

Herald and News

Editorial Page

Court Moves With The Times

Alabama's Gov. George Wallace raises an interesting point about Supreme Court decisions affecting school desegregation.

He suggests that the precedent of a much earlier ruling which specified "separate but equal facilities" for whites and Negroes should be governing today. The obverse side of that is that the high court's 1954 decision calling for desegregation should not have been made — and should have no standing now.

All aside from the merits of this particular controversy, the governor's position runs athwart the basic approach the federal judiciary has applied in attacking the big questions over a span of many decades.

For one thing, the Supreme Court never has felt rigidly bound by precedent. Nor has any court in history. Judicially, precedent always has been thought of as a rough guide, a bench mark giving some stability and order but not a total, final certitude to the law.

Secondly, observers of the Supreme Court note that it has normally felt fairly free to reverse or alter previous decisions when they constitute interpretations of the U.S. Constitution.

The court believes it is an accepted part of the American system, ratified by long historical practice, that it should correct its own mistakes of judgment, enlarge or narrow its interpretations as it deems wise and proper.

In further support of this approach is the argument that to change the Constitution by amendment is a slow, cumbersome, little-used device. Only 23 amendments have been adopted in some 175 years of U.S. history under this document.

By contrast, lawyers point out, the high

court almost never reverses itself or alters its position when it has once interpreted a statute. The reasoning here is that if the court has made a mistake, Congress can pass another law which somehow skirts the area of error and satisfies constitutional requirements.

So the Supreme Court tends to confine its shifting interpretations to provisions of the Constitution. Obviously many parts of the document are not subject to changing appraisal. It says a person must be 35 years old to serve as president. No court can make it 36.

But the generalized phrases of the Constitution are not only susceptible of interpretation. They demand it. They have no clear meaning without it.

What does it mean, for example, to say — as the Constitution does — that Congress has power to levy taxes to provide for the "general welfare" of the United States? You could hardly find a bigger test.

The Supreme Court has met this challenge by interpreting such provisions in a manner designed to accommodate the Constitution to a growing, changing nation.

Thus a due process clause once used to buttress property rights is now invoked in support of individual civil rights. An interstate commerce clause once narrowly applied has become a strong lever of federal control in some fields.

Those who do not like the newer interpretations naturally fall back on older ones, as Wallace is doing.

Yet there is no comfort for such persons in the Constitution's generalized language. The wording supports both the narrow and the broad interpretation. But it contains no sharp dictate that only the narrow view shall apply.

Untapped Resources

(Wichita Falls, Texas Times)

One statement which appears to be repeated frequently since the first Russian spunk orbited the earth concerns the lack of knowledge about the ocean depths as well as about the stuff from which the inner strata of the planet are made.

The comment is that we know far more about what is above the surface of the earth than what is below its crust and waters.

Man has found the oceans, seas, lakes and rivers of the world useful for food and travel since the human race began. From the time of ancient man, natural resources shallowly below the surface of the earth have been mined. In recent years oil and gas wells have been drilled off the shores of many areas of the globe. Holes have been dug and shafts have been sunk but they have not penetrated far below the surface, relatively speaking.

There is no argument with the observation that man is sadly lacking knowledge about the depths of the planet on which he moves. But why?

That there are riches in the water and on the ocean bottoms as well as below is known to man. They exist in quantities unestimable but assuredly vast beyond comprehension. The ease with which many oceanic resources can be tapped presents no great problem.

Edwin A. Roberts Jr., reporter for the Wall Street Journal, supplies at least a good answer to the why. He says, in effect, that abundance has been found elsewhere; therefore there is no strong impetus for man to take the initiative. When the present abundances run out, the untapped reserves will be waiting as substitutes.



IN WASHINGTON . . .

What We Need Is Action

By RALPH de TOLEDANO

It may be time to say so, but wouldn't the U.S. State Department and its assorted diplomats be better off if they spent less time at conferences attempting to implement policies we do not have and more time on formulating the policies we need? Perhaps this is asking too much. In the Executive Branch of the Federal government, the first and sometimes only reaction to a problem is to appoint a committee.

But the business of international conferences has gotten out of hand. There are so many going on that the press hardly bothers to notice them — and with justice. In the week beginning June 2, for example, "officially accredited representatives of the United States Government" — I am quoting a State Department release — "will be participating in a seven-day conference in Geneva. An eight-day conference is in recess, but will reconvene in September."

Once upon a time, young men joined the Navy to see the world. Now they can go into the international conference business. For these meetings take place in such scattered places as Thailand, Australia, Switzerland, and the Latin American republics. One of the conferences has been going on since March 14, 1962 — with no hope that it will ever terminate its business or accomplish its mission.

other personnel. The State Department spends valuable hours briefing the U.S. representatives, preparing position papers for them, and making travel arrangements. How much international conferences cost the taxpayer is a question Congress might ask. What they accomplish is a question the taxpayer might raise.

Since May 27, for instance, the Economic Commission for Asia and the Far East has been holding a Conference of Asian Statisticians — and the United States is duly represented. Another ECAFE conference will take up such world-shattering matters as the economic justification for licensing taxis in large cities. The Economic Commission for Europe is busy in Geneva conferring on housing for the elderly. Precisely what a United Nations Commission can contribute to this problem is anybody's guess.

The sad truth is that, having helped to create a United Nations with a great and growing bureaucracy, the United States must find something to do with it. In every instance where the countries concerned have refused to pay heed to the United Nations, it has failed to preserve peace or induce an acceptance of law among its members. The arrogant refusal of Red Hungary, after the 1956 uprising, to permit a U.N. fact-finding team to enter the country is a case in point. Cuba's tinhorn Communist, Fidel Castro, has ignored Secretary-General U Thant and the majesty of the world body. India has

been in violation of the U.N.'s will on Kashmir. The catalogue could be extended indefinitely.

But the Secretariat must be kept busy. Therefore councils and commissions are set up. And once in business, they must justify their existence. What was once handled simply and efficiently by the diplomatic corps now requires meetings — with agendas, speeches, and publicity. (Without this, the members of the Secretariat would sit idly in the public glare at the United Nations building.) The list of U.N. agencies, councils, commissions, and other bodies would make an American politician, with patronage to bestow, grow green with envy — and those who pay for it blue and white (the U.N.'s colors) with dismay.

Some things are accomplished. The United Nations Special Fund Governing Council finds ways and means to stick the United States with most of the bill — in the interest of world peace, of course. The International Civil Aviation Organization (non-U.N.) lukes up transatlantic air fares against the protests of U.S. carriers and the Civil Aeronautics Board — and to the detriment of Americans who travel most on those routes.

But most of it is bustle and bustle, a kind of diplomatic leek-raking. Occasionally there is some sound and fury, but it signifies little or nothing. In the burly-burly, the American people forget that the State Department is scamping on its most vital job — developing a U.S. foreign policy.



WASHINGTON NOTEBOOK . . .

New Goldwater Slogan

By WASHINGTON STAFF

Newspaper Enterprise Assn. WASHINGTON (NEA) — At an outdoor rally for Sen. Barry Goldwater on the Maryland farm of Mr. and Mrs. Garvin E. Tankersley, the speakers had to share top billing with a colorful exhibition of high-bred horses.

The speakers weren't quite sure how they fitted in. Said Texas Sen. John Tower, the star attraction: "I think we're all going to speak after the horses, aren't we?"

As the program—"The Goldwater West Comes to Washington"—unfolded slowly, eager young Goldwaterites outside the exhibition stands hawked copies of the senator's book, "Why Not Victory?"

Shouted one: "Buy now! Read the book that's giving JFK ulcers, the book that's been banned in Hyannis Port!"



By SYDNEY J. HARRIS

Purely Personal Prejudices: Nobody is more exasperating and frustrating to deal with, over the long pull, than the person with high intelligence and very little sense — especially since the two so often go together.

The human animal is so peculiarly constituted that, for example, a father would willingly give up his life to save his child from a burning building, but not his afternoon of golf to visit the zoo — yet it is the small sacrifices, multiplied many times, that give love more meaning than the heroic gesture in a crisis.

The miserable poor drink to forget what they are not; and the miserable rich drink to forget what they are.

Pressing one's advantage too strongly in a quarrel when one is right, tends, oddly enough, to make one wrong — for the smugness and self-satisfaction that usually accompany rightness are often worse sins than the error of being wrong.

The stale metaphor of the "ladder" has always seemed to me quite inappropriate for describing the ascent to success — which is much more like mountain climbing, and consists of many lateral movements, some drop-backs, and more falling boulders than anyone is told of.

Why is it that the same women who loved to walk bare-headed in the rain with us during the carefree courtship days won't walk a half-block to the car in fair weather after the marriage?

When reading obscene literature is considered merely weak, and not wicked, only then will it lose its appeal; for the psychological fact is that obscenity is created for the under-sexed, just as the Peeping Tom is always a man who cannot achieve gratification in a normal masculine manner.

Inside the stands, half a dozen brightly garbed young ladies rubbed it in with a long paper streamer which read: "JFK, We Will Barry You."

The remarriage of Gov. Nelson Rockefeller of New York to the former Mrs. Margaretta Murphy has caused a considerable upset in Republican political circles. But it seems to have been good for business in some quarters.

Max Hess, an enterprising Allentown, Pa., department store merchant, says his store's remarriage service and bridal fashion counseling for widows and divorcees has doubled in both response and sales in the past few weeks.

He marks the uptick from Rocky's new marriage May 4.

While White House press secretary Pierre Salinger was brief-

ing the press one morning, a newsman spoke up: "Something bothers me here, Pierre. Nobody seems to take any notes until you say it's off the record."

Salinger laughed and replied: "It's a new procedure we're developing."

Growled another newsman: "That's because Pierre never says anything worthwhile until it's off the record."

The ceremony in which Maj. Gordon Cooper was awarded his Air Force pilot astronaut wings ran into a minor snag as Mrs. Cooper found difficulty in pinning the wings on her husband's uniform.

Then an expert stepped in. Gen. Curtis LeMay, Air Force chief of staff, succeeded in getting the wings on Cooper's chest after some maneuvering.

From the audience, Rep. George H. Mahan (D-Tex.), chairman of the House Appropriations Defense subcommittee, commented: "This is one of those things they still have to do manually. There ought to be an electronic gadget to do the job."

The council on alcoholism was having an annual meeting in a Washington hotel. On a long table outside the meeting room were several piles of pamphlets on the problem.


For a time the table had to be left unattended. When one of the council's workers returned, she saw a new batch of folders had been added. Picking one up, she found it was an advertisement for a Washington restaurant. It was brightened with a picture showing two filled glasses, a bunch of grapes and a bottle of wine.

Newspaper reports that Harold Stassen is interested in the GOP presidential nomination stir this comment from Sen. Karl E. Mundt, R-S.D.: "It would really be news if the former Minnesota governor had said he was not interested in it."

BERRY'S WORLD



"And one more thing—don't send my shirts to that Chinese laundry any more."



NOTHING SPECIAL
(W. B. S.)

Frank Ganong has a facility for expressions of biting humor. He was in his best form last Friday noon when he referred to Oregon's legislature in this fashion: "In Oregon we have the traditional two party system—only we call them the House and the Senate."

The creation of the world is told in Genesis in 400 words. The Ten Commandments have 297 words, and the Declaration of Independence has 1,821. But a government pamphlet required 2,500 words to announce a reduction in the price of cabbage seed.

Hal Ozle got to rooting through some old Klamath Falls papers one day, and observed this story in the Klamath Republican, Jan. 21, 1909, it said:

KLAMATH COUNTY BANK HELD UP
"A few minutes before noon Saturday two masked robbers entered the Klamath County bank and at the points of revolvers held up the cashier, Alex Martin, Jr., and secured about \$300 in currency and gold. Two customers were in the bank at the time, Don J. Zumwalt and C. C. Brower. Mr. Martin was alone behind the counter, the clerks having gone to dinner. Both men were captured by 2:30 the same afternoon, and four days later were sentenced by Judge Nolan."

As Hal observes, that's the way it was done in 1909. These days, the two holdup men would probably have two or three trials or have the case thrown out of court because of improperly prepared charges or some silly thing.

I'm not much of a do-it-yourselfer, but I'm sure that even the most earnest advocate would agree that a fellow in Jacksonville, N.C., went too far the other day when he broke into a funeral home and stole a portable embalming machine plus a half-case of embalming fluid.

Some Klamath Falls property owners can do a favor for themselves, the city and some unemployed teen-agers if they'd hire the kids to clean up their premises.

I don't intend to get into a quarrel about it, but I often wonder what in heck is so important about climbing to the top of Mt. Everest or whatever to the extent that we spend a half million or so bucks to get the job done. For what?

A garage man answered the distress call of a woman motorist whose car had stalled. He made an examination and informed her it was out of gas. "Will it hurt," she asked, "if I drive it home with the gas tank empty?"

As this is written (Sunday) we don't know how the consolidation election will come out. But I'm sure that some of these fellows who have been saying that a law passed by the recent legislature will provide a solution to Klamath County's school situation just don't know what they are talking about. Or else, they used that information in a deliberate attempt to mislead voters.

We hear some expressions used by Senators who refer slightly to their colleagues. But none are more expressive, I think, than John Randolph's opinion of Henry Clay. Randolph said, "This being, so brilliant yet so corrupt, like a rotten mackerel by moonlight, shines and stinks."

I'd like to see a serious study made of the possibility of 12-month school sessions. It should be done on a state-wide basis; not just in Klamath County. The 12-month school could provide greatly enriched programs, more continuity in programs, acceleration and far greater use of the school plant.



WASHINGTON REPORT . . .

Reds Infiltrate Dominican Posts

By FULTON LEWIS JR.

Juan Bosch, a veteran revolutionary, was elected President of the Dominican Republic last year with the support of leftist groups.

In recent months he has opened the floodgates and permitted more than 150 Communists, in exile during Trujillo's rule, to return. They come from Havana, Prague and other Soviet-bloc capitals. Bosch's policies have greatly worried Armistead Selden, chairman of the House Foreign Affairs Subcommittee on Latin America. In a major speech, Selden said Communists have seriously infiltrated the Bosch administration.

Soviet agents have set up a new Communist-front school called the Institute of Social Science and Economic Planning. There is evidence, Selden said, that Communists "have made inroads into the police, the labor unions, the schools and student groups."

President Bosch shrugged off the Selden charges, launching instead into a personal attack on the Alabama Congressman and accusing him of an attempt to "dictate" Dominican affairs.

Much of Selden's information comes from Hal Hendrix, Pulitzer Prize-winning correspondent for the Miami News. In an on-the-spot investigation, Hendrix charged that "subtle and peaceful Communist penetration of the Dominican Republic is progressing with incredible speed and efficiency."

There is ample and ominous evidence, he said, that Communist forces closely aligned with Cuba and the Kremlin, aided by naive leftist elements, "are working both openly and covertly to turn this country into a second Communist-dominated bastion in the Caribbean."

The Hendrix reports are substantiated by Jules Dubois, veteran Latin correspondent for the Chicago Tribune. He writes that behind Bosch is Sacha Volman, a Rumanian-born naturalized U.S. citizen. Says Dubois: "The Rev. Benjamin Nunez, former labor minister of Costa Rica and ex-delegate to the United Nations, accuses Volman of striving to destroy democracy throughout Latin America."

Volman, says Dubois, considers himself a part of the so-called "progressive left" which seeks to out-Communist the Communists. Hendrix, too, blames Volman and his leftist influence upon Bosch. Note: Bosch, exiled from the Dominican Republic for 25 years, lived in Havana for much of that time. According to Carlos Todd, former Havana newspaper editor, Bosch was arrested in 1958 after a large quantity of Communist propaganda had been found in his

room at Havana's Hotel San Luis. Released after several "important" people interceded in his behalf, Bosch left for Venezuela. He returned to the Dominican Republic after Trujillo had been killed. The Bosch campaign has President left many anti-Communists wary. They claim he could not have been elected without the support of the country's four Communist parties: The Popular Socialist Party, the Dominican Popular Movement, the 14th of June Movement, and the National Revolutionary Party.

During four months on the campaign trail, Bosch did not once speak of Cuba. He took special pains to avoid attacking the Communists who were, after all, supporting him.

He promised "People's Stores," owned by the state; agricultural and fishing cooperatives; and extension agrarian reform in which each Dominican peasant would receive 628 square meters of land. Dominican wit claim that Bosch, to fulfill that promise, must distribute to his followers all of the Dominican Republic, Haiti, Cuba and Alaska.

Bosch is reported to have held several secret meetings with Manuel Tavares Justo, head of the violently pro-Communist 14th of June movement.

Almanac

By United Press International

Today is Thursday, June 13, the 154th day of 1963 with 201 to follow.

The moon is approaching the last quarter.

The morning stars are Venus, Jupiter and Saturn.

The evening star is Mars.

On this day in history: Irish poet and dramatist William Butler Yeats was born on this day in 1865.

In 1877, the Russo-Turkish War began.

In 1903, Jim Braddock won the world heavyweight boxing title from Max Baer in 15-round decision at Long Island City, N.Y.

In 1944, Germany's highly publicized "secret weapon," the flying bomb, was dropped on English targets for the first time.

In 1962, Prime Minister Nehru hinted India would accept Soviet MIGs and a factory.

A thought for the day — The English philosopher and author, Francis Bacon, said: "Words and discourse aboundeth most where there is idleness and want."