teeth among school children alone. And there are millions more suffering all forms of dental difficulty.

Likely, with most of these, the trouble began in their childhood; even before childhood, since the "baby teeth" are formed before birth. Permanent teeth are formed very early in life. You can have your teeth fixed any time you want after that, but you can never restore what your teeth lost in the beginning.

Which brings us to the question of how and when to begin dental care.

As yet science has not been able to tell us the whole story about the cause of and cure for dental caries (decayed teeth). Science has, however, shown the importance of diet in forming normal teeth and in keeping them. Teeth, like any other structure, stand up better when well fortified.

Long, exhaustive research gives us a pretty clear picture of tooth structure and tooth needs. Teeth are made up largely of minerals, calcium and phosphorus. They are nourished by the same supply of blood nourishing all other parts of the body.

To build these teeth we must have generous amounts of vitamins D and C. In terms of common foods that means milk, heading the list, fruits and vegetables, especially tomatoes and citrus fruits, next. The vitamin D is not supplied very generously in food, except vitamin D milks, and so it must be secured either in a concentrate, such as fish liver oil, or else by exposing the body to the ultra-violet rays of the sun.

To assure good teeth for children a campaign of education should begin with the mother. She must learn the necessity of an adequate pre-natal diet and she must continue that adequate diet for the child with the protective foods from the first day of the child's life.

NEXT: All about vitamins and where you find them.

were issued, bringing the total to 1085, and total receipts to \$271.25.

Other matters brought before the councilmen consisted of routine property ordinances, and the consideration of licenses and permits.

FUNERAL

ALBERT HERMAN JOHNS

The funeral service for the late Albert Herman Johns, who passed away in this city on Sunday, May 12, will take place from the chapel of Ward's Klamath funeral home, 925 High street on Wednesday, May 15, at 2:30 p. m. under the auspices of the local order I.O.O.F. No. 37. The commitment service and interment will be in the I.O.O.F. cemetery. Friends are respectfully invited to attend.

Sundials give correct clock time only four days out of the year: April 15, June 14, Sept. 1 and Dec. 24.

Courthouse Records (MONDAY)

Divorce Complaint Filed
Jeanette M. Jones versus Rufus H. Jones. Charge, cruelty. Couple married at Madera, Calif., March 21, 1927. Plaintiff asks suit money, attorney's fees, and return of maiden name. Lynn Moore, attorney for plaintiff.

Justice Court
Irving Charles Willard. Drunk in a public place. Fined \$20.00. Henry Bollinger. Reckless driving. Case continued.

George Jara. No operator's license. Fined \$5.50.

Irwin Maurice Smoot. Violation of basic rule. Fined \$10.00.

Harry Earl Simonsen. Violation of basic rule. Fined \$10.00.

George Howard Durand. No operator's license. Fined \$5.50.

Frank George Wagner. Vagrancy. Sentenced to six months in the county jail. Sentence suspended of he leaves state.

TODAY

A lovely bride, isn't she?

...BUT YOU WOULDN'T MARRY HER!

She's guilty of the one thing no man can ever forgive! But she's happy in the memory of one man's love!

DATE MIRIAM
DAVIS · HOPKINS
in
"THE OLD MAID"
with
GEO. BRENT

DONALD CRISP · JANE BRYAN · LOUISE FARRER
JAMES STEVENSON
JEROME COWAN
WILLIAM LUTHER
CECILIA LOFTUS

ALSO
Travel · Musical · News

RAINBOW

Now You Can't Fool Rochester!

"De Boss Ain't Tough!"

JACK BENNY in **BUCK BENNY RIDES AGAIN**

ELLER DREW · ANDY DEVINE
PHIL HARRIS · "ROCHESTER"
VIRGINIA DALE · LILLIAN CORWELL · DENNIS DAY
and "CARMICHAEL"

ALSO
"MARCH OF TIME"

PINE TREE