

Press-Herald

GLENN W. PFEIL Publisher
REID L. BUNDY Managing Editor

Sunday, July 10, 1966

This CLEAN Is Dirty

The campaign hasn't really begun yet, but we continue to be disturbed by the implications in one of the initiative measures which California voters will find on the ballot in the fall—the "anti-obscenity initiative" qualified by the California League Enlisting Action Now (CLEAN).

It is becoming more evident every day that many other responsible Californians are disturbed about the implications of the proposal.

The experts agree that the provisions of the measure which is designed to put a halt to the dissemination of filth which appeals only to prurient interests carry a very real danger of censorship and the stifling of free expression.

In addition to determining the guilt or innocence of a person accused of violating the anti-obscenity laws, the jury would be required to determine whether the work in question was obscene. Such a provision would certainly lead to the fact that a publication might be obscene in Orange County and not in Los Angeles County—or obscene in Torrance and not in Santa Monica.

One section of the provision calls for seizure of all copies of any publication which any public officer believes contains obscene material. Also contained in the measure is specific language which permits any citizen to compel an officer to act under threat of action against the officer. It is possible, if carried to the ultimate—and most things are these days—that few national magazines, or local newspapers could be distributed until each edition had been cleared in court.

Freedom of expression is a cherished right in this nation and it should not be jeopardized by putting it at the mercy of neurotic or psychotic groups or individuals.

The words will sound good when the backers begin the campaign for approval of the initiative.

They'll talk about stopping the pornography that is flooding the state—but they won't tell you the same rules could stop Life or Look or Time or Newsweek or the Times or the Press-Herald.

The measure is a dangerous invasion of rights and deserves a sound thrashing at the polls.

Opinions of Others

Before you list the other fellow's faults, take time out to count up to ten—ten of your own.—Harold S. May in *The Florence (Alc.) Herald*.

Found out why the bridegroom never gets a shower . . . he's all washed up anyway.—Dale Holdridge in the *Langford (S. Dak.) Bugle*.

Training means learning the rules. Experience means learning the exceptions.—Gerald K. Young, the *Blakesburg (Iowa) Excelsior*.

When the going seems easy, it could be that you are going down hill.—John Maverick, the *Cherryvale (Kans.) Republican*.

Sam says it's getting so bad that all a man can put aside for a rainy day is a pair of dry socks.—C. U. Weakley in the *Pennsburg (Penn.) Town and Country*.

Our accomplishments are a yardstick for our faith in our ability.—A. J. Hudson in the *Olustee (Okla.) Chieftain*.

Morning Report:

Abe Mellinkoff is on vacation. His "Morning Report" will be resumed on his return.

Abe Mellinkoff

HIGHWAY SAFETY IS EVERYONE'S JOB!



Very simply, the Escobedo decision said that if a man was arrested and wanted to talk to his lawyer before talking to the police, he must be permitted to do so. In Dorado the rule was spelled out more pointedly. Even though a suspect didn't ask for an attorney, said the court, the arresting police must tell him that he could see one.

The majority opinion in Miranda goes still further. For instance, if the suspect wants a lawyer at the police station and can't pay the fee, he must be told that one will be assigned at public expense. This is the sort of thing we did not have to trouble about before.

What makes this important is that, no matter what anybody says, the Miranda rules are retroactive. They will apply to all our pending cases that are somewhere between the filing of the complaint and the opening

A young man studying medicine gets his first practical experience by working in a hospital under a doctor, and that goes on for two years. In the District Attorney's office we have established for law students a process of on-the-job instruction. It runs two weeks, and we call it the "Legal Intern Program."

Its first test has just ended. One group started May 23, another June 13. Students came from three local universities—Loyola, USC, and UCLA. Under a deputy these interns, among other things, wrote criminal complaints, helped in preliminary hearings, and even assisted in trying cases.

We felt the experiment worked well. The interns apparently agreed. Many told us so, and a surprising number expressed the hope of coming back to our office one day as deputies.

The City of Lakewood devised a plan in which it contracted to pay the county

Another "Secret Society" Unmasked



District Attorney Reports

Pending Cases Affected By Supreme Court Ruling

By EVELLE J. YOUNGER
District Attorney

A number of persons have asked recently if our pending cases will be affected by the U. S. Supreme Court decision in *Miranda vs. Arizona*. The answer is that we are facing some severe problems. The chief of our Trials Division, J. Miller Leavy, believes that, where the confession is crucial, we may lose every case now on its way to court.

In many instances it is difficult to predict the effect of *Miranda*. All we are sure of is that we are up against the most rigid restrictions yet established against the taking of confessions. But what happens will depend often on the judge.

It is my feeling that, whatever the problems, things will not be so serious that we can't make an adjustment. In many cases confessions are not crucial; and some defendants will talk freely even though there is no suggestion that they should.

But having observed this, we must add that for all of us involved with law enforcement, there will be frequent frustration. We are trying to fight crime. Certainly the job is going to be harder, and none of the obstacles are likely to evaporate very soon.

For the District Attorney's office, dealing with prosecution, some of the problems will probably ease in time.

The biggest problem is that in so many recent cases confessions were obtained under the old ground rules. The California Supreme Court had spelled them out in the Dorado case. In that ruling the seven justices in Sacramento sought to interpret the U.S. Supreme Court's intentions in turning Danny Escobedo loose.

Very simply, the Escobedo decision said that if a man was arrested and wanted to talk to his lawyer before talking to the police, he must be permitted to do so. In Dorado the rule was spelled out more pointedly. Even though a suspect didn't ask for an attorney, said the court, the arresting police must tell him that he could see one.

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of the trial. Some will stand up in any event, others will not.

In short, while we are not sure where the *Miranda* decision leaves us with many of our pending cases, it is scarcely a secret that we expect to lose some pending cases.

Illegal practices have become so widespread during recent election campaigns that apparently quite a few persons ought to be arrested. And some may be. We are sifting evidence in a number of cases which seem to offer good prospects of conviction.

In the past the trouble was that politicians who cried fraud the loudest during a campaign decided later to forget the whole thing. Nor can we really blame them. Their reasoning is sound enough. If a lie has been told, even defense against it will only serve to gain it wider publicity.

But there are other kinds of violations. A new law, for instance, requires anybody who has publicly attacked a candidate to identify himself. Also, any literature which appears to speak for a political party must be clearly labeled unofficial.

We have set up a special section to investigate Election Code Violations, and charges based on these new laws were among the most numerous received. Whether the evidence is strong enough for prosecution is not yet certain. But for the first time there is some hope that offenders may learn they can't do anything they please in an election campaign and get away with it.

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The City of Lakewood devised a plan in which it contracted to pay the county

for handling various municipal services. That was 12 years ago. Now, every one of the county's 76 incorporated cities contracts in some way with the county for a municipal service. Now, 45 of these "contract cities" have contracted with the District Attorney for prosecution services.

Recently, because of same complex problems with things like business license violations, they asked for the help of a special deputy. James Keir now has been assigned to this job. He is available not only for consultations, but to conduct office hearings, file criminal complaints, and put on misdemeanor trials.

Quote

History dictates the conclusion that the safest way to save our lives from the world's communist threat is to fight it.—Juan Real, San Ysidro.

A lot of politicians are nice guys if you know them superficially.—Simon Casady, ex-CDC president.

WILLIAM HOGAN

'Virginian' Granddaddy Of All Western Novels

JACKSON HOLE, WYO. When you call me that, smile! Or, when you find good vacation reading, stick with it. Yesterday I noted that a veteran Rocky Mountain historian and bus driver, Stan Boyle, narrated a good part of Owen Wister's venerable saga of Wyoming, "The Virginian," during a run down the Snake River Valley to a community called Moose and Beaver Dick Lake.

It is hard to take one's eyes off the matchless grandeur of the Tetons in this "big sky" country; and reading, for the most part is unthinkable. Yet I re-read after many years a copy of "The Virginian" (Perennial; 50 cents) to check on the dialogues Boyle spouted so spontaneously during his drive. Sure enough, he had learned this classic by heart, and used Wister's words to interpret this region to his riders.

"The Virginian" was Wister's only well-known novel, but enough to make him famous. "The Collected Writings of Owen Wister," 1928, ran to 11 volumes, however. A member of a prominent Philadelphia fam-

ily, Wister graduated with highest honors in music from Harvard (1882). He suffered a nervous breakdown after a short time in the New York banking business and came to Wyoming to recuperate. He returned several times, being fascinated by the last of the old-time cowboys and the mountain terrain.

Wister saw that although the mountains would remain, the cowboy was rapidly disappearing. He recorded their, and his, experi-

Books

ences in this pre-Zane Grey original, the granddaddy of the Western novel.

"The Virginian" was the prototype of a breed, a quiet, tough, independent superhero. When the villain Trampas threatens to shoot the Virginian if he is not out of town by sunset, the hero leaves the schoolmarm Molly in a hotel room and goes out to face his enemy. If scores of lesser novels and films have stolen blindly from Wister, he remains the best because he was the first.

"He took the raw material of folklore and translated

it," the Princeton scholar George P. Garrett tells us in the introduction to this new paperback edition. "That translation has influenced our entire culture and by now the myth he created has become so wedded to our culture that it has, in effect, returned to its source, becoming folklore . . . There were real cowboys, and other people had written about them, but to Owen Wister goes the credit of inventing the Western, and with it the myth of the Old West.

If "The Virginian" seems hopelessly romantic in the hero's over-masculine stance and innocent love affair with Molly, the girl from Vermont, it is still authentic, perceptive, and far more gripping than most of today's tough, if prefabricated fiction.

Part realism, part fable, part fairy tale in boots and wide-brimmed hat, Wister's Virginian is the "grandfather of James Bond," Garrett tells us—which is carrying things a little too far, it seems to me. I can't (from this high mountain valley at least) do more than recommend a rereading today.

The hard reality the Russians resent with deepest fervor is in fact only a potential, revival of German power. Russians don't fear the Germans in themselves under the status quo of partition. They fear the Germans may be reunited and rearm by one or another vicissitude of this generation. That Russian fear is hardly surprising in view of the 1940s.

It is the fundamental of the Russian national being. So long as the Americans make no overt moves to rearm the Germans, particularly with nuclear power, the American presence in Europe is secondary.

Quote

You and I usually are in excellent health to start with. But we feel like we are missing something unless we discover something wrong.—Dr. Robert J. Samp, Wisconsin surgeon.

How do you expect a young man to stay married to a can-opener cook and a bridge-playing housekeeper.—Chester Mahaffie, San Francisco.

HERB CAEN SAYS:

Uncle Sam's Ambassador Sets Best Table in Paris

I'm proud to report that the best meal we had in Paris was in the beautiful 18th Century home of the U.S. Ambassador, Charles (Chip) Bohlen. It was only "a simple little lunch," in his words, but the gold service was laid, the menu was neatly typed on gold bordered cards, and the uniformed footmen wore white gloves (or should footmen wear white socks?). The simple little lunch—grilled sole, filet de boeuf Godard, asparagus Hollandaise, cheeses, pineapple Pompadour, cakes—was brilliantly cooked and perfectly balanced, especially by the footmen. As newcomers, we weren't aware at the time that Ambassador Bohlen has somehow managed to hire the best chef in town, and I hope this doesn't alert Gen. de Gaulle to send the gendarmes after him.

At the Ambassador's, a women asked me how the Americans feel about de Gaulle. "I'm afraid most of them," I said, "aren't too fond of him." "Ah well," she shrugged, "neither are the French." . . . The Elysees Palace, on the Faubourg St. Honore, where the General lives, is always surrounded by scores of troops and gendarmes, all of them watching alertly in all directions. As we walked past the Palace one day, I asked a French friend: "Are you

still afraid he might be assassinated?" "No," he replied, "we're afraid he might not be." But he said it in a very low voice, accompanied by an I'm-only-kidding grin . . . You'll want to know, of course whether the French are still unfriendly to Americans. Answer: No more than they are to anybody else, including each other. Their who-gives-a-damn-attitude is really wonderful to behold, and quite easy to live with. Once you adjust to it, everything's fine.

We walked through the enticing, winding streets of the Left Bank to visit the Hotel d'Alsace, on the Rue des Beaux-Arts. Every build-

San Francisco

ing in Paris has a history, even this small, friendly, bohemian hotel: it was here, in 1900, that Oscar Wilde died, in a room overlooking the garden. According to legend, his last words were "Either this wallpaper or I must go," so we asked to see the room where he went, leaving the wallpaper behind. The offending paper (large red roses) was gone, too, and the artist who now lives there looked up only briefly from the easel, being accustomed to tourists searching for the wallpaper that drove Oscar Wilde.

Later, we said senten-

tiously to a French newspaperman, Henri Gault, "Paris is a museum," to which an American added nastily: "Yeah, except for the new Hilton Hotel." "The Hilton is fine," objected M. Gault. "We need new buildings and a city SHOULDN'T be a museum. We all know how Paris looked in the 19th and 18th centuries—it's all around us—but we should leave behind something of the 20th Century, too, for the future to look at."

Happiness, for a traveler, is getting down to your last clean shirt and your last traveler's cheque on your last day abroad. This ideal coincidence having been achieved, we packed our bags with perfume, soiled linen and regrets and prepared to leave Paris, all missions accomplished, all pleasure and money spent. Despite the vile and jealous rumor-spreaders, Paris is not dying. We were, from days of tramping along the most perfect tree-lined boulevards in the world. Neither is Paris burning. Our stomachs were, from a surfeit of rich sauces and fine wines. As for the French campaign against beatniks, widely publicized a couple of months ago, we saw no signs of it. Beatniks of all nationalities and stages of shagginess were everywhere to be smelled, wearing baggy sweaters, sandals and what the French insist on calling les bloudjinnzes.

ROYCE BRIER

American Nuclear Power Holds Balance in Europe

If President de Gaulle visited Moscow in hope of procuring an agreement specifically designed to reduce radically American influence in Europe, it is a good guess he was disappointed.

Not that the Russian leaders would be reluctant to see a decline of American influence on the Continent. They would. But this aspiration is complicated by other factors more important to them in what they consider the Soviet world interest.

There is no doubt the western coalition against Soviet aggression, called NATO, is in a reduce state due to the defection of France, its strategic anchor. But the counterforce called the Warsaw Pact is also in disarray, and it may well

be dying from the same disease afflicting NATO—lack of an energizing goal.

If this is the eventuality, we may see a resumption of a balance of power such as was artificially invoked by

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the Congress of Vienna, 1815, following the Napoleonic upheaval.

In this, eastern and western Europe were put in equilibrium, with the fragmented German states as the pivot. But now, after 150 years, the equilibrium can only be maintained by American nuclear power, which has the task the British Navy did so capably, post-1815.

There is no present indication American nuclear

power will be called upon actively to maintain the equilibrium. But it has to be there, just as the British Navy had to be there 150 years ago.

No no matter what de Gaulle hopes, France, or France and Britain together (in the vain hope Britain would join an effort to exclude the United States), cannot maintain an equilibrium against Soviet nuclear power. Whether M. de Gaulle likes it or doesn't, French security rests on the American nuclear power.

Let de Gaulle, then, even achieve an alliance (if he can) similar to the Franco-Russian alliance prior to 1914, it is only a piece of paper without an American guarantee.

This is not the conscious doing of the Americans; it is only the hard reality flowing from western history of the past quarter century.

There are no active signs the Russians, though they hold resentments against the Americans, resent this hard reality, or have any present designs against it.

The hard reality the Russians resent with deepest fervor is in fact only a potential, revival of German power. Russians don't fear the Germans in themselves under the status quo of partition. They fear the Germans may be reunited and rearm by one or another vicissitude of this generation. That Russian fear is hardly surprising in view of the 1940s.

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