

Editorial Page

Judicial Hornet's Nest

The U.S. Supreme Court will get no respite from the field of major controversy in the 1963-64 term now beginning. New cases involving reapportionment of state legislatures and Negro sit-ins in public establishments will be high on the docket.

The reasonably well-informed layman may ask: "Haven't those issues already been settled by the court?"

The answer is, only in part.

In the matter of the sit-ins, the high court ruled last spring in a cluster of decisions that segregation practices which bar Negroes from lunch counters and similar places are unconstitutional—where it can be shown that state or city authority was used to enforce such practices.

Left unsettled was the question of whether the proprietor of a privately owned establishment, acting entirely on his own, can bar Negroes once he has declared his place open to the public.

Congress, of course, is right now embroiled in debate over this very issue as it mulls over President Kennedy's civil rights program. One proposal would bar racial discrimination in such establishments.

If this feature were adopted in law, the Supreme Court presumably would be power-

fully influenced in its judgment on the matter. It might even consider that the decision had been made for it. If the measure dies, greater interest will surround the court's ruling.

The Supreme Court's 1962 decision in the Tennessee reapportionment case simply made the point that the federal courts have a right to speak in suits involving malapportioned legislatures — on the ground that the 14th Amendment's "equal protection of the laws" clause guards voters against such distortions in voting strength.

The court did not say, however, what it regards as fair and reasonable apportionment. It did not set standards which would enable lower courts to say: "This plan satisfies the requirements of equal protection, this one does not."

In the new term the high court will hear a number of cases from various states which go to that critical point. Lawyers, lawmakers and legislatures all over the nation are waiting to learn its ruling.

The general public will be highly attentive to this decision, too, as it will to the outcome of the new sit-in cases.

For the Supreme Court, plainly, it is — once more — out of the swarm of bees and into a hornet's nest.

On The 'Conservation' Trail

(The New York Times)

On his so-called "conservation" trip, the President seems to have been more interested in the conservation of the Democratic party than in the conservation of America's natural resources. The whole purpose of this trip has been obscured by the President's emphasis on political matters, as distinct from the original hope it would be used to awaken the public to the urgent requirements of preserving this nation's tangible and intangible natural heritage.

The President and his energetic Secretary of the Interior, Stewart L. Udall, have proposed and supported some excellent conservation legislation; but what is now needed is the strong follow-through that only the President can provide. He created the opportunity to do so on this very trip but that opportunity was almost completely ignored.

Not quite, however, for Mr. Kennedy did strike a blow the other day for one of the most important of all conservation measures before the present Congress, the "Wilderness Bill" to establish a national wilderness pre-

servation system. This measure would safeguard intact a relatively small amount of scenic land that is already in public ownership. It has passed the Senate; and the President's good word for it could help build up the fire necessary to rescue it from the vested interests that have succeeded thus far in getting it pigeonholed in the House.

One of the few places of conservation importance in the West that was on the President's "Conservation Tour" itinerary is the Oregon Dunes, a magnificent stretch of seashore, sand hills and forests on the Pacific Coast. Senator Maurine Neuberger has been valiantly carrying on her late husband's efforts to turn this area into a 44,000-acre natural park; but, as was to be expected, private recreational and industrial interests oppose her bill and it faces tough going.

If the President would put as much energy behind a few of these Western park proposals as he did behind the Cape Cod national seashore, we could be more confident in the future preservation of America's most precious scenic resources.



STRICTLY PERSONAL

By SYDNEY J. HARRIS

When an attractive young lady of my acquaintance recently asked me why I had cut her dead on the street twice in one week, I decided it was again time to write the column I have written every year or two about "street zombies" like me.

I do this not merely to apologize for my own remiss behavior, but on behalf of the thousands like me who are unjustly accused of snubbing or ignoring people who pass them on the street.

In my own case, there are two factors at work: myopia and fantasy. I am dreadfully nearsighted, and too vain or negligent to wear glasses except when driving at night; and as I walk along I am involved in some rich fantasy-life of my own.

I could pass—and have — my nearest and dearest on the street without recognition most of the time. First, I can't distinctly see the face of anyone more than 30 feet away; and, secondly, my febrile little mind is usually on another planet, in deep dialogue with some astral character out of the early Edgar Rice Burroughs' novels.

Never once in my life have I consciously "cut" anyone, even people I don't particularly care for. Indeed, it strikes me as reprehensible that anyone would snub anyone else, when a casual nod is so cheap and easy.

Curiously enough, if I am seated somewhere as an observer, I can be a rapt people-watcher. But when I myself am a participant in the passing parade, I shuffle along totally oblivious of my surroundings, except for the perils of automobiles and children on bicycles.

There is a feverish Walter Mitty quality to my walking: I am

either working out a complicated bridge hand, in which I soundly trounce Goren, Schenken and all the other world experts; or I am conducting the premiere of my new symphony at Carnegie Hall, with the envious shade of Mozart hovering over my shoulder; or I am devising irrefutable arguments as to why my salary should be trebled immediately and my mortgages lifted by a grateful government.

None of this explanation is of any consequence, except that the population includes a great many street zombies like me, who are continually reprimanded for

slighting their acquaintances, when we are actually walking around in a daze, with impaired vision and our mental faculties sealed off from the world of reality.

Please don't take it personally. I once passed my own mother and father on the street, and was not aware of it until my dad strode back and prodded me firmly between the shoulder blades with his umbrella. "Can't you even say hello?" he demanded. I looked up and mumbled, "If I moved the knight to queen 4, I could have beaten Capablanca at Hastings."

'That Rat'



TOM LITTLE, NASHVILLE TENNESSEAN



EDSON IN WASHINGTON . . .

Eisenhower Faction Seeks Party Control

By PETER EDSON
Washington Correspondent
Newspaper Enterprise Assn.
WASHINGTON (NEA) — The three birthday parties planned for Gen. Dwight D. Eisenhower indicate he is still first in war, first in peace and first in the hearts of his Republican countrymen.

But recent political developments raise some challenges to this last distinction.

The first celebration, Oct. 12, two days before his real birthday, was held in Hershey, Pa. Organizers of this party — Roy Wilkins Jr., of Bellefonte, Pa., and Admiral Lewis Strauss — insist it is strictly a social affair.

The hosts were about 400 of the 850 prominent citizens President Eisenhower invited to his many private little stag dinners during his eight years in the White House. They decided to repay his hospitality with a dinner in his honor, at \$25 a plate, Dutch treat. Even if it is nonpolitical or bipartisan — Jim Farley has accepted, for instance — all Republicans who attend are sure touches for GOP campaign contributions later on.

The former president is 73 today. He plans to spend the day quietly with his family in Gettysburg.

But the next night he will come to Washington for a cut-rate dinner — \$75 a plate instead of the usual \$100 — which is frankly a political fund raiser for the 1964 campaigns.

GOP National Committee Chairman William E. Miller of New York will be principal speaker. Sen. Hugh Scott of Pennsylvania toastmaster. The dessert will be cake made from Mamie's favorite recipe, and the hope is that 1,000 or more will have it and eat it, too, in the Sheraton Park's double banquet rooms.

For the Eisenhower name is still magic, and the GOP would gladly run the general for President again — or maybe his brother Milton — if it could.

Right now, however, the ex-president and Dr. Milton are concentrating on the Republican Citi-

zens Committee to line up independent and Democratic support for the GOP next year.

Half a dozen Critical Issues Council task forces are being assembled to prepare papers on what Republican policy should be in the 1964 platform.

But even before this effort can get under way, it is being challenged by the rise of Sen. Barry Goldwater as a popular favorite for the presidential nomination.

It is already obvious that a platform which satisfies Senator Goldwater isn't going to satisfy the Eisenhowers, and vice versa. The question is whether this presages a fight for party dominance between the Eisenhower middle-of-the-roads and the Goldwater keep-to-the-righters.

It would also be a fight between the Old Guard — the ex-cabinet members and administrators of the Eisenhower era — and the self-styled New Guard of young Republicans who are all out for Goldwater.

There is a third Republican force in this coming fight, too. This is the Republican delegation in Congress which now makes the working policy that counts.

From the Eisenhower wing of the party there may well be some questioning as to where the Congressional wing gets its ideas.

After the House Republicans' futile fight to tie a budget-cutting amendment onto the administration tax cut bill, business leaders who have always given heavily to GOP campaign funds let it be known that, "You don't need to expect any money from us next year if you don't pass a tax cut bill this year."

Also, the national opinion polls on critical issues all seem to show preference for Kennedy administration programs over the Republican alternatives.

Some politicians discount polls as usually supporting the party of whomever is President. But if the national surveys are at all accurate on current leading issues, their findings are not reflected in GOP congressional leadership policies.



WASHINGTON REPORT . . .

Shortage Threatens In 'Worker's Paradise'

By FULTON LEWIS JR.
WASHINGTON — The beard is something more than a revolutionary symbol in Castro Cuba. It is an economic necessity.

Razor blades sell for \$5 a piece in this worker's paradise; a carton of cigarettes for \$10. Turkeys are sale-priced at \$80; and used shoes for \$65.

Reports of a complete breakdown in the Castro economy have been brought here by refugees who fled Cuba late last month. Orestes Alvarez, a 22-year-old taxi driver, regularly drove between Havana and Camaguey, 400 miles to the east. He tells of a "catastrophic" lack of food:

"There is no food in Havana, but the countryside is much worse off. It is frightening. You can buy some things on the black market, but they are very expensive and they are controlled by the militia and the Soviet bloc occupation troops. Russians sell American goods, especially cartons of cigarettes. They have huge quantities of them and sell them for \$3 to \$10 a carton."

The cigarettes must be smoked in secret, for anyone caught with "is sent to jail."

Alvarez says the Russians do a thriving business in U.S. razor blades at \$80 a dozen. Soviet blades are so terrible, he says, that Cubans tell the following joke:

A man goes to a drug store where the only razor blades he can buy are Soviet ones. He asks the clerk for shaving cream. There is none. He asks the clerk for soap with which to shave. There is none. The clerk then says: "When you use Russian blades, the tears are sufficient lubricant."

Like many refugees, Alvarez was interviewed in Miami by experts of the Citizens Committee for a Free Cuba. Another recent arrival queried by committee interrogators was Francisco Quintana, who says rations in Havana (the country's best supplied city) have been severely cut.

"The three-pound ration of rice every 15 days has now been cut to 1 1/2 pounds," he says. Beans are available in half-pound quantities only twice a month, while fruit is non-existent. A flourishing black market exists in all these commodities, according to escapees, with government authorities including members of the militia, running the illegal show.

Victor Ponesco, of Calibrier, in the central Province of Las Villas, reported Oct. 1 that meat and fowl can be found only on the black market. "A hen costs \$15 to \$20," he said, "while tur-

keys, when they can be found, cost over \$60."

Even ice is scarce. Eduardo Montesson, a veteran iceman in a plant outside Havana, says: "What little ice is made, restricted by the impurity of the water and lack of ammonia, goes to the government-owned tourist bars. Therefore, the normal price for 100 pounds of ice (\$2) has gone up to \$6 or \$7 on the black market."

Montesson reports that lines of 400 and 500 people begin forming at 4 a.m. to buy chips of ice for a nickel or dime.

Another exile, Luis Reyes, was asked how Castro could feed 1,200 delegates to the Communist-run conference of architects held recently in Havana. He replied: "The Communists took food from government warehouses to the hotels in midtown Havana. Trucks full of food were sent so the architects would have the impression that food was plentiful. The former Trader Vic's at the Hilton Hotel, the Mandarin Restaurant in Radio Center, the Crazy Cat, the National Hotel, all were fully stocked."

"The Communists even went so far as to have new uniforms made for workers of the Ministry of Public Works, who were put to work breaking up the sidewalks in hotel areas to give the impression that some of the hotels built in 1957 and 1958 were still under construction."

Escapee Jose Luis Fundora, 21, tells of a terrible shortage of clothing. Second-hand shoes go for \$30 to \$65. He said "American Florshems which haven't seen too much wear will bring \$200." Second-hand slacks are priced anywhere from \$30 to \$60. Women's shirts sell for \$50.

Almanac

By United Press International
Today is Monday, Oct. 14, the 237th day of 1963 with 78 to follow.

The moon is approaching its phase.
The morning star is Jupiter. The evening stars are Jupiter and Saturn.

Those born today include former President Dwight Eisenhower, in 1880.

On this day in history:

In 1066, the Normans defeated King Harold and his English forces in the battle of Hastings. In 1912, former President Theodore Roosevelt was shot in Milwaukee and refused to have the wound treated until he delivered a scheduled speech.

BERRY'S WORLD



"I got carried away with my new stainless steel razor blade!"



IN WASHINGTON . . .

Is Romney Eligible For The Presidency?

By RALPH de TOLEDANO

New polls demonstrating the dramatic decline of Governor Nelson Rockefeller of New York as a potential Presidential nominee now place him roughly on a par in popularity with Governor George Romney of Michigan. Mr. Romney has not gained strength; it is simply that his relative position, as compared to Mr. Rockefeller, is improved.

This, however, has already begun to encourage those who see in him the ideal "stop Goldwater" candidate. And, in turn, his new position in the polls makes it necessary to examine his eligibility for the Presidency. By that, I do not mean his competence. I refer, of course, to the question: "Is George Romney a natural born American?" If he is not, the Constitution bars him from the nation's two highest elective offices.

George Romney was born in Chihuahua, Mexico, where his Mormon parents had taken up residence to avoid United States laws against the practice of polygamy. The Constitution, however, does not define "natural born" — although the First Congress offered its own interpretation — never tested in the courts — in a bill setting up naturalization procedures. According to this probably discarded definition, the offspring of American citizens are natural born no matter where they are born.

The legally accepted interpretation, however, holds that this status applies only in cases where the parents are in the military, on the high seas, on diplomatic duty, or in areas where extra-territoriality in effect creates a special American sovereignty. The Romneys were neither soldiers nor diplomats — and Chihuahua was clearly Mexican territory.

Court decisions have supported the commonly held view that the progeny of Americans not born on American soil are not natural born — with the exceptions I noted — and must be naturalized. The Supreme Court has ruled that a naturalized citizen "stands on equal footing with the native citizens in all respects save that of eligibility to the Presidency."

In the case of United States vs. Wong Kim Ark, the court ruled that "a person born out of the jurisdiction of the United States can only become a citizen by being naturalized, either by treaty, as in the case of annexation of a foreign territory, or by authority of Congress exercised . . . in enactments conferring citizenship upon foreign born children of citizens." This decision spelled out other citizenship matters, but they are not pertinent to the Romney case.

In Wong Kim Wo vs. Dulles, a three-judge Federal Circuit Court ruled that a child who is a citizen at birth by derivative citizenship under the statutes is "naturalized." This has been sustained in other cases.

Where does this leave Governor Romney? Unless there are decisions the lawyers have failed to discover — or unless the Supreme Court rules that past precedent no longer applies — he is clearly not eligible to be President. His followers argue — as did those who hoped that Franklin D. Roosevelt Jr. was Presidential timber, (he was born in Canada) — that these are legalisms.

"If he is nominated," they say, "and then elected, no one will raise the issue of his Constitutional eligibility. And if it does go before the Supreme Court, the ruling will recognize the existence of an accomplished fact, then sustain the new President."

Much of this is academic. Governor Romney's chances are not bright, and indeed it is a question whether he truly wants to make the perilous race. But it does raise some serious moral questions for those who claim

committal to his candidacy. If the court decisions and the statutes are clear-cut, then it is proper to propose Romney as a candidate on the ground that the Supreme Court will ignore legality in order to allow him the Presidency? The answer is obviously in the negative.

Governor Romney could, prior to the Republican convention and the primaries, ask Congress to pass a law making him properly eligible. But it is hard to see how any candidate, playing the usual coy game of Presidential possibilities, could lay his cards on the table so openly. The polls may equate Romney and Rockefeller strength, but until the status of his eligibility is decided, Romney is only a shadow candidate.

LETTERS TO THE EDITOR

Write Now

I would like to use your column to state a fact of which very few people seem to be aware.

All of us have, of course, read and heard of the impending sale of American surplus wheat to Russia. This is fine from the standpoint of getting rid of some of the gigantic surplus, which is costing us millions of dollars each day to store. It is even better when viewed in the light of the gold the Russians will pay for the wheat, which will greatly benefit our balance of payments.

But, dear taxpayer, did you know that our nation's leaders are planning to sell the wheat at a lower price than American consumers must pay for it? I guess you know who is going to make up the difference in price in order to support wheat prices.

We are spending billions of dollars each year on national defense, foreign aid, the United Nations, etc., to fight communism. Now we turn around and give them a helping hand, with the good old American taxpayer footing the bill. (As usual.)

Now, "helping thy neighbor" may seem to have a certain old-Testament rightness about it, but while we are helping this "neighbor," he is making plans to bury us.

Please, Mr. Taxpayer, don't sit by, doing nothing, while the administration sells us down the river again. If you don't have time to write to all our Oregon congressmen, at least write one and let him know how you feel.

Mrs. Ken Kuhlman.
Write to:
Sen. Wayne More
Sen. Maurine Neuberger
Rep. Al Ullman (our district).

Search

The reason I am writing you this letter is to find the whereabouts of my three children. Being the father I have the right to know.

The last time I saw my wife and the children was in 1962 at 2301 Geneva Drive in Modesto, Calif. I have written many letters to them but get no reply. My wife does not correspond with me at all.

My daughter, Mary Giallanza, who is 15 years old was born in Alameda, Calif., my son, Mike, aged 10, was born in Walnut Creek, Calif., and my daughter, Rose, was born in Concord, Calif.

I would very much appreciate it if you would print my letter in your newspaper. I will be glad to send you a money order covering the cost.

Charles Giallanza.

WASHINGTON NOTEBOOK . . .

Machine Measures Increase

By WASHINGTON STAFF

Newspaper Enterprise Assn.
WASHINGTON (NEA)—Census Bureau officials are biting their nails trying to figure out when the population of the United States will hit 190 million.

Every 7 1/2 seconds a light flashes on the electronic population indicator to show that a baby was born. Every 18 1/2 seconds, another light shows that someone died. And every 11 seconds the total population figure at the top of the board clicks up one figure.

But the board is just like any other government statistic. It has to be seasonally adjusted. The final figures on summer immigration and emigration have to be released before the Census Bureau can figure the exact hour and minute of the big moment.

Solicitor General Archibald Cox, making a Washington talk, got a little mixed up the other day on how many amendments there are to the U.S. Constitution.

"I'm not sure now," he said, "whether there are 21 or 22."

His host, Jacob Clayman of the AFL-CIO's Industrial Union Department, tried a few moments later to relieve Cox of his embarrassment.

"Let the record not show that Mr. Cox did not know whether the Constitution has 21 or 22 amendments."

What Mr. Clayman apparently didn't know either, is that the Constitution has 23 and may soon have a 24th.

George W. Ball, undersecretary of state, was speaking to members of the American Foreign Service Assn. After a great deal of praise for the Foreign Service, Ball hit them between the eyes with this:

"A principal source of my personal anguish comes from the documents that you ladies and gentlemen draft and which, after 37 clearances, find their way to my desk.

"I was taught to believe that the simple declarative sentence is one of the noblest achievements of man. But I have found in the State Department little sympathy for that particular article of faith.

"Sometimes I suspect that the elementary concept that a sentence should have a subject and a predicate—and in that order—is regarded in these parts, if not as subversive, then, at least, as outmoded."

Several times this year Sen. Barry Goldwater of Arizona is reported to have headed off drastic boycotts of New York's Gov. Nelson Rockefeller by intervening with state and local Republicans who might otherwise have stayed away from the governor's appearances.

Preserving party unity is one objective. Some of the senator's supporters have something more in mind: They don't want Rockefeller to gain the sympathy backing he might get if he were subjected to a severe freeze-out or tagged with a tomato.

Says one man: "Our only interest is in seeing that, wherever Rockefeller goes, he gets a polite, adequate and very cold reception."

QUESTIONS AND ANSWERS

Q—Do hermit crabs use only empty shells?

A—Yes. They are not capable of extracting the original mollusk and must wait for shells to be empty.

Q—For what feat is Lt. Andrews Summers Rowan remembered?

A—Rowan carried the famous message to Garcia, the Cuban revolutionist, during the Spanish-American War.

Q—What new national historic sites have been created?

A—Theodore Roosevelt's home, Sagamore Hill at Oyster Bay and his birthplace in Manhattan.

Q—Is the tower at Pisa the only leaning tower in Italy?

A—Italy has two other leaning towers besides the one at Pisa, the Asinelli and the Garienda at Bologna.

Q—Is it possible to see both the Pacific and Atlantic oceans at some point in Central America?

A—On a clear day, both oceans are said to be visible from Irazu, a volcano 11,260 feet high, in the center of Costa Rica.

Q—What is the Christmas tradition regarding holly berries?

A—Burn one on Christmas Day. If the flame burns bright and the light shines clear, then heaven will bless you all the year.