

U. S. Anti-Trust Suit Against AP Enters Last Phase

By PAUL M. YOST
WASHINGTON, Dec. 5 (AP)—The final phase of the legal battle over the government's anti-trust suit against the Associated Press opens today in the supreme court.

Counsel for the AP contends that the civil anti-trust action as it now stands would require the non-profit news cooperative to admit to membership all competitors, thus—in violation of the constitutional guarantee of freedom of the press—making it a public utility subject to government regulations.

In reply, the government asserts that the AP would not be converted into a public utility and freedom of the press would be furthered. It says the anti-trust laws do not affect the editorial policies of the press, but do deal with the relations of AP and its members to other newspaper enterprises.

The supreme court granted a total of three hours for oral arguments on the case, beginning with hearing AP counsel probably in mid-afternoon. Justice department attorneys were to begin their argument late today, or Wednesday afternoon.

The AP appealed to the high tribunal from a decision by a special three-judge federal court in the southern district of New York.

That court found that the AP did not monopolize or dominate the gathering or distribution of news. It ruled, however, that the AP should be restrained from observing by-laws under which members might consider the competitive ability of an applicant for membership.

The court decreed that if AP modified these by-laws, it could continue to provide its news report exclusively to AP members, to demand the local news of members exclusively for AP use, and retain its contract with the Canadian press for exchange of news.

The justice department also appealed the special court findings. It asked that the supreme court require a "more explicit" provision against exclusion of presspaper from AP membership for competitive reasons. This should not be left to depend "upon a gamble on the members' willingness to conform their conduct to the spirit and intent of the court's decree," the department said. It also attacked the cooperative's news exchange arrangements with members and the Canadian Press regardless of any changes that might be made in the by-laws.

The New York court based its decree on a finding that news is subject to a public policy requiring its dissemination "from as many different sources, and with as many different facets and colors as is possible."

The AP in a brief filed with the supreme court said the lower court took the position that even if the cooperative—under the court's decree—became the only news gathering agency, no public injury could result.

"This position," the AP brief said, "is completely inconsistent with the entire basis of the decision. If every paper published the same dispatches from the same agency there would then be no multiplicity of facets."

The justice department likewise presented a brief in which it said the only change in the by-laws required by the decree—apart from news exchange requirements—is the elimination of the right to exclude newspapers from membership for competitive reasons.

HIGH SCHOOL News Notes and Comment

By JUANITA SHINN
The first home basketball game of the season will be played against Weed this evening in the boys' gym. The Wildcats will play an opening game against the Weed "B" squad at 7 o'clock, and the Pelicans will play the "A" squad immediately following it.

From conversation gathered in the halls during the day, there would apparently be a good turnout for the senior-sponsored dance after school.

Tomorrow, December 6, will mark the third of the initiations in KUHS. The "K" club will take in a number of new members, and will spend the day, and most of the evening, making their initiates miserable.

Patricia Benoit was chosen by the student body and a committee of faculty members to receive the "DAR Good Citizen" award. She will receive a \$100 war bond, and her name will be entered to compete for the state honor.

Pat has attended KUHS all four years of her high school career. When she was a sophomore she was president of the Library club and edited the Kub edition of the Krater.

At the present time she is secretary of the student body, secretary of the Honor society, vice president of Pep Peppers, a member of the assembly and traditions committees, a Krater staff reporter, a member of Quill and Scroll, Latin club, and the Future Teachers of America.

At the present time she is honored queen of Jobs Daughters, but has not yet been installed.

Last year Letty Linman received the Klamath Falls award, and also won the state award.

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MEN AND WOMEN IN SERVICE



KIMSEY IN FRANCE
Flight Officer O. F. Kimsey has been in France just one month, and likes it—thinks that the food over there is "just as good as it is at home if not better," according to a letter received recently by his mother, Mrs. I. Kimsey, route 2, box 858.

Lt. Kimsey is trained as a glider pilot and is now flying a transport plane. He entered the service last year. His wife and one-year-old son live in Boise, Idaho.



JONES TRAINS
Aviation Cadet Earl E. Jones, 21, son of Mrs. Jennie May Jones, 136 Michigan, has just completed the army's primary flight training course at Thunderbird field, Glendale, Ariz. Jones attended KUHS and was previously employed by the Klamath Machine and Locomotive Works.



PATTERSON IN ITALY
PFC Archie Patterson, 34, son of Mr. and Mrs. John T. Patterson, 702 N. 11th, is winterizing his sandstone house in Italy where he serves as a bomb ordnance specialist with a 15th AAF B-24 Liberator heavy bombardment squadron.

His group has staged more than 160 missions and has received two war department unit citations for outstanding achievements. One was for the destruction of the second largest oil refinery in the Balkans and the other for bagging 40 Nazi aircraft while pulverizing the rail facilities at Bucharest.

Prior to joining the USAAF in April, 1942, Patterson was a machinist with Moty and Van Dyke. He has been in Italy since last January.



RECEIVES WINGS
Frederick David Hartin, 28, Klamath Falls, has received the silver wings of an army air forces pilot and was sworn in as a second lieutenant at ceremonies at Napier field, Ala., an advanced single engine pilot school of the AAF training command. Son of Mrs. Carmel Hartin, he is a graduate of Klamath Union high school.

Previous to his acceptance for aviation cadet training, he was employed by the Southern Pacific. He is married to Winifred Gravelle of Duluth, Minn.

JOHN ARRIVES
Richard Leroy John, 18, son of Mrs. Rebecca Baldwin of Chiloquin, has arrived at Camp Walters, Texas, infantry replacement center, to begin basic training.

BARRETT VISITS
Marvin Barrett and wife and baby have been visiting in Klamath county with their parents, Mr. and Mrs. Albert Barrett and Mr. and Mrs. C. E. Burton, of Round Lake. Barrett is in the navy air corps and was here on leave from Texas. Both Barrett and his wife will be remembered here. They attended school here for a number of years. Marvin graduating from Keno high school with the class of 1942. He was president of the student body in his senior year. His wife was formerly Lauralie Burton.

WLB HEAD TO SPEAK HERE AT MEETINGS

Dr. Bernard Noble, chairman of the regional war labor board, with headquarters in Seattle, will speak at two meetings to be held in Klamath Falls on December 14. It was announced today at the Klamath chamber of commerce.

Noble will address a chamber forum meeting for employers to be held at lunch at the Willard hotel that noon. A round table discussion will follow the formal meeting. The chamber forum committee is in charge of the meeting.

That evening, Noble will meet with representatives of AFL and CIO labor unions.

At both sessions, he will discuss present trends in war labor board policy.

Chamber officials emphasized that all persons planning to attend the luncheon meeting should make reservations early.

COMING EVENTS
BIRMINGHAM, Ala., Dec. 5—Willie Mae Hannah told police a fortune teller who called at her house predicted she soon would have "financial reverses."

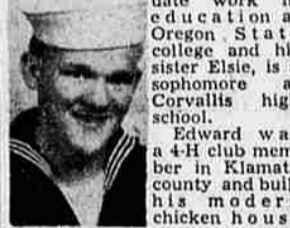
After she left, Willie Mae discovered her purse containing \$90 was missing.

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SCHULTZ WOUNDED
Friends of Edward A. Schultz, F.2c, U. S. navy, will regret to learn that he has suffered wounds and is now in a hospital somewhere in the South Pacific. Young Schultz is the son of Mrs. Mildred R. Schultz of Corvallis and the late Clarence V. Schultz of Weyerhaeuser. His mother is now doing graduate work in education at Oregon State college and his sister Elsie, is a sophomore at Corvallis high school.

Edward was a 4-H club member in Klamath county and built his modern chicken house from the money paid him for his champion capon in 1941.

In a letter written to his mother on Red Cross stationery, Edward said, "I regret to write that I don't think I'm coming home after all. I can state the extent of my injuries though. My shoe was blown off of my foot and a small piece of shrapnel got me in the thigh. I still jump at noises. I'll be OK and ready for anything in a couple of months." His address may be had from Mrs. Schultz at 125 N. 30th, Corvallis, Ore.



GIVEN PURPLE HEART
Mrs. Lula B. Hutchens of Klamath Falls was recently the recipient of a Purple Heart, sent to her by her son, First Lt. Ronald H. Hutchens, who received the medal in Italy after having incurred a shrapnel wound in his right arm, October 9.

He is with the fifth army in the tank destroyer division, and has been overseas two years and was in the Tunisian campaign. He was hospitalized for a while but is now supposed to be back with his outfit.

Mrs. Hutchens has two other boys in the service. Lt. L. D. Hutchens in the quartermaster division, stationed in the Mariana Islands, and Sgt. M. D. Hutchens, on duty at Anchorage, Alaska.

COMPLETES SCHOOL
Marine Pvt. Robert Harvey Lohrey, 18, son of Mr. and Mrs. William O. Lohrey of 2144 Eberlein, Klamath Falls, recently completed sea school at San Diego, Calif. He is awaiting assignment with a marine detachment aboard a ship of the U. S. fleet.

The leatherneck enlisted in April. He formerly was a student at Klamath Union high school.

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Bronze Star for Montgomery



(NEA Telephoto)
Lt. Comdr. Robert Montgomery (left) has the Bronze Star pinned on his chest by Commodore S. F. Helm, commanding officer of Terminal Island, Calif., Naval Operating Base. The citation of the former movie actor, now on the active list, was for "meritorious achievements as operations officer on staff of commander of destroyer squadron."

De Mille May Lose \$5000 Job Because of One Dollar

HOLLYWOOD, Dec. 5 (AP)—Because of a dollar, Producer Cecil B. De Mille may lose his radio program, for which he reportedly is paid \$5000 a week.

This issue arose when the American Federation of Radio Artists issued a \$1 assessment for funds to combat state proposition No. 12 on the November ballot, described as being designed to establish "the right of employment, free from interference because an employee does or does not belong to a labor organization." The proposal was defeated.

De Mille refused to pay, asserting "I cannot afford to lose my rights as an American citizen, or my respect for myself as such."

AFRA has set the deadline for payment of the dollar at 5 p. m. next Monday, an hour before the radio drama hour which De Mille directs and narrates.

Yesterday the pioneer Hollywood figure released a statement in which he asserted the question is: "Can any organization, as such, usurp the rights of an American voter and arbitrarily make up his mind for him that he must support or oppose any proposition on the ballot?"

Declaring himself "a union man and a supporter of and believer in unions," De Mille said after the election he was informed "if I did not pay the dollar assessment I could not work." He added: "Surely this is not the free America we are preserving on the battlefields of the world today."

In answer, AFRA issued a statement declaring "AFRA considered proposition 12 outside the realm of partisan politics, regarding it purely as an attack on the right of a union to bargain collectively for a union shop—a fundamental principle of American unionism."

Farmer to Answer for 40-Year-Old Slaying of Man

ST. HELENS, Ore., Dec. 5 (AP)—Although relatives are insisting that he "see a lawyer," Benjamin Franklin Male, 73-year-old farmer and millworker, likely will leave here this week for West Virginia to answer for a 40-year-old slaying, Sheriff M. R. Calhoun said today.

The sheriff, who holds a ticket sent by West Virginia authorities, said a relative in San Francisco telephoned Male, advising that he obtain legal advice before returning to Fairmont, Va., where he has been held for the killing of Willie Smith, a schoolteacher in 1904.

Male, however, has been drawn from his decision to the music; the sheriff said an attempt will be made to detain a train reservation week.

Male, known here for years as Andrew J. Priddy, honey producer, told Calhoun that he killed the latter with a hickory hoe with blood ran out of his eye after Smith struck him.

"Never in my 38 years has gon has my conscience bothered me," Male told a reporter. "After a jury hears my story I will be acquitted."

He told his story to the sheriff after his estranged wife formed the officer that Male a fugitive.

VOTES OF OREGON CONGRESSMEN GIVEN

WASHINGTON, Dec. 5 (AP)—Here is the way members of congress from Oregon are recorded as having voted on roll calls during the two weeks ended November 30:

House:
On the crop insurance bill—For: Angell, Ellsworth, Stockman. Against: None.

Senate:
On the Bailey amendment to the flood control bill to permit the government to build power transmission lines only if 60 percent of power developed by public dams had not been sold or claimed—For: None. Against: Cordon, Holman.

On confirmation of Edward Stettinius Jr., as secretary of state—For: Cordon. Against: None. Not voting: Holman.

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To save yourself disappointment— PLEASE DON'T PLAN A HOLIDAY TRIP on Southern Pacific

If you are a civilian planning a holiday trip on Southern Pacific this year, we hope you will give up your plans and thus save yourself from disappointment.

Here are the facts:

Already, Southern Pacific's volume of passenger traffic is about five times greater than in 1940, a fairly normal year, yet practically no new passenger cars could be built since Pearl Harbor. Too, we must move increasing thousands of service men as the war against Japan mounts in intensity. And we must be ready at all times to transport the wounded arriving from the Pacific.

In addition, thousands of service men and women will be going home over the holidays to visit their families. For many of them, it will be the last chance to go home for a long time. We intend to take care of them.

We can't add to the number of seats and berths on our trains, so it is clear that civilians planning holiday trips on Southern Pacific will be disappointed. Naturally we don't enjoy publishing this warning. Ordinarily we'd be very happy if you "tried the train" on your holiday trip. Maybe next Christmas there'll be room for everybody on our trains. We profoundly hope so. But first things come first until this war is over.

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