

PORTAL PAY CASE DISMISSED

In The Day's News

By FRANK JENKINS (Travel Correspondence)

THIS writer, as you must have noticed, keeps dwelling on the huge development that is coming to California as a whole and to Southern California in particular.

It isn't because of awed admiration for the great state that is our neighbor. Bigness isn't everything in this world. As a matter of fact, size and power are among the greatest dangers we face. When people get big and powerful, they seem to lose the common touch that makes life livable for all of us.

What goes for people goes for states. It goes for organizations. It goes for business institutions. We fear Russia because she is too big and too powerful. Nobody worries his head about the menace of small shopkeepers and little manufacturers. It is BIG business that stirs our misgivings.

Local unions in small plants never hurt anybody, and have helped a lot of people a great deal. It is the big national union, with power and privilege concentrated in a few hands at the top, that bothers us.

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Herald and News

PRICE FIVE CENTS KLAMATH FALLS, OREGON, FEBRUARY 8, 1947 (Telephone 6111) ** Number 10853

WEATHER	
Max. (Feb. 7) 44	Min. 32
Forecast for 24 hours 40	
Normal 43.00	Last year 39.54
Forecast: Fog Sunday.	

British Fuel Administration Hit

House Labor Committee Plans Probe

WASHINGTON, Feb. 8 (AP)—The house labor committee, which started out to write a new labor law, sought today to broaden its hearings into a \$50,000 investigation of "all complaints of union racketeering."

Chairman Hartley (R-N, J.), told reporters that if the house grants the money, the committee also will "make any other investigations into the entire labor situation which would help in writing a bill."

This, he said, would involve sending subcommittees into the field to look into complaints. Three days ago he disclosed plans to send out investigators who will get the views of rank-and-file union men on labor legislation.

Hartley first announced the committee's new plan last night after hearing testimony from eight witnesses representing Philadelphia fruit and vegetable dealers.

These witnesses, testifying under oath, said officials of local 929 of the AFL teamsters union had "coerced" and "intimidated" them and virtually shut down the Philadelphia wholesale produce market.

Hartley also disclosed he was sending a telegram to the FBI and the Philadelphia director of public safety, asking "complete protection" for the witnesses because "these men are seriously afraid of physical violence."

Jack Perry Cuts Wrists

YREKA, Feb. 8 — Jack Kyle Perry, 34, tried to take his own life yesterday afternoon in the Siskiyou county jail where he is being held on a criminal charge arising from an admitted attack on a 17-year-old Klamath Union high school girl.

Deputy Sheriff Thorne West said that he found Perry lying on the jail floor at 2:15 yesterday afternoon, his wrists slashed and bleeding profusely. Perry was given emergency treatment at Siskiyou general hospital.

When Deputy West found Perry, several other prisoners were gathered around him and were apparently trying to take him into a shower room.

It was determined at the hospital that no arteries in Perry's wrists were slashed. He had been cut and bleeding for about 15 minutes, and apparently had cut his own wrists with a razor blade.

Siskiyou authorities said that Perry was "incapable of death," and that Mexican prisoners in the jail had been telling Perry stories of lynching. They had even told Perry that a Klamath Falls man was planning to get himself put in the Siskiyou jail to get a chance to kill him, the officials said.

Perry has asked for special protection for the rest of the time he is in the Siskiyou jail. He was arraigned in superior court this morning on the charge of assault with intent to commit rape, sex perversion, crimes against children and kidnapping, and was given until Monday at 1:30 p.m. to enter a plea. Mark Brawman was appointed his attorney.

Veto Looms In Debate On World Arms Reduction Plan

NEW YORK, Feb. 8 (AP)—The still-unresolved problem of devising machinery for worldwide arms reduction was tossed back to the United Nations security council today, raising the prospect that a veto might be exercised either by Russia or the United States.

After three days of debate behind closed doors, a six-nation committee gave up efforts to reconcile American-Russian differences and drafted two separate resolutions. One set forth the United States position and the other the Soviet stand.

Both the United States and Russia stood firm to the end on the terms of reference of a proposed arms reduction commission state clearly that the new body would not infringe on the work of the already functioning atomic energy commission. Gromyko held such wording was not necessary and would cast doubts on the basic general assembly resolution.

Pelicans Have This Rebound Under Control



This unusual basketball pose was caught by The Herald and News photographer's camera at the high school gym last night as the University of Oregon Frosh defeated the Klamath Pelicans 52 to 51 in an overtime battle. Jerry Thorn is about to pick up the ball for Klamath while Joe Zarosinski, on hands and knees, looks on. In the foreground is Elton Lantz of the Frosh. No. 14 coming up is Pat Wohlers, and back of Thorn is Roger Mockford.

Cannon Runs Wild On Train

ILLMO, Mo., Feb. 8 (AP)—A large army cannon on a flat car of a Cotton Belt railroad freight train broke loose from its ties yesterday and started revolving as the train moved northward.

Then the Cotton Belt train met a 125-car Missouri Pacific freight, which uses the same double-tracked railroad, and before the trains could be stopped the rampant cannon had caused damage unofficially estimated at \$15,000.

As the cannon revolved, railroad men said, it struck almost every other car on the Missouri Pacific train, punching a hole in the side of the cars—55 in all—and causing damage to the diesel locomotive to such an extent it had to be removed from the train at Gale, Ill.

Marshall Takes Atomic Stand

WASHINGTON, Feb. 8 (AP)—Diplomats today viewed Secretary Marshall's first major policy statement as a guarantee of determined counter-measures against Soviet world propaganda and attempts to link atomic energy control with disarmament.

Marshall declared the United States must back up its foreign policy with real military power until there is "peace with a dependable basis of collective security."

That, he said, means there must be a universal military training program to supply the armed services with manpower. He held a press conference he does not agree with the Russian view that atomic energy control, can be dealt with as a part of the disarmament question. In any case there can be no disarmament until there is international security, Marshall said.

Indian Receives Stab Wounds

Marvin Isaacs, 20-year-old World War 2 veteran and member of the Klamath Indian tribe, received critical stab wounds in a quarrel at a Chiloquin residence early Friday night. Special Indian Officer John Arkell said that no arrests had been made but that seven persons, two women and five men, were involved in the fracas.

Isaacs was moved by Arkell's car to a point near Barclay Springs where the ambulance transferred Isaacs to Hillside hospital. Isaacs has a particularly deep wound, apparently inflicted by a pocket knife, under the left arm, a bad cut near the left eye and numerous other wounds. Arkell said he had the man's shirt and counted 11 slashes in the garment.

Arabs Given Palestine Plan

LONDON, Feb. 8 (AP)—A new British plan for the strife-ridden Holy Land, faced the scrutiny today of Palestine Arab leaders, one of whom said that if the plan let one more Jew into the country "it will mean war."

Jewish agency leaders were expected to be given the formula before next week and possibly today.

Jamal Hussein, head of the Palestine Arab delegation here, was handed the plan last night but put off its consideration until this morning because, he said, "I'm sure it would ruin our night's rest."

Undisclosed at the time it was turned over to the Arabs, the cabinet plan was based upon a compromise between Foreign Secretary Ernest Bevin and Colonial Secretary Arthur Creech Jones. Informed sources said it called for immediate entry of 100,000 displaced European Jews into the Holy Land, in place of the current 1500 a month.

The fear of war was voiced last night by Emile Ghouri of the Arab delegation. Arab leaders have stood firmly against an increase in Palestine's Jewish population of some 600,000, more than 1,000,000 Arabs also live in the country. Zionist leaders have demanded that 1,000,000 Jews be settled there soon.

Utah Cops Baffled By Calls

SALT LAKE CITY, Feb. 8 (AP)—Except for that southern accent, Utah state police might be chasing Virginia's criminals all over the Beehive state—and the officers blame it all on an atmospheric doublecross.

For the past few weeks, Utah state police cars have been receiving every call the Virginia police have been giving out. "If Virginians didn't have a drawl, our cars might get confused," Patrol Inspector Rulon Bennion said. He explained that the two radio stations use the same frequency.

Bennion added that a layer of gases at 22,000 feet deflects the Virginia broadcasts directly into the Utah patrol's network from 10 a. m. to 4:15 p. m. (MST) daily. However, after sundown, the temperature of the gas mass drops cutting the connection. Everybody sighed with relief when it was discovered the phenomenon was restricted to a six-hour span, but then another interesting matter popped up.

When the gas cools off and Virginia fades from the network, conditions become ideal for reception of Seattle city police calls. At various other times the patrol has also crossed networks with Indiana and New York police.

Industrialists Face Charges

NUERNBERG, Feb. 8 (AP)—The United States formally charged five German industrialists with war crimes today in an indictment linking the business brains of the third reich with the worst deeds of the politicians and generals.

Brig. Gen. Telford Taylor, chief American prosecutor, served the indictment against Friedrich Flick, 63-year-old industrialist who had vast power, and four men associated with Flick in a far-flung iron and steel enterprise.

Named with Flick were Otto Steinbrink, Konrad Kaletsch, Bernhard Weiss and Hermann Terberger — names known throughout Germany but seldom if ever heard beyond the borders.

These five ran the "Flick concern," biggest private enterprise of its kind in Europe and second only to the Hermann Goering works.

Soldier Admits 'Black Dahlia' Butcher Slaying

FORT DIX, N. J., Feb. 8 (AP)—Capt. William Florence, head of the army's criminal investigation department here, announced today that Corp. Joseph Dumais had admitted the slaying of Elizabeth Short (the Black Dahlia) in Los Angeles.

Capt. Florence said Dumais had signed a lengthy statement in connection with the mutilation-murder of the attractive brunette and had admitted under questioning that he had committed the crime.

Post Public Relations Officer Cornelius T. Morris, who released the statement from Florence, said Dumais, a 29-year-old military policeman from Claremont, N. H., had identified marks on the slain girl's body which were corroborated by Los Angeles police.

Daughter Admits Slaying Father

ST. LOUIS, Feb. 8 (AP)—J. Vincent Reardon, president of a St. Louis paint manufacturing concern, was shot to death early today and his 13-year-old daughter admitted she had admitted the shooting.

Willmann quoted Mary Reardon, a junior high school student, as saying she shot her father because he had stopped her from running away from home with a 13-year-old boy friend and she feared she would be put in a boarding school.

Industries To Close On Monday

LONDON, Feb. 8 (AP)—A widespread press attack was loosed today against Fuel Minister Emanuel Shinwell as Prime Minister Attlee's labor government faced a severe storm of public and parliamentary criticisms over the coal crisis which will force a major shutdown of England's industries Monday.

"Shinwell must go," three conservative provincial papers proclaimed, and even the laborite London Daily Herald took to task Shinwell and other members of Attlee's cabinet, accusing them of failure to keep the public informed of the developing crisis which has been aggravated by the severe cold wave that has gripped Europe for 11 days.

On the continent the spreading coal crisis caused a drastic industrial shutdown in the American zone of occupation in Germany, leaving some 250,000 workers virtually idle. About 80 per cent of the factories in the state of Wurttemberg-Baden began slowing down production of heavy equipment this morning in preparation for a total halt ordered Monday.

The U. S. zone shutdown was ordered last night by the American and German authorities. Political tension mounted in Britain amid speculation whether conservative leader Winston Churchill would choose Monday, the day of the industrial shutdown in the London, Manchester and Birmingham areas, as the psychological moment to offer a motion of censure, a move he recently announced he planned to make in February.

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Suburban League Goes Against Tax

Opposition to the proposed state sales tax was put on record by the Suburban League at a meeting Friday night. Matters of bus and mail service to south suburban areas were also discussed.

A petition was presented to Louis Soukup, owner of the Klamath Bus company, for additional service. Complete loop trips were suggested with travel going out one street and returning by the other on Shasta way and S. 6th, reversing the direction on alternate trips, and charging an additional 10-cent fare for persons traveling beyond the terminal point at Madison.

Soukup promised full cooperation to improve service, countering with a suggestion to add a bus on the half-hour, making two trips each way per hour with the additional fare. The company will submit several workable schedules next week for approval of the league, he said.

Present "mounted" mail service is deemed unsatisfactory, using central boxes, each serving several families. The house address system is employed with individuals sorting their mail from the central boxes. This problem is to be taken up with postal authorities.

The league went on record opposing HB 88 with resolutions going out by wire Friday morning to Salem. This bill gives the county court authority to determine the type and location of buildings erected.

Next meeting of the league will be held Friday, February 21.

Alaska Pulp Work Slow

WASHINGTON, Feb. 8 (AP) Frank Heintzleman, forest service director in Alaska, yesterday reported to Interior Secretary Krug that even after contracts have been signed and construction started, it will be three years before actual production can start in Alaska's paper and pulp development.

He said half a dozen excellent millsites have been surveyed in southeastern Alaska and power sites have been explored which are capable of producing more than 800,000 horsepower of hydroelectric energy.

An interior department spokesman said Heintzleman asserted that large scale development must await settlement of aboriginal rights to forest lands.

Highway Death Rate Drops

SALEM, Feb. 8 (AP)—Despite an all-time record of 479 persons killed in Oregon traffic accidents last year, the state's traffic death rate dropped, Secretary of State Robert S. Farrell Jr., said today.

The traffic death rate in 1946 was 10.5 killed per 100,000,000 miles traveled, compared with 11.8 in 1945.

Farrell suggested organization of high school student safety councils to supplement classroom instruction in driver training.

His office is distributing a series of high school safety manuals to help student safety councils to organize and conduct accident prevention programs.

Time Involved In Mt. Clemens Suit "Trivial"

By ARTHUR W. EVERETT

DETROIT, Feb. 8 (AP)—Federal Judge Frank A. Picard today dismissed the Mt. Clemens Pottery Co. portal-to-portal pay case.

The court further held that if small amounts of portal time are to be considered compensable, that industry should not be held liable for payment before last June 10, when the supreme court first outlined the portal-to-portal theory.

In his 29-page opinion Judge Picard concluded "Let us not be understood as holding that all portal-to-portal suits should be dismissed. There may be, and perhaps are, many instances where walking and the preliminary activity time consumed is of such an amount as to call for compensation that the worker is not now receiving, but this is not one."

Judge Picard went back six years to the original ruling of the master in chancery to hold that the pottery employees are not entitled to any overtime pay whatsoever.

Time Trifling
The court held that at best the pottery workers might have accrued time in walking to their jobs. He held that this time was trifling, he added:

"We go one step further and we hold that should we be in error in determining what the supreme court meant; should it be held that the supreme court intended the walking time to be computed both ways, morning, noon and night, and that this pyramided walking time being over 12 minutes was not de minimis, we then believe that in all fairness to this defendant such a holding would be of a nature not intended by either the fair labor standards act or congress, and that it would amount to an unfair and unexpected penalty against this defendant unless we took a second step and applied the doctrine of retroactivity and alleviation."

"In this particular case this company relied upon the wage and hour act as administered and interpreted by the administrator and the courts.

U. S. Approval
A representative of that department checked on the method of computing time and overtime at this plant in 1939 and placed its stamp of approval thereon. If the opinions, administrative letters, regulations, and decisions of our courts were followed, this would warrant any industry, including this defendant, in not computing less than 20 or 25 minutes a day walking time and preliminary activities as compensable.

"The doctrine that walking time and preliminary activities under some circumstances are compensable is not new. But a close analysis of cases that have passed upon the question indicate that they do not apply to the general field of manufacture except where the employee admittedly had to report at a certain hour where the walking and preliminary activities time was 'considerable' or 'substantial.' Never before has anyone attempted to bring walking and preliminary activities time consumed into such a narrow, picayunish, meager sphere. Furthermore we do not believe that the supreme court ever intended such an interpretation."

Judge Picard began reading his opinion to newsmen at 1:50 p. m. (EST). He spent nearly an hour in his crowded chambers explaining the background of his decision after extracting a promise that he would not be quoted except from the decision itself.

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