

ROSENBERGS LOSE FINAL PLEAS

In The Day's News

By FRANK JENKINS

By a vote of six to three (ALL justices returning from their vacations and participating in the decision) Justice Douglas' contention that the Rosenbergs were tried under the wrong law and therefore should have another trial is overruled.

Shortly after announcement of the decision, President Eisenhower rejects an appeal for executive clemency. So far as known, that settles it and the Rosenbergs will have to die in the electric chair.

Right-or wrong?

That is a matter of personal opinion. If you are in doubt as to what should have been done, try on yourself this best of all rules for human conduct:

"Therefore all things whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets."

Applying that rule to myself, I think that if in time of war I "adhered to the enemies of our country and gave aid and comfort to them" (which is our constitution's definition of treason to the United States) I should pay the death penalty if after due process of law a jury of my peers found me guilty.

How else can treason be dealt with?

There is considerable feeling, of course, that others gave aid and comfort to the enemy and escaped the death penalty for their treason. So it is argued, the Rosenbergs should not be executed for their crime.

Let's put it this way:

Suppose I went out on the street and killed a man and by some miscarriage of justice escaped having to pay the penalty the law prescribes for the crime of deliberate murder.

Does that mean that you should be privileged to go out on the street and kill somebody without having to pay the penalty prescribed by the law for the crime of murder?

I don't think so.

In that way lies anarchy.

One other question:

Should Justice Douglas be impeached because of what he did in the case of the Rosenbergs?

I don't think so.

He evidently believes that what he did was right, under the circumstances and according to his own conscience. If we are to have justice, judges must not be punished for doing that which under the circumstances and according to the dictates of their consciences they believe to be right.

In conclusion, it is well to point out that a lot of the protest against execution of the Rosenbergs has been stirred up by the communists, who profess to be shocked by the death penalty.

COMMUNIST RUSSIA, which is the spider at the center of the web of communism, has no such squeamishness toward the death penalty. In East Berlin the other day the Russians gathered up a truck driver whom they accused of fomenting opposition to their rule and SHOT HIM AGAINST A WALL without delay.

Middle West Up In 100's

By The Associated Press

The hottest weather of the spring season—summer doesn't start until Sunday—enveloped wide areas of the mid-continent and in the South again today.

Temperatures in the upper 90's and probably above 100 were in prospect for the sun-baked central part of the nation—duplicating Thursday's sizzling weather.

The hot and humid belt extended over the South and Texas northward into the Southern and Central Great Plains and up the Mississippi Valley to the area around Chicago and Minneapolis.

Record breaking temperatures for the date were reported in many cities Thursday in Kansas, Oklahoma, Missouri, Iowa, Nebraska and Texas. Highest readings included 108 at Topeka, Kan.; 106 at Brookfield, Mo.; 106 at Russell, Kas.; Omaha and Norfolk, Neb., and Sioux City, Ia., and 104 at Kansas City. It was 98 as far north as Minneapolis.

No Local Men In Jap Crash

WASHINGTON (U)—The defense Department Friday made public the names of the 129 United States servicemen killed in the crash of a military transport plane near Tokyo Thursday. They included none from this immediate area.

Weather

FORECAST—Klamath Falls and vicinity and Northern California: Partly cloudy in afternoon. Continued fair night and morning. Low tonight 35, high tomorrow 67.

ROAD GOOD

Mrs. Lloyd Morris of Fish Lake Resort reported Friday that the road into that area via Lake of the Woods is open and in good condition. Fishing at the lake also is said to be excellent.

Venus or Old Pioneer Salem Council to Decide on Nude

SALEM (U)—Salem's statue controversy apparently will go to the City Council for final decision.

The decision will be whether to accept a statue of Venus by Pierre Auguste Renoir, the French painter and sculptor who died in 1919, or insist on a statue depicting Oregon pioneers.

A selection committee decided on the Renoir statue, which now is in New York City studio. Since newspaper publication of a photograph of the statue, there have been letters of protest.

It all started when an elevator operator at the Supreme Court building, Carroll A. Morris, left \$30,000 for a statue honoring Oregon pioneers. It is to be placed at the new Marion County courthouse.

The selection committee, with advice from Director Thomas Col of the Portland Art Museum and Architect Pietro Belluschi, decided on the Renoir statue.

Said Belluschi, when informed of the controversy, "With a proper inscription and in the proper setting, it will be a more suitable memorial to the pioneers than a little man with a raccoon hat.... Future generations will be grateful and will wonder how Salem managed to get it."

He and Charles A. Sprague, Salem newspaper publisher and former governor, said they were not surprised at the controversy. Belluschi said the committee expected it because they knew of pioneers, and object to nudity.

Sprague said the controversy involved "two important issues: full of statues, and a beautiful beauty show."

The statue was purchased for \$18,000. It is to be placed in the Portland Art Museum until the controversy is settled.

The chairman of the selection committee said it would be up to the City Council to make the final decision, since the city has been handling the affair.

City's No. 1 Headache Ends 5-State, Bad-Check Joyride

A five-state "joy ride" allegedly financed by bogus checks had ended Friday for Harold Leroy Frank, described as Klamath County law enforcement officer's "No. 1 headache."

Frank, wanted here for larceny involving an automobile, was brought back late Thursday night from Colorado Springs, Colo., by Deputy Sheriff Dal Reed. He was arraigned Friday morning before District Judge D. E. Van Vactor and ordered held for the County Grand Jury after waiving preliminary hearings.

In a statement to District Attorney Frank Alderson, Frank is reported to have admitted that he financed a trip through California, Arizona, New Mexico, Texas and Colorado by passing spurious checks.

Alderson said Frank was accompanied on the trip by a 19-year-old Doris girl. On the road, the accused car thief told the district attorney, he picked up Carroll Gustin, once held here on a misdemeanor.

Gustin was arrested with Frank in Colorado Springs for Texas auto thefts.

On June 9 a warrant for Frank's arrest was issued on complaint of Dugan & West Motor Co. He was charged with fleeing the state with a club coupe belonging to the firm.

Besides the larceny charge, Frank also faces violation of probation. Shortly before his latest escapade, Circuit Judge David R. Vandenberg amended Frank's probation order to permit him to enter the Veterans Hospital in Roseburg for treatment. He was reported to have been refused admittance to the hospital although he has a service-connected 100 percent disability rating.

Frank's criminal record dates back to Jan. 11, 1951, when he was accused of burglary in Klamath Falls. He fled to Los Angeles where he was arrested. He was placed on probation here.

On Jan. 10, 1952, Frank was arrested in Miles City, Mont., and brought back to Klamath Falls as a probation violator.

Two months ago he was arrested in Bend with a car belonging to a Klamath Falls automobile agency. It was after this arrest that he was released to go to the veterans hospital.

Back-Dating Is Charged

WASHINGTON (U)—House investigators Friday turned up testimony that an ousted San Francisco tax collector had in his office a date stamping machine that was used on one or more tax return forms of Paul C. Smith, former editor of the San Francisco Chronicle.

Ray Weaver, an Internal Revenue Bureau agent, told a House subcommittee about the machine. He said it was one of "from six to a dozen" which were in the office of former Collector James G. Smyth.

Rep. Hillings (R-Calif.) suggested there was something "unusual" about the machine's being in Smyth's office, but Weaver said he didn't know whether this was "unusual."

Weaver had been directed by a federal grand jury, which subsequently indicted Smyth on a charge of tax fraud in connection with his own tax returns to look into an accusation that the editor's returns were back-dated.

Smyth was acquitted of the tax fraud charges but is still under indictment on charges of conspiracy.

Weaver testified that upon being deactivated from the Navy in 1946, Smyth made returns for the years 1942, 1943 and 1944 with a partial payment for those years.

The investigator said he was directed to find out if Smyth was allowed to delay subsequent payments without incurring penalty or interest charges.

He added that Smyth made a return for the year 1946, which bore a stamped date of March 15, 1947. There was no payment then, Weaver said, but it was indicated a balance was due Smyth.

NEW CONTRACT

LOS ANGELES (U)—A new long-term movie contract was approved Thursday for Gloria Krieger, 19, who was queen of the 1951 Rose Festival at Portland, Ore.

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WORST IN AVIATION HISTORY — Firemen (right) recover bodies from wreckage of huge double-decked Air Force C-124 Globemaster after it crashed six miles from takeoff near Tokyo, Japan. The big ship was crammed with American troops bound for Korea. The crash was the worst disaster in Aviation history, killing 129 persons.

Bus Change Confusion Clears Some

By WALLACE MYERS

Confusion covering a proposed change in municipal bus service here was cleared a bit today by further investigation of the snarl.

The mixup has to do with a Klamath Bus Company announcement that evening bus service throughout the city is to be stopped as of Monday of next week.

Fred Joslen, bus company operator, says the City Administration approved the evening cutoff. Mayor Paul Landry agrees with Joslen. But the Utility Committee, comprised of three city councilmen, says it didn't. The Utility Committee and mayor were voted power to act by the City Council on bus service changes requested by Joslen.

The confusion apparently stemmed from a letter Joslen wrote the Council. In this letter, dated June 8, Joslen made this request: "We are asking that a motion be made that the Klamath Bus Company discontinue service on Sunday holiday, Hot Springs and Oregon Avenue runs, and shall go into effect on the 15th of this month."

At the start of the letter, Joslen wrote that in December the previous City Council had granted him a 5-cent fare increase and had "recommended" the evening service stoppage.

Joslen appeared before the Council Monday of this week and spoke briefly on his requests. According to the minutes of the meeting, he did not verbally request the evening cutoff.

The Council voted to turn the matter over to the Utility Committee and mayor "with power to act." As is frequently done when the Council is confronted with decisions, there was a closed meeting after the regular public Council meeting was adjourned. In this private meeting, according to Myers, the Utility Committee decided to allow Joslen's requests.

And he says those requests, as he understood them, included stoppage of evening bus service throughout the city.

LIMITED CUT-OFF

But the Utility Committee, which are Councilmen Oliver Spiker (chairman), Don Kenyon and Frank Tarr, say they voted only to allow Joslen to cut off the Oregon Avenue and Hot Springs runs in the evenings and on Sundays and holidays.

Joslen says he didn't request cutting off Sunday and holiday runs in the Oregon Avenue and Hot Springs sections for the very good reason there have never been any Sunday and holiday runs in those areas.

He blames the trouble on his letter, which he says he typed himself "and I'm not much of a typist."

Joslen says he overlooked including the evening service cutoff in the paragraph concerning requests. But he says that later in talking to Mayor Landry he explained the omission.

Joslen also maintains that he was given official city permission to cut off the night runs in the December meeting with the previous City Administration. He says he volunteered to continue the evening service, however, to see if public usage wouldn't begin to make the service pay. Now, he offers figures in proof of his contention that the evening runs continue to lose money.

Joslen stressed today that only these changes in service were scheduled for Monday: The Oregon Avenue and Hot Springs runs will be cut off entirely; there will be no more evening service anywhere in the city. The final runs of the day will leave 4th and Main at these times: . . . 5th and Homedale, 5:40, Shasta Way, 6:00, and Allamont and Summers Lane, 6:20.

Roundup Activity Becoming Swifter; Decorations Help

Roundup activity continued to get swifter today. The eight queen candidates were guests of the women of Reames Golf and Country Club for luncheon and fun. Tonight at 8, there is to be another big public street dance on N. 7th between Main and Pine.

As colorful street decorations went up yesterday, advance sale of the three-day rodeo tickets picked up at Roundup headquarters in the Chamber of Commerce lobby. Apparently the gay street streamers greatly increased Roundup spirit.

Tonight's street dance is another Klamath Merchants Association offering arranged by Fred Lawrence. The dance will be presented by the Do-Si-Do Club.

Active interest in this year's Roundup is spreading much farther than in previous years. For instance, Brookings has entered a flower float in the big Fourth of July parade. The growing and very promising All-Basin High School Band which is to be the official Roundup Band, has attracted many of its members from Dorris and Tulelake High Schools.

A woman from Montana who happened to be here and saw the Queen Trials Show at the Fairgrounds last Sunday, phoned the Herald and News to congratulate the Klamath County on its spirit and said she would return here with a party of friends for the rodeo July 2, 3 and 4.

Kangaroo Court may break out again any minute, according to Roundup officials, and is expected to hold several sessions in the next few days.

Those who broke out in their Western duds for the start of Roundup Dressup have now returned to ordinary garb.

Reds Continue Probing ROKS

SEOUL (U)—U. S. Sabre jets destroyed six Communist MIGs and damaged three in air battles high over Northwest Korea today.

On the ground, Communist infantrymen in company strength jabbed viciously at South Korean positions along the Central front, probing for weak spots where a major assault might break through.

Chinese Reds snatched into several ROK-held hill positions along the East Central front where 30,000 to 40,000 Communists had rolled back Allied lines, as much as two miles early this week in a pre-arranged drive toward the 38th parallel.

Five MIGs were destroyed in sky battles deep in Northwest Korea and one near Suho Dam on the Yalu River dividing North Korea and Communist Manchuria, the Air Force announced.

Egypt Becomes A Republic; Naguib Is First President

CAIRO, Egypt (U)—Egypt's military rulers proclaimed their nation a republic last night, ending the 148-year-old dynasty of former King Farouk and his forebears and installing Premier-Maj. Gen. Mohammed Naguib as the country's first president.

At the same time the Army Revolutionary Council, which dethroned Farouk last July and has ever since, announced three of its members were taking over key Cabinet posts.

Chief of these was Lt. Col. Gamal Abdel Nasser, Naguib's closest aide and acting Army chief, who became vice-premier and interior minister.

The Council's proclamation said Naguib would serve as president and premier until the end of the three-year "transitional period" set up early this year. After that, the

POW Breaks Continue; 26,000 Out

SEOUL (U)—New and bloody mass breaks from Allied stockades today swelled to nearly 26,000 the legion of anti-Communist war prisoners liberated in South Korea's bold defiance of the U. N. Command.

More than 1,800 bolted from five prison camps and a hospital last night and early today on the heels of those ordered released Wednesday by President Syngman Rhee of the Republic of Korea.

U. N. Command headquarters in Tokyo placed at 25,952 the total Koreans escaping in the past two days, and 9,326 those anti-Red Koreans remaining in custody. The figures differed somewhat with those released by the U. N. prisoner of war command, which said its totals were "rough."

Those making the break early today included 494 who hailed U. S. Marines at Ascom City camp, near Seoul's big port of Incheon on the west coast. The U. N. Command said the leathernecks had replaced ROK guards at the camp before the South Koreans had opportunity "for collusion."

While the U. N. command tried to round up the fugitives, South Korean officials met at the temporary capital of Pusan and decided to furnish food, money, clothing, travel and medical aid to those still at large, a dispatch from Pusan said.

Maj. Gen. Choi Duk Shin, the absentee South Korean delegate to the armistice sessions, said in an interview in Seoul the order releasing the North Korean prisoners was "inevitable" to prevent the lowering the morale of South Korea and raising that of the Communists.

As to official Washington charges that the action violated the U. N. command authority Choi said: "We don't blame the United States. We understand her position is also very difficult, but what else can we do?"

Whether the mass releases and breaks for freedom would wreck the two-year-old armistice negotiations—now in their 11th hour—remained to be seen.

At Communist request, a full-dress meeting of the armistice delegations was set for 11 a. m. Saturday (9 p. m. EST, Friday).

There was no quick official Communist reaction to Rhee's defiant move.

In Moscow, the Soviet press carried the story under the heading "provocatory actions of the Syngman Rhee clique." The reports published there implied collusion between some American authorities and the South Koreans.

MUNSAN (U)—The fate of the Korean armistice may be determined within a few hours when Allied and Red negotiators meet in full-dress session at Panmunjom.

The next move apparently is up to the Reds—but they gave no hint when they asked for a meeting at 11 a. m. Saturday (9 p. m. Friday, EST).

The negotiators might approve final truce details. Or the Reds may protest President Syngman Rhee's defiant release of about 26,000 anti-Red Korean prisoners.

The armistice draft appears ready for signature as soon as Chinese, English and Korean translations are approved.

Observers predicted Rhee's arbitrary action probably would not block signing of the truce, but they feared trouble later when the Allies must account or hand over Red prisoners.

Atom Spies Get Chair 4 p.m. Today

BULLETIN

OSHING, N. Y., (U)—Sing Sing Warden Wilfred Dennis announced that Julius and Ethel Rosenberg would be executed Friday night at 7 p. m. (4 p. m. EST).

WASHINGTON (U)—The Rosenberg atom spy team—Julius and Ethel—lost their plea Friday to President Eisenhower and the Supreme Court to save them from the electric chair.

U. S. Marshal William A. Carroll said the death sentences would be carried out Friday night—possibly before the earlier appointed time of 10 p. m. (est).

Carroll said he would leave immediately from New York for the prison. He said the earlier hour could mean the Rosenbergs, who are Jews, would die before the Jewish Sabbath which starts at 7:31 p. m. (est).

ONE LAST CHANCE

In mid-afternoon, their one last chance to escape the executioner's switch apparently was through confession of the whole espionage conspiracy of which they were convicted—to give atomic secrets to Russia.

Eisenhower shut the door against commutation under any other circumstances in a statement rejecting a clemency plea. The President declared:

"... I can only say that, by immeasurably increasing the chances of atomic war, the Rosenbergs may have condemned to death tens of millions of innocent people all over the world."

"The execution of two human beings is a grave matter. But even graver is the thought of the millions of dead whose deaths may be directly attributable to what these spies have done."

Eisenhower issued his pronouncement within two hours after the Supreme Court by a 6-3 vote had set aside a stay of execution granted by Justice William O. Douglas on Wednesday.

The court brushed away, too, after brief consideration, frenzied efforts by the lawyers for the Rosenbergs to get a new stay from the court itself.

In another last effort, the lawyers asked a stay from Justice Black plus an individual justice—the same course Douglas had followed.

Emmanuel Bloch, chief attorney for the Rosenbergs, fired off a telegram to Eisenhower asking for a chance to argue the case for clemency.

He said too he was going to the White House in an effort to make a face-to-face appeal to the President.

But even as he was talking to reporters the White House announced the President's decision that he would not save the spies.

Eisenhower said he was convinced the Rosenbergs had been given fair trials and had received just sentences.

WON'T INTERVIEW

He said:

"When a Democracy's enemies have been judged guilty of a crime as horrible as that of which the Rosenbergs have been convicted, when the legal processes of a Democracy have been marshaled to their maximum strength to protect the lives of convicted spies—when in their most solemn judgment, the tribunal of the United States has adjudged them guilty, and the sentence just, I will not intervene in this matter."

Eisenhower said further, however, that "only most extraordinary circumstances would warrant executive intervention."

SLIGHT OPENING

The plan seemed to hold open the possibility he would spare their lives if the Rosenbergs made full confessions.

The couple who have steadfastly maintained their innocence, have said government officials have offered them assurance of a commutation to life imprisonment in return for a full account of their activities in the conspiracy of which they were convicted.

The husband and wife were found guilty more than two years ago of conspiring to give atomic secrets to the Russians.

COURT ADJOURNS AGAIN

The Supreme Court, having disposed of the issues before it, adjourned at 12:42 p. m. (est) the extraordinary session to which it had been called to consider the Douglas stay of execution.

Justices Frankfurter and Black were the only Justices who spoke out in dissent against the court's refusal, as a court, to grant a stay of execution.

Justice Black simply said he dissented from the denial of the application for a stay, made by Emmanuel Bloch, chief attorney for the Rosenbergs.

Frankfurter, whose views were read by Chief Justice Vinson, said that if the executions are to take place Thursday night he would favor a stay to permit consideration of the latest clemency plea.

If the executions do not occur then, Frankfurter said, he assented to consideration by the proper authorities.

COURT OUT OF IT

The announcement of the denial of a new stay was read by Vinson, who said that question involving clemency were not within

(Continued on page four)