

Letter to The Editor

Since Judge Whipple has been given twice the space as Earl Seawright was given in commenting on the courthouse issue, may I have equal space for comment.

Judge Whipple says the courthouse is not an issue. The handling of the matter is somewhat confusing.

At the time of the primaries, the court announced the money available would be used for annex — their legal advice indicated the money was appropriated for this purpose and could not be otherwise used. Now the court discussed a new courthouse again. What makes the matter legal now? It's still earmarked as annex funds.

The court (or members of it) called a committee into sessions to determine whether a new courthouse should be built. One essential consideration should have been the soundness of the present structure; yet several months after the committee issued its report the court proceeded to hire three firms to determine how structurally sound the courthouse is.

The court objected to consulting more than one architect on plans because of the expense involved. But they incurred this expense in drawing up plans for a new building, getting estimates, etc., and not until later did they try to determine whether they could legally build this new structure.

We have been told the court wishes to follow the will of the people, but members of the court resented the fact a local architect was asked for his opinion when members of the committee wanted more information, and some members of the committee felt the presentation of details was one-sided. There have been this matter could have been resolved if the court had wanted a determination by the residents.

If it had not been for protests of local citizens, what has been described as an outstanding piece of architecture by Lewis Crutcher, A.I.A., would be demolished, providing rocks to shore up the bank of the river.

Franciene Urban

To the Editor:

It appears that the candidacy of the present County Judge for reelection is based upon an appeal for recognition of his past experience. He states that his experience well qualifies him to act as our County Judge.

I wish to ask, "Have you had experience with the County Judge or the County Court in the last 12 years?" If you have, you have probably decided for whom you will vote; but your percentage of the total vote is not sufficient to elect the County Judge on November 3rd. I am confident that it is you, who have not had such experience, that the Judge appeals to and it is to you, particularly, that I appeal. I solicit you to inquire of a person you know who has had experience with the County Judge. Remember that the Judge has a record. Let us hold him accountable for that record.

Many people have spent an enormous amount of energy in recent years to promote business and industry in this County. I particularly solicit you to inquire of business and industrial leaders as to what the Judge has done to promote business and industry in this County. Let us hold him accountable for that record by voting for Earl Seawright as County Judge.

Robert R. Timmins
920 Plymouth Street
St. Helens, Oregon

To the Editor:

The principal functions of the County Judge are those as chief executive officer of the County and chairman of the County Court. The chief function of the County Court is that of an administrative and policy making body for the County. County Judges in Columbia County and throughout the state have not usually been attorneys. They are not expected to be attorneys.

The 1963 State Legislature transferred all Juvenile Court jurisdiction to the Circuit Court and the Judges thereof in Columbia, Curry and Washington Counties. Oregon Revised Statutes 3.130. When the Legislature feels that an attorney is needed to handle the remaining judicial functions of the County Judge and the County Court, it will, without doubt, transfer their jurisdiction the same as it transferred the jurisdiction of juvenile matters. In the meantime, I understand that all pleadings, orders and notices are prepared by attorneys, who are responsible for their work. For the few contested cases and for all other County matters legal advice is provided by the District Attorney.

In summary, the chief functions of the County Judge are not judicial; he is not required to be, he does not need to be, and he is not expected to be an attorney. Since the present County Judge has pressed the matter, however, I wish to point out that John W. Whipple is not a member of the Oregon State Bar according to its official roster. He, therefore, is not licensed to practice law in Oregon.

Let us not be further misled.
Carl Brandenfel
Box 7
St. Helens, Oregon

To the Editor:

I have noticed that the newspapers of Clatskanie, Scappoose, St. Helens and Rainier all have run "letters to the editor" this last week extolling Judge Whipple as County Judge. Also, notable is the fact that all these letters have been written by only four different people. The St. Helens paper carried two of these letters, Rainier — one, Clatskanie — four, Scappoose — three, and the Vernonia Eagle says it has received these letters but has not printed them because it deems them political advertisements. The Scappoose Spotlight has inserted a line between the body of each of these letters and the name of the writer, which informs the public that the letter is a paid political advertisement.

I think this shows that some people are quite conscientious about their politics and diligently exercise their option to partake in political discussions — even to the point of paying 25 cents a line for the publishing of their letters. Judge Whipple is fortunate to have such loyal constituents.

However, I must say that I cannot agree with their views. My first meeting with Judge Whipple was several years ago when, as a member of the board of directors of the Midland Drainage District, the board made an agreement with Judge Whipple for the county to rock the levee of the district at a weak point — at cost. After several days of work the work suddenly stopped. I asked the road superintendent why the work had stopped and he told me that the judge had ordered it stopped. I called Judge Whipple about this and he told me that the road superintendent had informed him that our funds had been all used. I called the road superintendent and he told me that he had made no such call to the judge. I called the judge again whereupon he petulantly repudiated the terms of the agreement even though those terms were spelled out in the presence of the full board of supervisors and they

agreed with my version of those terms.

On through the years, I have been made aware of this type of unsatisfying relations with Judge Whipple. Three weeks ago I called Judge Whipple regarding the commercial hauling of sand over our poorly maintained dike roads. We had about a ten minute conversation and the discussion was permeated by misleading statements and false assertions by Judge Whipple.

Briefly, he told me the following:

1. He said that he had been in our area two days previously, had inspected our roads and could not see that the sand trucks had done any damage to the roads. To anyone who wishes the truth of this assertion, I recommend that they look at the serious damage done by sand trucks on the north Webb District road. How anyone could claim to have inspected this road without perceiving the damage is phenomenal.

2. He said that the county could not legally oil roads in the diking districts. His attention was called to the provisions of the law ORS 368, as long ago as February, 1963 by Mr. Dillard, which refutes such subterfuge. Mrs. Ida Nelson has documentary proof from Mr. Dillard regarding this.

3. I asked him why, if the county could not legally oil dike roads, the west road of Midland Drainage district, north from the county bridge to the Columbia river, was oiled this summer. He stated that this paving was paved for by a private landowner in the district and that he had the check for the payment in front of him at that moment. Both allegations were false. The county did the work with county road funds. Similarly, in the past he has said that the paving of the Webb district road was done by private parties and similarly, this is not true.

It is interesting to note that Judge Whipple has a letter to the editor in the Clatskanie Chief dated October 21, 1964 which begins, "I am this date advised by Mr. Williamson . . . that the county court has the legal right . . . to establish . . . dike roads . . . as county roads, under . . . ORS 368.470". It is interesting because, as before mentioned, Judge Whipple was advised of ORS almost two years ago and has steadfastly refused to acknowledge its existence until just before an election which shows promise of becoming his political demise.

Bob W. Ellis
Rt. 2, Box 162
Clatskanie, Oregon

To the Editor:

It is the opinion of my legal counsel that the money of the "Sinking Fund—Annex to Court House" of approximately \$382,900.00 has already automatically reverted to the General Fund by provision of Oregon Revised Statutes 280.130. This statute provides that "any balance in a fund referred to in ORS 280.110 that is not expended or obligated by definite commitments within 12 years from the date of the ordinance or resolution pursuant to which the fund was established shall automatically revert to and become a part of the general fund of the subdivision and shall be transferred thereto by the treasurer or other financial officer thereof." The county is a subdivision of the state as herein used.

With little doubt, definite commitments within the meaning of ORS 280.130 were not made by the County Court resolution of April 20, 1964, which apparently intended to make such commitment. Provision for such fund was made on June 11, 1952. The twelve year period elapsed June 11, 1964. As at June 11, 1964, and for that matter as of this date, definite commitments in the form of definite contracts, to definite persons, for

definite amounts, or for a definite building in a definite place have not been made. Accordingly, by statute the balance in the fund has automatically reverted to the General Fund, and the County Court's declared intention to expend the money for an annex is not in accordance with law now in effect.

Another example of the mismanagement of County Funds is the increment to the annex fund in the 11th and 12th year, in the amounts of \$12,910.35 and \$35,000.00 in the fiscal years ended June 30, 1963 and June 30, 1964, respectively. The annual increments to such funds are limited to a period of 10 years by Oregon Revised Statutes 280.100.

Do you not agree that the people have the right to be better informed about such matters? Do you not agree that any major Court House building program should be referred to the people? Do you not now agree that it is time for a change?

Sincerely,
Earl Seawright
134 N. 2nd St., St. Helens, Ore.

These days a bathing beauty wears nothing to speak of but plenty to talk about.

Future Missionaries Guests at Mist Church

MIST — Mr. and Mrs. Everett Brown of Vernonia were guests of the Mist church Sunday evening. They will be leaving for New Guinea soon as missionaries. Right now they are with the Vernonia Bible church. Mr. and Mrs. Ray Garlock were in Portland Thursday on business. Mr. and Mrs. George Mathews returned late Sunday evening from the Steens mountain area after being gone a little over a week hunting. Mrs. Mathews states they were successful.

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DISTRICT ATTORNEY

EXPERIENCED MUNICIPAL ATTORNEY

Represents—City of Scappoose - St. Helens Rural Fire District Warren Grade School and Scappoose Grade School District - Former Vernonia City Attorney.

Represents—Columbia County as one of its two appointed Representatives on the Metropolitan Study Commission which was created by the 1963 Oregon State Legislature.

Background—Veteran, 4 years, United States Air Force. Graduate of the University of Oregon. Practicing St. Helens Attorney-At-Law.

Pledge—To represent every citizen of Columbia County in a Courteous, Prompt, Economical and Impartial manner.

Pd. Pol. Adv. Donald L. Kalberer, 414 Day St., Scappoose, Ore.