

JAP-EVACUATION VERDICT WAITS

After hearing arguments that the United States Constitution should have been amended before American-born Japanese were evacuated, United States District Judge Lloyd L. Black commented yesterday in a test case involving legality of the evacuation that he does not believe the Constitution "is so un-suited for survival in these days of lightning war that we have to protect ourselves by the slow process of constitutional amendment."

The case involves Gordon Kiyoshi Hirabayashi, 24-year-old University of Washington student, who was arrested for violating the curfew and evacuation orders of the military. Shortly after his arrest, Mrs. Mary Farquharson, Seattle representative of the Civil Liberties Union, announced that Hirabayashi's case would be made a test case.

'Amendment Violated'

In arguing for dismissal of the case, Frank L. Walters, Seattle attorney representing the American-born Japanese, declared that the military evacuation order violated the Fifth Amendment to the Constitution, which provides that no citizen may be deprived of his liberty without due process of law.

Conceding that the American-born Japanese could be evacuated if Congress amended the Constitution to deny citizenship to all members of the Japanese race, Walters declared:

"If we are going to do it, let's do it in the constitutional way, rather than through an arbitrary military commander. More than one of us in this room have been in the service and know how arbitrary a military commander is."

Judge Black did not announce a decision, although his comments made it clear that he was inclined to rule against Walters. He added that if, after further study, he found his present inclination mistaken, he would not hesitate to rule for Walters.

"It has been frequently declared by representatives of Japan, Germany and Italy," Judge Black commented, "that a constitutional democracy such as the United States is completely outmoded by reason of scientific advancement. They have shouted to the world that the Constitution of the United States is absolutely bound and imprisoned, such a self-imposition it (the Constitution) would stand as an immobilized victim while the speedy attack of dictator countries destroyed it."

'Long Wait Suggested'

It has been suggested here that, regardless of how necessary it is that a military area be protected, in the United States must wait until a constitutional amendment is proposed, worded, passed by both houses and then submitted to and passed by three-fourths of the states.

"Therefore, I concede to counsel that I don't believe the Constitution of the United States is so un-suited for survival in days of lightning war that we have to protect ourselves by the slow process of constitutional amendment."

In arguing that the military authorities did have power to evacuate American-born Japanese, Gerald D. Hipe, assistant United States attorney, said:

"Suppose they had not been evacuated and that Japanese parachutists landed here in civilian clothing. Who could tell who's who? That one fact alone shows that from a military standpoint, it was necessary they be excluded."

Hipe declared that military authorities did not act "arbitrarily," but rather "faithfully."

Students Make Useful Gifts For Army, Navy

MINNEAPOLIS, July 18.—(UP)—Volunteer students at the University of Minnesota have formed a military-service crafts club to make practical gifts from salvaged materials for men in the fighting forces.

These neckties, socks, and other customary men's presents have been supplanted by government-issue for the duration, the crafts group was formed to provide usable gifts from discarded materials.

It meets two hours daily to transform scrap lumber, tin cans, and bits of leather into garter straps, trays and tobacco pouches. Tools used by the group were salvaged from basements, attics—and garages.

The idea started when Don Colgan, a senior, sent a sailor friend a "scrap-leather" lanyard which is hung around the neck and used to carry whistles and identification tags.

Some of the gifts fashioned by crafts members are cribbage boards from tin cans, shower clogs from apple crate ends and soap sponges, writing boards, key and pipe holders and games.

Hospital for Insane Asks More Sugar

PUEBLO, Colo., July 18.—(UP)—The Colorado State Hospital for Insane has issued a formal protest against sugar rationing.

Supt. P. E. Zimmerman informed the Colorado rationing board that he had found it "almost impossible to provide our patients with a proper diet" under the small allotment granted the hospital.

Zimmerman says his patients need a diet with high sugar content and have no access to candy, sugar in restaurants and other auxiliary supplies of sweets.

Grand Jury Enjoys Idling Bingo Game

PITTSBURGH, July 18.—(UP)—Members of the Allegheny County grand jury have found a way to while away time. They played bingo while standing by to investigate recent election irregularities.

One member supplied the game and others brought small trinkets to serve as prizes.

JAPANESE POSTER APPEALS TO U. S.



Standing at the side of these two vigorous war-bond posters is Keith Oka, Japanese evacuee from Seattle, who runs the art department at Camp Harmony, Puyallup, and clearly visualizes a Jap warlord as a rat. His poster also shows Hitler and Mussolini as the same kind of vermin. The poster of the prone American soldier with its effective "THIS BOY GAVE—will you lend?" also is Oka's.



Sho Kaneku, left, and Mas Tsutakawa, former University of Washington students, also are turning out war-bond posters, which have been on public display in Puyallup. They are standing beside their posters, which show they think of tanks, guns and ammunition as the result of war-bond sales.

Tojo a Rat in Puyallup Evacuee's War-Bond Poster

Tojo, the Japanese at Camp Harmony, is a rat, and the young artists of the evacuation center draw him like a rat.

Hitler and Mussolini are rats, too, because the evacuees blame them as much as Tojo for getting them out of their homes and normal life into a center of 7,200 persons on the outskirts of Puyallup.

So well did Keith Oka, former Edison Vocational School student in Seattle, portray the three Axis partners as vermin that his poster on the subject was displayed in a recent Victory Parade in Puyallup, was shown in the window of a Puyallup store and now is in a Camp Harmony art exhibit.

To Be Stamped Out

Oka painted a war-bond poster showing Tojo, Hitler and Mussolini as three rats about to be stamped out with a huge foot. On the sole of the foot is a war stamp.

Another effective poster by Oka shows an American soldier lying dead, with this legend: "This boy gave... will you lend?" Sho Kaneku and Mas Tsutakawa, former fine-arts students in the University of Washington, Hisashi Hirai, former Seattle commercial artist, and Motoi Naito, Tsutomu Saito, Sadao Nakagawa and Paul Hiyama, also from Seattle, are others at Camp Harmony who have been making war-bond posters.

"We want to get rid of this war, and the men who started it," Oka said yesterday. "That's why we do these posters and will do anything we think will help the United States—our country."

From the date of internment in mid-May to July 1, evacuees at Puyallup have purchased \$8,250 in war bonds and stamps. George Minato, who directed a war-bond

Search for Five In Army Plane Is Discontinued

NEW ORLEANS, July 18.—(UP)—Five officers and enlisted men have been missing in an Army plane since Tuesday, the New Orleans Air Base announced today.

The Army announcement said search had been abandoned.

The men were identified as 1st Lieut. Rondel L. Cox of Cuyahoga Falls, Ohio; 2nd Lieut. Joe P. Stanford, Cuthbert, Ga.; Staff Sgt. Euel K. Martin, Mantec, Miss.; Technical Sgt. Guy C. Payne, New Orleans, and Sgt. Albert J. Albers, Dayton, Ohio.

CHANDLER, Ariz., July 18.—(UP)—An Army bomber training plane crashed and burned near Magma today, killing Aviation Cadet Joseph C. Zalesky, 21 years old, of St. Paul, Minn., and Student Flying Serg. Harry M. Wright, 20, Carneiro, Kas.

Japanese Get Rental-Filing Notices Late

Two days after the final deadline for filing, news of the law requiring property owners to register rented property reached Japanese owners interned in Camp Harmony at Puyallup, and brought a hurry-up call to Seattle for registration forms.

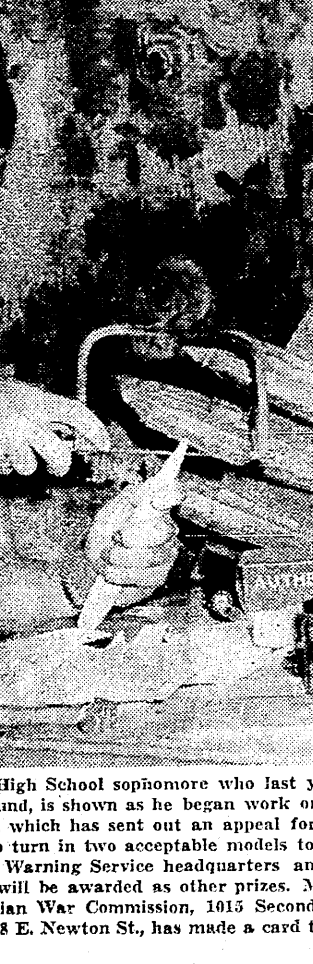
Through their information manager, Tom Mayeda, they asked Alfred Harsch, Puget Sound Area Rent Director for the Office of Price Administration, to "send us details concerning the registration for real-property owners in regard to the rental."

Harsch ordered the forms sent and informed the evacuees he will grant them a few extra days for filing.

Citrus Waste Used

WASHINGTON, July 18.—The making of livestock feed from the citrus waste at canneries—the peel and seeds—has become an important industry in Florida.

BOY'S SKILL AIDS AIR SERVICE



Robert A. Harris, a Garfield High School sophomore who last year won a prize with his model of the Lockheed P-38 in the background, is shown as he began work on a model of a Heinkel 111 bomber for the Fourth Fighter Command, which has sent out an appeal for model airplanes to use in aircraft identification. The first 25 boys to turn in two acceptable models to Room 213, Rialto Building, will be given an escorted tour of Aircraft Warning Service headquarters and will visit a ground observation post, and war bonds and stamps will be awarded as other prizes. Models must be submitted by August 7. Boys may register at the Civilian War Commission, 1015 Second Ave., or at Frederick & Nelson's toy shop. Harris, who lives at 2018 E. Newton St., has made a card table work bench in the dining room of his home.

SAKAMOTO RAPS INTERNMENT BILL

A Senate bill, which would empower the War Department to take all Japanese in the United States into custody, would "put 100,000 American citizens in concentration camps without hearings," James V. Sakamoto, a leader of the Japanese in Camp Harmony at Puyallup, declared in a mimeographed letter he was circulating yesterday.

Sakamoto was editor of The Japanese-American Courier before all Pacific Coast Japanese were evacuated last spring.

The bill, introduced by Senator Tom Stewart, Democrat, Tennessee, provides "for the taking into custody during the continuation of the war between the United States and Japan of any or all Japanese residing in or found in the United States."

Bill Declared Vicious

"You will readily see the vicious, un-American nature of the bill, I am sure," Sakamoto wrote. "As Senator Ball, Republican, Minnesota, put it, the measure would have the Senate agreeing to 'put 100,000 American citizens in concentration camps without hearings or anything else.'"

"We Americans of Japanese descent, evacuated in a loyal and cooperative spirit, not because we were wanted, but because we felt we were helping our country to victory by... disappearing for a short while from the American scene so that national unity and freedom from fear may enable our country to expend its fullest efforts..."

Would Infringe Rights

"But now here is an obvious attempt to infringe on the rights of a defenseless minority with a bill which has been given a minimum of publicity. We request you, as fellow Americans, to do everything in your power to prevent this un-American practice. Please spread the word to other thinking Americans and write to your congressman opposing this unfair measure."

Pullman Helps Develop Ideas To Win War

CHICAGO, July 18.—(UP)—Employees of the Pullman Company with ideas or inventions for winning the war have been encouraged by a company offer of technical assistance.

Facilities formerly given employees only for developing improvements for the company now are available for creating ideas and inventions useful to the armed forces, according to E. S. Taylor, director of the company's suggestion system.

"We will not pass on the value of inventions, but will submit them promptly to the National Inventors' Council of the Department of Commerce," Taylor said.

Posters bearing the legend, "Invent for Victory," and urging submission of wartime suggestions have been placed in the company's yards, shops and offices in 70 cities.

Pullman Co. last year paid \$29,940 for 2,600 suggestions it adopted out of 25,300 offered for improving operations, Taylor said.

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Seattle Area's Sugar Quota May Be Bigger

Seattle and other areas whose populations have been increased by influx of defense workers may expect more sugar to be made available to them soon, Sen. Homer T. Bone advised the Tacoma Chamber of Commerce in a letter yesterday.

Bone said that federal rationing authorities would amend existing area quotas in about two weeks.

Arthur J. Kraus, state rationing administrator for sugar, said last night that he did not believe Bone's statement meant that individual allowances of sugar under the rationing plan will be enlarged, but merely that larger allotments of sugar will go to various areas.

"Nine out of every ten people we talk to say they are getting all the sugar they need," Kraus said.

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WAR-STAMP BONNET



Uncle Sam's war campaign will be aided directly by wearers of this new "Victory Calot," introduced yesterday by the Frederick & Nelson millinery section. The navy-blue grosgrain bonnet is trimmed with United States war-savings stamps.

Romance With Sergeant Cited in Slaying of Girl

OAKLAND, Calif., July 18.—Police tonight questioned Leslie B. Gireth, 37 years old, wealthy married Glendale jeweler, on the theory he shot and killed his 21-year-old sweetheart, Dorena Hammer, formerly of Tacoma, because she had decided to leave him after "one last week-end."

Gireth, held in the Oakland jail, vigorously denied jealousy was the motive for the "red-carnation" slaying, saying he had even encouraged Miss Hammer to go out with other men.

A complaint charging Gireth with murder was filed today by Ernest G. Hammer, Glendale exporter, father of the girl, at San Leandro. Preliminary hearing will be Monday.

Put Ribbon in Her Hair

Sheriff H. B. Gleason of Alameda County reported Miss Hammer was involved in a romance with Master Sgt. H. L. Jones, 23, San Jose, while still writing letters to Gireth, because of her passion for him, Gireth shot the girl early last Thursday as she lay in bed in an automobile-courthouse, and apparently stayed with the body for hours.

Gireth put a gay ribbon in her hair, bought a bouquet of red carnations and arranged them alongside the death bed and played Debussy's "Claire de Lune" over and over on a phonograph.

Sheriff Gleason said Sergeant Gireth, arrested in Fresno, at first had little to say. He told officers: "It's a long story, and people wouldn't understand." Later he said he killed the girl because he felt their affair would ruin their lives.

Gireth said no break-up in their love affair, which had continued for a year, was imminent, and denied Gireth had anything to do with the slaying.

"As a matter of fact, I encouraged her to see other men. She was young, vivacious. I had no right to demand she devote her time exclusively to me," Gireth said.

Gireth and Miss Hammer, former San Jose State College student, who was studying meteorology at Alameda, had driven together from Glendale, stopping in San Jose Wednesday night.

Gireth told questioners he could not remember all that happened after they reached the automobile court.

Can't Remember Shooting

I have no recollection of having physical control of the gun," he said. "I don't remember where I shot her first. I have no recollection of the report of the gun. ... It was all as though it were fate. I did not wish to drag her through the mire of a divorce trial," he said, referring to a divorce complaint Mrs. Mary Gireth filed against him in February.

"I'm sorry for her," Gireth said calmly, "and I'm sorry for her relatives, particularly her mother, who worked so hard for Dorena."

Police believed the girl had picked up a bundle of letters at the home of friends in San Jose, intending to return them to Gireth. They were filled with tender phrases and indicated they had spent many week-ends together.

Tribute to the work of model builders was paid by Maj. E. J. Boender, public-relations officer of the 4th Fighter Command, Seattle Region.

"Model builders are rendering a great service," Major Boender said, "and we are eager to show our gratitude to at least a few of them."

Contestants may enter two planes at Room 213, Rialto Bldg. The contest is sponsored by the 4th Fighter Command, Washington State Defense Council and Civilian War Commission. It is designed to provide each Western Washington ground observation post with set of models of six American, three German and three Japanese planes, to be used as aids in identification of aircraft. The entrance deadline is August 7. There is no limit on the number of models which may be entered. All will be exhibited August 10 to 15.

Contestants may register and obtain information on the competition at the War Commission's information bureau, in the Rialto Bldg., or in the Frederick & Nelson toy shop.

Florida Canal Held Boon to Small Firms

DALLAS, Tex., July 18.—Congressional approval which provides for completion of the intercoastal canal across Florida and immediate construction of three pipe lines pending completion of the waterway was hailed today by Col. Ernest O. Thompson, chairman of the Railroad Commission, as the greatest boon to the independent oil man in many years.

The bill received final passage Friday in the Senate.

Thompson said the canal would mean a "free market" for the little man, explaining that "most any operator can get together a standard barge load of 9,000 barrels, whereas if he had to ship by tanker he never could muster a load."

Gas pressure is so great in South-eastern New Mexico's oil fields that only 4 per cent of the producing wells require pumps.

PEW'S FIANCEE KEEPS SILENT

(See Page 3, Newsweek Section, for wirephoto.)

PHILADELPHIA, July 18.—(UP)—Blonde Sophie Boychuk, 22 years old, attractive daughter of Russian-born parents and an attendant at a Sun Oil Company gasoline service station, refused tonight to confirm or deny reports that she planned to marry the boss' son.

Marriage license clerks said Miss Boychuk accompanied Walter C. Pew, Jr., son of the oil company's general manager, to the license bureau yesterday and obtained a license. Pew gave his age as 23, but friends said he was only 19.

Clerks said she listed his occupation as welder and that he wore his working clothes.

Pew's father, Maj. Walter C. Pew, now attached to the Army Ordnance Department, said tonight that he knew of the marriage plans and that he and Mrs. Pew approved. "We think Miss Boychuk is a very fine young lady," the father said.

"I can see no reason why their marriage should not be a success," he added, "provided the event is not given too much publicity. That usually gives young people the idea they are important, when in reality they are not."

Miss Boychuk, a former waitress, was one of the first girls employed as attendants by the oil company. Her mother works in a mid-city restaurant and her father is an unemployed cloth cutter.

War Creates New Interest In Presidents

SAN DIEGO, Calif., July 18.—(UP)—The war has stimulated a great interest in Americans relative to their past Presidents, the City Library reports.

As a consequence, it has drawn up a list of answers most often asked by patrons who want to know what past Presidents have done and other facts relative to them. Some of the questions are:

Q. Who was the tallest President of the United States? A. Abraham Lincoln, who was about 6 feet, 4 inches. George Washington, who was 6 feet, 2 inches, comes next on the list.

Q. Who was the oldest President of the United States? A. Andrew Jackson, who was almost 70 when he retired from the White House March 4, 1837.

Q. Did Washington receive a salary for his services during the Revolution? A. He refused to accept anything for his services during the Revolutionary War. He did, however, accept reimbursement for his expenses. The total sum listed in a detailed and accurate statement of his expenses was \$662,315.

Q. What President was the first President not born a British subject? A. Martin Van Buren.

11 Eastern States Under War Orders

NEW YORK, July 18.—Lieut. Gen. Hugh A. Drum, commander of the Eastern Defense Command, First Army, issued a general order establishing rigid control of flying over portions of 11 northeastern states.

It further directed that "all persons, military or civilian, except members of anti-aircraft artillery units, are prohibited from firing at any aircraft, balloon or dirigible, or at any parachutists, unless they are first positively identified as an enemy." Separate instructions govern anti-aircraft units, it was explained.

Seattleites at Northwestern

Seven Seattle students are registered for the summer session at Northwestern University, Evanston, Ill., Northwestern's registrar announced yesterday. They are Perry E. Baister, Robert C. Lake, Frank M. Maher, Bruce St. Clair McClellan, Richard A. Rogers, Leonard B. Rich, and Wayne W. Zimmerman.

have your picture taken!

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