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WEATHER

	Test.	Yr. Ago
Maximum temp., F.	66	62
Minimum temp., F.	32	34
Humidity, 5 a. m., per.	16	37
Humidity, 5 p. m., per.	16	37
Rain, inches	trace	.00

The Arizona Daily Star

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SILENCE GREETS NAZI VOTERS ON EVE OF VOTING

Anti-Nazi Paper Fails to Appear, Sabotage Rumor Is Started

BALLOTS ARE READY

Nine Hundred Foreigners To Have Charge Of Balloting

(Copyright 1935)
By ASSOCIATED PRESS

SAARBRUECKEN, Saar Basin Territory, Jan. 11.—The lid was clamped down tightly on Nazi and anti-Nazi demonstrations today, and thousands of German Saarlanders arriving to vote in Sunday's plebiscite were received in strange silence.

In sharp contrast to the shouts of "heil, Hitler!" that rang through Saarbruecken's streets with the arrival of other foreign contingents, taxicab drivers today stared silently and Nazis' welcoming committees, cautioned by German front leaders, carried signs offering the usual free coffee to the plebiscite visitors.

A hush fell over the densely-populated little basin tonight as the thunder of the German and anti-German pre-plebiscite campaigns died away in the last 36 hours before the voting.

Sabotage Charged

The only disturbance of the day in Saarbruecken were the shouts of "sabotage" that went up from advocates of the status quo (retention of League of Nations government) when the anti-Nazi organ, the "Volksstimme," failed to appear on the streets.

Telephoned inquiries to the newspaper office brought the reply it would be "on the streets in half an hour." "A press breakdown—nothing serious," it was explained.

The "Volksstimme" delayed its appearance, however, far past the half hour and most of the 300 correspondents here to cover the historic battle of ballots smelled another sabotage story.

An Associated Press correspondent climbed three flights of steps in pitch darkness to find the newspaper's editors working by candle light. The electricity in the plant had been cut off—or short-circuited. Whether Nazi sabotage was involved could not be determined.

Nerves Jumpy

The incident, however, served to illustrate the jumpy nerves and explicable emotions of the Saarlanders on the eve of one of the most vital elections in Germany's history and one of the most important tests Adolf Hitler's Nazi regime has yet faced.

Solemnly today, with right hands held aloft, 90 neutral foreign plebiscite officials who will preside over the polling posts Sunday and help count the ballots the next day swore themselves to silence. They pledged themselves not to speak to anyone about the plebiscite results until after the official announcement.

The ballots with which the Saar's future national allegiance will be decided—and which therefore are worth so many hundreds of tons of paper used for propaganda and so many thousands of gallons of vitriolic ink — themselves weigh approximately two tons.

Supreme Court 'Oil' Decision Merely Draws Arbitrary Line

Question as Old as Country Itself Calls for Deciding, Not Whether Power Can Be Delegated, But How Much Congress Should Give President

By WALTER LIPPMANN

The question which was before the supreme court in the "hot oil" case has been raised frequently during the past one hundred twenty-five years. It is the question of how much of the power vested in it by Article 1, Section 1 of the Constitution the congress may delegate to the executive or to the administrative commissions and yet not "abdicate" its "essential legislative functions." The question is not an easy one. For there is no simple yardstick. The court, as Chief Justice Hughes' opinion shows, has been deciding this question since congress, in 1809, delegated certain powers to the President to protect American commerce during the Napoleonic wars.

The precedents cited by the chief justice show, too, that the question has arisen with increasing frequency since 1890. It has arisen in this period because congress has been moving further and further toward the control of extremely complicated economic affairs. Both congress and the court have recognized that congress could not work out to the last detail the laws governing there affairs. It has been necessary, therefore, to give the executive and various boards and the power of "making subordinate rules within prescribed limits and the determination of facts to which the policy as declared by the legislature is to apply." For, as the chief justice says, "without capacity" of this sort, "we should have the anomaly of a legislative power which in many circumstances calling for its exercise would be but a futility."

British experience has been similar to our own. That, according to

(Continued to Page 6, Column 2)

The Great Game Of Politics

BY FRANK R. KENT

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STRANGE BED FELLOWS

WASHINGTON.

NOT THE least of the phenomena of this Roosevelt period is the extent to which, subordinating their sober judgment for one reason or another, so many men strain in the effort to support him. There seems a curious feeling that regardless of profound distrust of his wisdom some way must be found to commend, something discovered to praise.

PARTLY this is due to belief that it is futile to oppose, partly it is a reluctance to be found in a small minority; partly, in the case of part of the press and most of the politicians, it is anxiety to avoid antagonizing the so-called Roosevelt following and escape being berated as one who wants people to starve or as a disguised Hoovervite, or something equally discreditable.

PARTLY, too, it is due to the amazing propaganda spread by Mr. Roosevelt himself that it is unpatriotic to criticise without a "constructive alternative," though Heaven knows the constructive alternatives so conciliatingly offered him by the national economy league and the White Sulphur industrial leaders got anything save a cordial reception. It would take a psychiatrist to analyze adequately the causes for this strange state of mind, but the fact remains there was never a President who had so much lip service from intelligent men whose hearts and minds are hard against him. And there was never a President whose policies were so thoroughly pointed as to defy definite idea of their direction.

THE BEST evidence that he lacks a steady aim toward a fixed goal lies in the simultaneous and equally enthusiastic commendation of his recent message by elements and individuals so widely separated and so hostile in their points of view that there exists for them no conceivable common ground. For example, it would be difficult to find two men farther apart than the Rev. Father Coughlin and Mr. Mark Sullivan. Yet both laud the message. Mr. Sullivan regards it as "by far the longest and firmest move to the right," considers it a defeat for the forces that were pushing toward socialism and greatly encouraging to industry. The Coughlin view is the exact reverse. He regarded the message as a great advance toward "social justice," a distinct reverse for those who put property rights approximately two tons.

(Continued to Page 9, Column 3)

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NINE PICTURE COMPANIES ARE FACING CHARGE

Anti-Trust Laws Basis for Complaint Made by Theatre Owner

WARNERS BEGAN ROW

Threatened Losses for Houses Not Owned by Them, Alleged

ST. LOUIS, Jan. 11.—(AP)—Federal indictments against nine moving picture companies and six of their executives, charging conspiracy to violate the Sherman anti-trust law, were returned today after an investigation which promises more widespread action.

Based on a St. Louis "movie" war, the indictments allege Warners and other major producing and exhibiting concerns cancelled franchises under which they agreed to furnish films, sought to intimidate and coerce owners of buildings, and in general conspired "in restraint of trade."

Companies involved included Warner Bros. Pictures, Inc.; Vitaphone corporation, First National Pictures, Inc.; Paramount Pictures Distributing corporation; Paramount Pictures Distributing company, Inc.; R-K-O Distributing corporation; Warner Bros. Circuit Management corporation, General Theatrical Enterprises, Inc.; Paramount Pictures Distributing company, Inc.

Individuals named in indictments are Harry M. Warner, president Warner Bros. Pictures, Inc.; Herman Starr, president First National Pictures, Inc.; Abel Cary Thomas, secretary Warner Bros. Pictures, Inc.; Gradwell Sears, western and southern sales manager Warner Bros.-First National; George J. Schaefer, vice president and general manager Paramount Pictures Distributing corporation; Ned E. Depinet, president R-K-O Distributing corporation.

Specifically, today's action concerns complaints of Allen L. Sonderman, owner of the Ambassador, Missouri and Grand Central theatres; and Fredric W. Ziegler, who represented later, probably at Los Angeles.

Specifically, today's action concerns complaints of Allen L. Sonderman, owner of the Ambassador, Missouri and Grand Central theatres; and Fredric W. Ziegler, who represented later, probably at Los Angeles.

He asserted Warner Bros., which at one time controlled the theatres, threatened scores of his colleagues to regain control. Later the Warners opened two St. Louis houses upon, passed along the cost to them of eight men who had chosen the "cure." Each gulped down a generous portion of the liquid and shuffled sheepishly from the courtroom.

CHAVEZ CLAIMS SEAT IN SENATE

Files Election Contest With Secretary to Begin Last Fight

ALBUQUERQUE, N. M., Jan. 11—(AP)—Dennis Chavez, Democrat, today made his last bid for the seat in the United States senate held by Bronson Cutting, Republican incumbent.

Chavez, former congressman from Cutting defeated by about 1,000 votes last November, announced he had mailed to the secretary of the senate a contest of Cutting's election, and was following it up in person to press for a hearing before the senate elections committee.

At Washington Cutting's forces today had no comment. Senator George, chairman of the elections committee, was unavailable for comment.

On December 31, Chavez lost his fight to prevent the issuance of an election certificate to Cutting. The New Mexico supreme court denied the ex-congressman's petition for an order directing the state canvassing board to throw out all San Miguel county votes. The result would have given Chavez a majority. He claimed many voters there failed to register from the county than there were registered voters.

While the supreme court was still deliberating on the Chavez matter, Republican candidates threw into its lap similar claims, involving precincts in 15 counties which, if their votes were disregarded in ascertaining the official state total, would have vested a Republican governor, congressman and secretary of state.

The court denied these claims as well as that of the Democratic petitioner.

Chavez did not reveal today the allegations on which he bases his contest before the senate.

WAR ON STRAY DOGS FAVORED BY TRUMAN

PHOENIX, Jan. 11.—(AP)—Dr. George C. Truman, state superintendent of public health, said today he is in sympathy with a movement looking toward extermination of all stray dogs in Arizona.

"A plan of that kind, if carried out," Dr. Truman said, "would greatly assist in stamping out the spread of rabies in Arizona which is a health menace wherever dogs are permitted to run wild and unchecked, which apparently is the case in the state at this time."

Marion E. Stroud, head of the Phoenix branch of the state laboratory, reported today that approximately seven of every 10 dogs examined for rabies are afflicted with the disease. The greatest number of positive cases, she said, have come from Coconino county during the past few years.

Records of the state board of health show that in the past 12 years six persons have died in Arizona from rabies contracted from dog bites.

AMERICAN KIDNAPING IN MEXICO CONFIRMED

MEXICO, D. F., Jan. 11.—(AP)—The United States embassy today received a telegram confirming the fact W. Frank Carpenter, 55, former San Antonio, Texas, resident, was killed Wednesday at his ranch near Durango, Mexico.

The information received by the embassy said the killers were bandits, not Mexicans as reported in San Antonio.

Dispatches from Durango said a Mexican, Julian Murrillo, also was killed by the gang which fled to the mountains after sacking Carpenter's ranch.

CASTOR OIL SENTENCE ENDS RAID ON GROVES

YUMA, Ariz., Jan. 11.—(AP)—Yuma's "marrying" justice of the peace, Earl C. Freeman, who has read the marital vows for many Hollywood film fish and other celebrities, is a castor oil specialist also in administering castor oil.

For several months county authorities have been harassed by transients' raiding orange groves. Jail sentences seemed ineffective so Judge Freeman turned to castor oil and in the past week has administered the "cure" to 75 men, who chose the oil in preference to 90 days in jail.

This afternoon Judge Freeman, carrying a huge bottle and a capacious spoon, passed out the dose of eight men who had chosen the "cure." Each gulped down a generous portion of the liquid and shuffled sheepishly from the courtroom.

STATE FARM BUREAU SEEKS LEGISLATION

PHOENIX, Jan. 11.—(AP)—Directors and members of the Arizona state farm bureau federation at a meeting here tomorrow will be asked to submit informally to members of the legislature their views on several proposed bills.

S. S. Wallace, president of the federation, said he expects 30 to 40 members of the legislature to attend the dinner. The discussion will be confined to proposed laws having a direct bearing on agriculture.

The proposed measures include gross income tax, agricultural prorate act, and fertilizer and feed bills. Speakers will include Ward Powers, of Phoenix; A. D. Cox, of Yuma, and Prof. M. F. Wharton, University of Arizona.

The proposed bills were discussed at a meeting of farm bureau directors here today

Withdraws

W. G. ROSENBAUM

ROSENBAUM OUT OF SPEAKERSHIP

Encumbent Will Not Ask Another Term; Tway, Babbitt in Race

PHOENIX, Jan. 11.—(AP)—W. G. Rosenbaum of Gila county, speaker of the Arizona house of representatives at the third special session of the legislature which convened in November, said today he would not seek the speakership at the regular session which convenes Monday.

His announcement came as a surprise to friends in the legislature who considered him one of the leading candidates for the speakership.

"I am actuated by a desire for harmony in the regular session," Rosenbaum said. "The problems which must be considered by the 12th legislature, and which can be solved only if harmony exists, are of far greater importance to the citizens of Arizona than my personal gain."

His withdrawal left Rep. James E. Babbitt, of Cochnise county, and Rep. T. D. Tway, Pima county, as the outstanding candidates for the speakership.

The next speaker will be selected at a session of the house at 2:30 p. m. Sunday.

WEST STILL WOOLY THINKS THIS COMPANY

PHOENIX, Jan. 11.—(AP)—Arizona is still the "old west" where nearly every man has his own horse—in the minds of middle western folk. A firm of Chicago horse and mule dealers wrote to the Arizona state chamber of commerce asking for a list of "horse and mule dealers and buyers, who pull and accumulate horse tail hair."

"We might refer also," the letter continued, "to farmers who pull the tail hair from their horses."

Henry Norton, chamber secretary, wrote back that "more farmers and here know the technique of priming a carburetor than extracting mule tail hair nowadays."

BROTHER OF 'DEATH VALLEY SCOTTY' DIES

TWIN FALLS, Idaho, Jan. 11.—(AP)—George C. Scott, 73, brother of Walter Scott, the famous "Death Valley Scotty," died yesterday at his home at his home one mile south of Rock Creek Town.

Mr. Scott, a resident of Idaho since 1891, first settled in the Salmon Reservoir district, and later lived at Rock Creek. He was employed for a number of years as a clerk for the Utah construction company. He was born at Cunningham, Kentucky, May 23, 1861.

WRITING EXPERT AIDS STATE AND KIDNAP DEFENSE

Testifies Writing on Ransom Note Was That Of Hauptmann

UPSETS BANK SLIPS

Shows Writing on Deposit Records Not That of Accused Man

By ASSOCIATED PRESS

1.—Albert S. Osborn, handwriting expert, says Bruno wrote ransom notes.

2.—Defense shows ransom deposit slip not defendant's handwriting.

3.—Bronx garageman says Bruno had green fenders of car painted black after kidnaping.

4.—Woman says she saw Violet Sharpe, suicide maid, with two men in Yonkers, N. Y., on kidnap night.

5.—U. S. detective believed to be returning from Leipzig, Germany, with sister of Isador Fisch, Hauptmann's alibi man.

SAYS HAUPTMANN IS RANSOM NOTE WRITER

FLEMINGTON, N. J., Jan. 11.—(AP)—A white haired, handwriting expert in testimony today wedged the Lindbergh ransom pen between the fingers of Carpenter Bruno Richard Hauptmann.

Albert S. Osborn, dignified and assured, fumbled a tiny earphone and serenely told the jury trying Hauptmann for the murder of the Lindbergh baby that he was certain all fourteen ransom notes were the work of the accused, Bruno.

The notes—beginning with the one left on the window sill of baby Lindbergh's empty nursery — cost Col. Charles A. Lindbergh $50,000, although baby Lindbergh was dead.

Hauptmann, fingering his chin, took the international expert's clear precisive words as if lost in deep thought.

His expression did not change as the 40-year-old witness declared both the ransom notes and much of the prisoner's "sample" handwriting after his arrest were disguising.

". . . and that writer didn't have the disguise."

Hauptmann leaned forward to study his attorney's album of handwriting specimens, just as Lindbergh, too, leaned forward—intent.

April 2, 1932. John F. (Jafsie) Condon, who paid the money, says "John" is Hauptmann.

Then C. Lindbergh, Father, associate defense counsel, drew from Wilson that a deposit slip delivered him in with the gold certificates and inscribed "J. J. Faulkner," was not Hauptmann's writing.

Q. Were you informed it (the slip) had been given to a handwriting expert to compare with the handwriting of Mr. Hauptmann?

A. Yes.

Q. And what were you informed the result was?

A. That it was not the same writing.

Q. That it was not in the handwriting of Bruno Richard Hauptmann?

A. Yes.

Two days after the money exchange incident was identified, J. J. Faulkner, an advertising copywriter

(Continued to Page 13, Column 1)

Amelia Earhart Hops Off In Rain for Mainland of U. S.

SAN FRANCISCO, Jan. 11.—(AP)—Globe wireless reported here tonight its Hawaii station had picked up the radio call letters of Amelia Earhart Putnam's transpacific plane and that the noted aviatrix could be heard speaking to station KGU of Honolulu.

HONOLULU, Jan. 11.—(AP)—Amelia Earhart Putnam, only woman to fly across the Atlantic, crossed the Pacific tonight, taking off on a projected 2,400-mile ocean flight to California—a stretch never flown "solo" by any flier.

Undaunted by a heavy downpour of rain that made Wheeler field heavy with mud, Miss Earhart took off at 4:45 p. m. (10:45 EST), forced her heavily-loaded plane upward and streaked directly toward Oakland.

Flying almost on the heels of a storm, Miss Earhart appeared to be weather prevailed off the northern California coast, however.

All day Paul Mantz, Miss Earhart's technical adviser, and George Palmer Putnam, her publisher husband, worked to make ready for the flight — an undertaking that had been accomplished only once before from west to east.

At 3 p. m. a downpour struck Wheeler field and the plane was declared unfavorable for an immediate start, but the famous aviatrix refused to change her plan. Two hours later her plane, already loaded with 322 gallons of gasoline and elaborate radio and safety equipment, was rolled from its hangar.

It was given a 10-minute warmup, and Miss Earhart climbed in.

With a wave of her hand, Miss Earhart ordered a field crew to take away blocks from the front wheels, and she shot down the runway.

The plane, weighing 3,800 pounds, rose out of the heavy field after a 2,000-foot run. It faltered for moments then, but she drove it hard and it began to climb as it gathered speed. Six minutes after the takeoff she was 2,000 feet up and speeding for Diamond Head, last point of land on the long trek.

Putnam immediately announced Miss Earhart would definitely continue on toward California unless she returned to Wheeler field within 30 minutes from the takeoff.

Such had been the original plan—to start fully loaded and to return

(Continued to Page 13, Column 3)

JURY FAILS TO INDICT OR EXONERATE ROBSON; BAIL TO BE LOWERED

Not Indicted

OSCAR H. ROBSON

$69,000,000,000 IS ISSUE IN COURT

Decision on Gold Clause Case Means That to Nation's Business

WASHINGTON, Jan. 11.—(AP)—A $69,000,000,000 increase in private and public debts and the fate of the New Deal's vital monetary program hung tonight upon a decision of the supreme court.

Although government attorneys privately expressed confidence of the outcome, the markets declined to share their optimism. Grain broke and non-ferrous metals were off, while government bonds whose value would be increased by an adverse decision were strong.

The court was called upon to decide whether a $1,000 gold bond, whether of the government or a private corporation should be worth $1,690 in the new devaluated currency, or be redeemable at its face value in the present dollars. There are $100,000,000,000 in such bonds outstanding.

There was much unofficial speculation in the capital as to what the administration would do if the court should decide against it.

Some held the treasury would continue paying face value dollar for dollar in the new currency until ordered to make a change by congress. Others suggested that in the 25 days between announcement of a decision and rejection or approval of a plea to reconsider, the personnel of the court might be increased from nine to 11 through special action by congress.

Another suggestion was that the President might proclaim an emergency and take control over the currency as he did in the financial panic of his first week in office.

Neither President Roosevelt nor treasury officials would comment. Attorney General Cummings, in presenting the government's case before the high court, said "chaos" would follow an adverse decision.

Primarily, the question left before the court after arguments closed today was whether congress acted within its rights in abrogating the clause found in most bonds and contracts, predating June 1933, guaranteeing payment in gold or in amount of currency representing the sum of gold stipulated.

The congressional action was intended to enforce governmental seizure of all monetary gold stocks, and the reduction of the gold dollar a year ago from 25 4-5 grains to 15 3-21 grains. In the new currency 25 4-5 grains of the gold are worth $1.69.

Opponents of the government's position contend that for each 24-4-5 ounces of gold or dollar-in-fore-value of the old gold clause contracts and bonds, the holder must now be paid $1.69 because of the guarantee of equivalent payment.

In closing the case for the government today, Attorney General Cummings suggested the court might want to order a reargument and asked that the case be kept open for that purpose.

ASKS OBSERVANCE OF FRANKLIN'S BIRTHDAY

PHOENIX, Jan. 11.—(AP)—Gov. R. B. Moeur issued a proclamation today urging schools and civic organizations to observe Thursday, January 17, the anniversary of Benjamin Franklin's birth, with appropriate exercises.

"It is justly fitting and proper that at this time we commemorate the birth of Benjamin Franklin," the proclamation said.

"His patriotic service to his country at a perilous time deserves this honor. If ever there was a time that this nation needed the application of thrift and economy, so ably defended and supported by Benjamin Franklin, now is the time."

Robles Extortion Case Is Held for Further Consideration

PROBE TO CARRY ON

Government Willing that Suspect Should Get Reasonable Bond

The case of Oscar Robson, former night club proprietor, charged with use of the mails for extortion in connection with the kidnaping of June Robles, was "passed for further consideration" by the grand jury which reported yesterday afternoon in federal court.

Official secrecy still shrouded the evidence which was presented to the jury by the district attorney's office, but the fact that handwriting experts were known to have come to Tucson and to have entered the grand jury room led to the belief that much of the government case against Robson was founded on similarities which may have been found between the handwriting of Robson and that on the kidnap letters.

Even during the actual consideration of the case by the jury official efforts to unravel the tangled links in the puzzling case have never ceased. Local officers working in cooperation with the federal department of justice agents have pushed their investigations in an effort to determine who took June Robles from a point in front of the Rincon grammar school last April and held her for 25 days in a coffin-like cage, buried in the desert clay east of Tucson.

Although Robson became a suspect early in the case and, according to Clifton Mathews, district attorney, became an accused man in recent weeks after his arrest and confinement in the jail at Phoenix, the exact nature of the evidence against him has never been made public. The handwriting experts were not called before the jury but were questioned at the preliminary hearing held at Phoenix that great similarities do exist between the handwriting of the suspect and that of the kidnap notes.

Food Purchases Probed

It is further known that officers have investigated Robson's purchases of food about the time of the kidnaping on the theory that food found in June Robles' cage may have been purchased by him. It is also known that the officers have made an intensive investigation of the movements of the Tucson man at the time of the kidnaping. How much has been learned, what part of any evidence secured was presented to the jury here, has not been made public.

K. Berry Peterson who was ill Thursday arose, yesterday, from a sick bed to complete the presentation of other cases to the grand jury. He had no comment to make on the handling of the Robles case, Mathews left Thursday for Phoenix. After the jury reported and the truth was known those watching the case became convinced that Mathews welcomed the chance to develop further investigations in the case.

His office has been giving full cooperation to all agencies involved in the work.

The question as to what will now be done with Robson is a matter which must be answered in Phoenix where the court is being held. It was believed here, however, that the defense will file an application for reduction of his $50,000 bond to a figure that the defendant can meet. It seems possible that the prosecution will cooperate with the defense in its plea.

After that, it is believed, the careful work of the officers must

(Continued to Page 10, Column 1)

MARICOPA TO APPEAL HOMESTEAD TAX CASE

PHOENIX, Jan. 11.—(AP)—The Maricopa county board of supervisors today directed that an appeal be taken to the United States circuit court from the judgment of the district court awarding Mrs. Olivia Hoeveare a judgment of $15,996 in her suit for return of taxes she has paid over a period of years on homestead lands held by her but not yet patented.

The court upheld Mrs. Hoeveare's contention that unpatented homestead lands remain the property of the federal government until the patents are issued, and as such are not subject to taxation.

To the past several years the county has refunded more than $150,000 as a result of similar suits. The present board of supervisors, however, contends that regardless of ownership of the homestead lands involved in the present case, the rights of the plaintiff to collect taxes already paid upon them has expired under the statute of limitations.

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