

GALVAN *v.* PRESS, OFFICER IN CHARGE, IMMIGRATION AND NATURALIZATION SERVICE.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

No. 407. Argued January 11-12, 1954.—Decided May 24, 1954.

1. Section 22 of the Internal Security Act of 1950, providing for the deportation of any alien who has been a member of the Communist Party at any time after entry, is constitutional—as here applied to a resident alien shown to have been willingly a member of the Communist Party from 1944 to 1946 although not shown to have been aware of its advocacy of violent overthrow of the Government. Pp. 523-532.

(a) In the light of the broad power of Congress over the admission and deportation of aliens, it cannot be said that the classification by Congress contained in § 22 is so baseless as to be violative of due process and therefore beyond the power of Congress. Pp. 529-532.

(b) The *ex post facto* clause of the Constitution has no application to deportation. P. 531.

2. On the record in this case, the evidence adduced at the administrative hearings was sufficient to support a finding that petitioner, a resident alien, had been a "member" of the Communist Party from 1944 to 1946 and, therefore, was deportable under § 22 of the Internal Security Act of 1950, even though he may not have known the full purposes or program of the Communist Party. Pp. 523-529.

(a) The word "member" in § 22 cannot be construed as applying only to aliens who joined the Communist Party fully conscious of its advocacy of violence. Pp. 525-529.

(b) It is enough that the alien joined the Party, aware that he was joining an organization known as the Communist Party which operates as a distinct and active political organization, and that he did so of his own free will. P. 528.

(c) The record in this case does not show a relationship to the Party so nominal as not to make petitioner a "member" within the terms of the Act. Pp. 528-529.

201 F. 2d 302, affirmed.

*Harry Wolpin* and *A. L. Wirin* argued the cause for petitioner. With them on the brief were *Morris L. Ernst* and *Osmond K. Fraenkel*.

*Oscar H. Davis* argued the cause for respondent. With him on the brief were *Robert L. Stern*, then Acting Solicitor General, *Assistant Attorney General Olney* and *Beatrice Rosenberg*.

MR. JUSTICE FRANKFURTER delivered the opinion of the Court.

Petitioner, an alien of Mexican birth, first entered the United States in 1918 and has since resided here with only occasional brief visits to his native country. In the course of two questionings, in March 1948, by the Immigration and Naturalization Service, he indicated that he had been a member of the Communist Party from 1944 to 1946. In March of 1949, the petitioner was served with a deportation warrant, and on the same day a preliminary deportation hearing was held to acquaint him with the charges against him—that after entry he had become a member of an organization which advocated the violent overthrow of the United States Government, and of an organization which distributed material so advocating. In December 1950, petitioner had a *de novo* hearing at which the transcripts of all earlier proceedings were, by agreement, made part of the record. Shortly after the hearing commenced, the Examining Officer lodged the additional charge against the petitioner that after entry he had been a member of the Communist Party, membership in which had been made a specific ground for deportation by the Internal Security Act of 1950, 64 Stat. 987, 1006, 1008.

At this final hearing the evidence against the petitioner was derived from two principal sources. The first was

his own testimony during the two interrogations by immigration authorities in 1948. During those interrogations, he had testified as to the time and place he had joined the Communist Party, talked freely about his membership in the Party, and indicated generally that the distinction between the Party and other groups was clear in his mind; he had explained that the reason he had not applied for naturalization was that he feared his former Party membership might be revealed, and had offered to make amends by rejoining the Party as an undercover agent for the Government. At the hearing in December of 1950, petitioner denied that in his prior hearing he had admitted joining the Party, insisting that at the time he thought the question related to labor union activities. In response to a question whether he had ever attended meetings of the Spanish Speaking Club, an alleged Communist Party unit, he replied: "The only meetings I attended were relating to the Fair Employment Practices Committee."

The second source of information was the testimony of a Mrs. Meza to the effect that she had been present when petitioner was elected an officer of the Spanish Speaking Club. Petitioner denied the truth of this and other statements of Mrs. Meza calculated to establish his active participation in the Communist Party and said: "She must have been under great strain to imagine all those things."

The Hearing Officer found that petitioner had been a member of the Communist Party from 1944 to 1946 and ordered him deported on that specific ground. He did not deem it necessary to make findings on the more general charges contained in the original warrant. The Hearing Officer's decision was adopted by the Assistant Commissioner and an appeal was dismissed by the Board of Immigration Appeals. A petition for a writ of habeas corpus was denied by the District Court, and the dismissal

was affirmed by the Court of Appeals for the Ninth Circuit. 201 F. 2d 302.

On certiorari, petitioner challenged the sufficiency of the evidence to sustain deportation under § 22 of the Internal Security Act of 1950 and attacked the validity of the Act as applied to him.<sup>1</sup> These are issues that raise the constitutionality and construction of the 1950 Act for the first time and so we granted certiorari. 346 U. S. 812.

Petitioner's contention that there was not sufficient evidence to support the deportation order brings into question the scope of the word "member" as used by Congress in the enactment of 1950, whereby it required deportation of any alien who at the time of entering the United States, or at any time thereafter, was a "member" of the Communist Party.<sup>2</sup> We are urged to construe the Act as providing for the deportation only of those aliens who joined the Communist Party fully conscious of its advocacy

<sup>1</sup> In his petition, petitioner also contended that the procedure used against him was unfair because of the new charge lodged by the Examining Officer in the December 1950 hearing. Apart from the fact that this claim was not pressed in the argument or petitioner's brief, it is sufficient to note that there was no element of surprise in the additional charge, since it was simply in more specific terms the same ground for deportation that petitioner already knew he had to defend against, namely, membership in the Communist Party. Furthermore, petitioner declined the Hearing Officer's offer of a continuance to meet the new charge.

<sup>2</sup> Section 22 of the Internal Security Act of 1950 provides that the Attorney General shall take into custody and deport any alien "who was at the time of entering the United States, or has been at any time thereafter, . . . a member of any one of the classes of aliens enumerated in section 1 (2) of this Act . . . ."

Subparagraph (C) of § 1 (2) lists "Aliens who are members of or affiliated with (i) the Communist Party of the United States . . . ." The substance of this provision was incorporated in the Immigration and Nationality Act of 1952, 66 Stat. 163, 205, 8 U. S. C. § 1251 (a)(6)(C).

of violence, and who, by so joining, thereby committed themselves to this violent purpose.

But the Act itself appears to preclude an interpretation which would require proof that an alien had joined the Communist Party with full appreciation of its purposes and program. In the same section under which the petitioner's deportation is sought here as a former Communist Party member, there is another provision, subsection (2)(E), which requires the exclusion or deportation of aliens who are "members of or affiliated with" an organization required to register under the Internal Security Act of 1950,<sup>3</sup> "unless such aliens establish that they did not know or have reason to believe at the time they became members of or affiliated with such an organization . . . that such organization was a Communist organization." 64 Stat. 1007. In describing the purpose of this clause, Senator McCarran, the Act's sponsor, said: "Aliens who were innocent dupes when they joined a Communist-front organization, as distinguished from a Communist political organization [such as the Communist Party], would likewise not ipso facto be excluded or deported." 96 Cong. Rec. 14180. In view of this specific escape provision for members of other organizations, it seems clear that Congress did not exempt "innocent" members of the Communist Party.

While the legislative history of the 1950 Act is not illuminating on the scope of "member," considerable light was shed by authoritative comment in the debates on the statute which Congress enacted in 1951 to correct what it regarded as the unduly expanded interpretation by the Attorney General of "member" under the 1950 Act. 65

<sup>3</sup> Under § 7 of the Internal Security Act of 1950, "Communist-action" and "Communist-front" organizations are required to register as such with the Attorney General. Section 13 provides that where such an organization fails to register the Attorney General may institute proceedings requiring such registration.

Stat. 28. The amendatory statute dealt with certain specific situations which had been brought to the attention of Congress and provided that where aliens had joined a proscribed organization (1) when they were children, (2) by operation of law, or (3) to obtain the necessities of life, they were not to be deemed to have been "members." In explaining the measure, its sponsor, Senator McCarran, stated repeatedly and emphatically that "member" was intended to have the same meaning in the 1950 Act as had been given it by the courts and administrative agencies since 1918, 97 Cong. Rec. 2368-2374. See S. Rep. No. 111, 82d Cong., 1st Sess. 2; H. R. Rep. No. 118, 82d Cong., 1st Sess. 2. To illustrate what "member" did not cover he inserted in the Record a memorandum containing the following language quoted from *Colyer v. Skeffington*, 265 F. 17, 72: "Congress could not have intended to authorize the wholesale deportation of aliens who, accidentally, artificially, or unconsciously in appearance only, are found to be members of or affiliated with an organization of whose platform and purposes they have no real knowledge." 97 Cong. Rec. 2373.

This memorandum, as a weighty gloss on what Congress wrote, indicates that Congress did not provide that the three types of situations it enumerated in the 1951 corrective statute should be the only instances where membership is so nominal as to keep an alien out of the deportable class. For example, the circumstances under which the finding of membership was rejected in *Colyer v. Skeffington*, *supra*, would not have been covered by the specific language in the 1951 Act. In that case, the aliens passed "from one organization into another, supposing the change to be a mere change of name, and that by assenting to membership in the new organization they had not really changed their affiliations or political or economic activities." 265 F., at 72.

On the other hand, the repeated statements that "member" was to have the same meaning under the 1950 Act as previously, preclude an interpretation limited to those who were fully cognizant of the Party's advocacy of violence. For the judicial and administrative decisions prior to 1950 do not exempt aliens who joined an organization unaware of its program and purposes. See *Kjar v. Doak*, 61 F. 2d 566; *Greco v. Haff*, 63 F. 2d 863; *In the Matter of O—*, 3 I. & N. Dec. 736.

It must be concluded, therefore, that support, or even demonstrated knowledge, of the Communist Party's advocacy of violence was not intended to be a prerequisite to deportation. It is enough that the alien joined the Party, aware that he was joining an organization known as the Communist Party which operates as a distinct and active political organization, and that he did so of his own free will. A fair reading of the legislation requires that this scope be given to what Congress enacted in 1950, however severe the consequences and whatever view one may have of the wisdom of the means which Congress employed to meet its desired end.

On this basis, the Hearing Officer's finding that petitioner here was a "member" of the Communist Party must be sustained. Petitioner does not claim that he joined the Party "accidentally, artificially, or unconsciously in appearance only," to use the words in Senator McCarran's memorandum. The two points on which he bases his defense against the deportation order are, first, that he did not join the Party at all, and that if he did join, he was unaware of the Party's true purposes and program. The evidence which must have been believed and relied upon for the Hearing Officer's finding that petitioner was a "member" is that petitioner was asked to join the Party by a man he assumed to be an organizer, that he attended a number of meetings and that he did not apply for citizenship because he feared his Party

membership would become known to the authorities. In addition, on the basis of Mrs. Meza's testimony, the Hearing Officer was entitled to conclude that petitioner had been active in the Spanish Speaking Club, and, indeed, one of its officers. Certainly there was sufficient evidence to support a finding of membership. And even if petitioner was unaware of the Party's advocacy of violence, as he attempted to prove, the record does not show a relationship to the Party so nominal as not to make him a "member" within the terms of the Act.

This brings us to petitioner's constitutional attack on the statute. *Harisiades v. Shaughnessy*, 342 U. S. 580, sustained the constitutionality of the Alien Registration Act of 1940. 54 Stat. 670. That Act made membership in an organization which advocates the overthrow of the Government of the United States by force or violence a ground for deportation, notwithstanding that membership in such organization had terminated before enactment of the statute. Under the 1940 Act, it was necessary to prove in each case, where membership in the Communist Party was made the basis of deportation, that the Party did, in fact, advocate the violent overthrow of the Government. The Internal Security Act of 1950 dispensed with the need for such proof. On the basis of extensive investigation Congress made many findings, including that in § 2 (1) of the Act that the "Communist movement . . . is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship," and made present or former membership in the Communist Party, in and of itself, a ground for deportation. Certainly, we cannot say that this classification by Congress is so baseless as to be violative of due process and therefore beyond the power of Congress.

In this respect—the dispensation with proof of the character of the Communist Party—the present case goes beyond *Harisiades*. But insofar as petitioner's constitutional claim is based on his ignorance that the Party was committed to violence, the same issue was before the Court with respect to at least one of the aliens in *Harisiades*.

The power of Congress over the admission of aliens and their right to remain is necessarily very broad, touching as it does basic aspects of national sovereignty, more particularly our foreign relations and the national security. Nevertheless, considering what it means to deport an alien who legally became part of the American community, and the extent to which, since he is a "person," an alien has the same protection for his life, liberty and property under the Due Process Clause as is afforded to a citizen, deportation without permitting the alien to prove that he was unaware of the Communist Party's advocacy of violence strikes one with a sense of harsh incongruity. If due process bars Congress from enactments that shock the sense of fair play—which is the essence of due process—one is entitled to ask whether it is not beyond the power of Congress to deport an alien who was duped into joining the Communist Party, particularly when his conduct antedated the enactment of the legislation under which his deportation is sought. And this because deportation may, as this Court has said in *Ng Fung Ho v. White*, 259 U. S. 276, 284, deprive a man "of all that makes life worth living"; and, as it has said in *Fong Haw Tan v. Phelan*, 333 U. S. 6, 10, "deportation is a drastic measure and at times the equivalent of banishment or exile."

In light of the expansion of the concept of substantive due process as a limitation upon all powers of Congress, even the war power, see *Hamilton v. Kentucky Distilleries Co.*, 251 U. S. 146, 155, much could be said for the view, were we writing on a clean slate, that the Due Process

Clause qualifies the scope of political discretion heretofore recognized as belonging to Congress in regulating the entry and deportation of aliens. And since the intrinsic consequences of deportation are so close to punishment for crime, it might fairly be said also that the *ex post facto* Clause, even though applicable only to punitive legislation,<sup>4</sup> should be applied to deportation.

But the slate is not clean. As to the extent of the power of Congress under review, there is not merely "a page of history," *New York Trust Co. v. Eisner*, 256 U. S. 345, 349, but a whole volume. Policies pertaining to the entry of aliens and their right to remain here are peculiarly concerned with the political conduct of government. In the enforcement of these policies, the Executive Branch of the Government must respect the procedural safeguards of due process. *The Japanese Immigrant Case*, 189 U. S. 86, 101; *Wong Yang Sung v. McGrath*, 339 U. S. 33, 49. But that the formulation of these policies is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government. And whatever might have been said at an earlier date for applying the *ex post facto* Clause, it has been the unbroken rule of this Court that it has no application to deportation.

We are not prepared to deem ourselves wiser or more sensitive to human rights than our predecessors, especially those who have been most zealous in protecting civil

<sup>4</sup> First in *Ogden v. Saunders*, 12 Wheat. 213, 271, and again in *Satterlee v. Matthewson*, 2 Pet. 380, 681 (appendix), a characteristically persuasive attack was made by Mr. Justice Johnson on the view that the *ex post facto* Clause applies only to prosecutions for crime. The Court, however, has undeviatingly enforced the contrary position, first expressed in *Calder v. Bull*, 3 Dall. 386. It would be an unjustifiable reversal to overturn a view of the Constitution so deeply rooted and so consistently adhered to.

BLACK, J., dissenting.

347 U. S.

liberties under the Constitution, and must therefore under our constitutional system recognize congressional power in dealing with aliens, on the basis of which we are unable to find the Act of 1950 unconstitutional. See *Bugajewitz v. Adams*, 228 U. S. 585, and *Ng Fung Ho v. White*, 259 U. S. 276, 280.

*Judgment affirmed.*

MR. JUSTICE REED concurs in the judgment of the Court and in the opinion as written, except as to the deductions drawn from Senator McCarran's citation of *Colyer v. Skeffington*, 265 F. 17, 72.

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS concurs, dissenting.

Petitioner has lived in this country thirty-six years, having come here from Mexico in 1918 when only seven years of age. He has an American wife to whom he has been married for twenty years, four children all born here, and a stepson who served this country as a paratrooper. Since 1940 petitioner has been a laborer at the Van Camp Sea Food Company in San Diego, California. In 1944 petitioner became a member of the Communist Party. Deciding that he no longer wanted to belong to that party, he got out sometime around 1946 or 1947. As pointed out in the Court's opinion, during the period of his membership the Communist Party functioned "as a distinct and active political organization." See *Communist Party v. Peek*, 20 Cal. 2d 536, 127 P. 2d 889. Party candidates appeared on California election ballots, and no federal law then frowned on Communist Party political activities. Now in 1954, however, petitioner is to be deported from this country solely because of his past lawful membership in that party. And this is to be done without proof or finding that petitioner knew that the party had any evil purposes or that he agreed

522

DOUGLAS, J., dissenting.

with any such purposes that it might have had. On the contrary, there is strong evidence that he was a good, law-abiding man, a steady worker and a devoted husband and father loyal to this country and its form of government.

For joining a lawful political group years ago—an act which he had no possible reason to believe would subject him to the slightest penalty—petitioner now loses his job, his friends, his home, and maybe even his children, who must choose between their father and their native country. Perhaps a legislative act penalizing political activities legal when engaged in is not a bill of attainder. But see *United States v. Lovett*, 328 U. S. 303, 315–316. Conceivably an Act prescribing exile for prior innocent conduct does not violate the constitutional prohibition of *ex post facto* laws. Cf. *American Communications Assn. v. Douds*, 339 U. S. 382, 412–415. It may be possible that this deportation order for engaging in political activities does not violate the First Amendment's clear ban against abridgment of political speech and assembly. Maybe it is not even a denial of due process and equal protection of the laws. But see dissenting opinions in *Carlson v. Landon*, 342 U. S. 524, and *Harisiades v. Shaughnessy*, 342 U. S. 580. I am unwilling to say, however, that despite these constitutional safeguards this man may be driven from our land because he joined a political party that California and the Nation then recognized as perfectly legal.

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BLACK concurs, dissenting.

\* As MR. JUSTICE BLACK states in his dissent, the only charge against this alien is an act that was lawful when done. I agree that there is, therefore, no constitutional basis for deportation, if aliens, as well as citizens, are to be the beneficiaries of due process of law.

DOUGLAS, J., dissenting.

347 U. S.

The case might, of course, be different if the past affiliation with Communism now seized upon as the basis for deportation had continued down to this date. But so far as this record shows, the alien Galvan quit the Communist Party at least six years ago. There is not a word in the present record to show that he continued his affiliations with it *sub rosa* or espoused its causes or joined in any of its activities since he ceased to be a member of it.

I cannot agree that because a man was once a Communist, he always must carry the curse. Experience teaches otherwise. It is common knowledge that though some of the leading Socialists of Asia once were Communists, they repudiated the Marxist creed when they experienced its ugly operations, and today are the most effective opponents the Communists know. So far as the present record shows, Galvan may be such a man. Or he may be merely one who transgressed and then returned to a more orthodox political faith. The record is wholly silent about Galvan's present political activities. Only one thing is clear: Galvan is not being punished for what he presently is, nor for an unlawful act, nor for espionage or conspiracy or intrigue against this country. He is being punished for what he once was, for a political faith he briefly expressed over six years ago and then rejected.

\* This action is hostile to our constitutional standards, as I pointed out in *Harisiades v. Shaughnessy*, 342 U. S. 580, 598. Aliens who live here in peace, who do not abuse our hospitality, who are law-abiding members of our communities, have the right to due process of law. They too are "persons" within the meaning of the Fifth Amendment. They can be molested by the Government in times of peace only when their presence here is hostile to the safety or welfare of the Nation. If they are to be deported, it must be for what they are and do, not for what they once believed.

Syllabus.

ALLEN, CHAIRMAN, TWELFTH REGION WAGE  
STABILIZATION BOARD, ET AL. v. GRAND  
CENTRAL AIRCRAFT CO.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA.

No. 450. Argued March 11-12, 1954.—Decided May 24, 1954.

A complaint filed November 4, 1952, by the Wage Stabilization Board with the National Enforcement Commission alleged in substance that, between January 26, 1951 and January 1, 1952, appellee had paid wage increases in violation of an order freezing wages at the levels of January 25, 1951, under the Defense Production Act of 1950, the substantive provisions of which expired April 30, 1953. On January 14, 1953, the National Enforcement Commission appointed an Enforcement Commissioner to hear the evidence and recommend to the Commission a determination of the issues in the proceeding. The Commissioner set the case for hearing on February 24, 1953, but, in a suit filed by appellee, the District Court enjoined further action. *Held*: The pending administrative proceeding is valid, and the judgment of the District Court enjoining that proceeding is reversed. Pp. 536-555.

1. Once the right of the Government to hold these administrative hearings is established, appellee is not entitled to enjoin them merely because they might jeopardize its bank credit or otherwise be inconvenient or embarrassing. Pp. 539-540.

2. The Defense Production Act of 1950 authorized the President to apply administrative action to the enforcement of its wage stabilization provisions. Pp. 541-552.

(a) The Defense Production Act of 1950 is to be read with reference to the Stabilization Act of 1942, which was a model for the 1950 Act. P. 541.

(b) The history of administrative enforcement under the 1942 Act supports the conclusion that the President had authority under the 1950 Act to apply administrative action to the enforcement of wage stabilization. Pp. 541-550.

(c) Section 706 of the 1950 Act did not vest enforcement of the Act exclusively in the District Courts and leave to the President only authority to promulgate general regulations. Pp. 550-552.

(d) The specific language of § 405 (b) of the 1950 Act should receive the same construction that was placed on similar language



**PRAYS FOR QUINT**—Oliva Dionne, left, father of the famous quintuplets from Callandar, Ontario, kneels in a Quebec chapel today during a ceremony in which Marie, one of the 19-year-old quint, be-

came a novice of a religious order. At right are two of her sister quint, Yvonne and Cecile. Marie took the name of Sister Marie Rachel at the Roman Catholic ceremonies.—(AP) Wirephoto

**TABLES, B-8, 9**

**Some Issues Slip After Higher Start**

**NEW YORK, May 24 (AP)**—The Stock Market ran into late profit-taking and closed mixed today after a higher start.

Final hour prices included:  
 U. S. Steel up 1/4 at 48; Chrysler off 1/2 at 62; American Telephone off 1/2 at 169 1/2; New York Central off 1/2 at 23 1/2; Seaboard Oil up 6 at 130; Kennecott Copper off 1/2 at 84; Homestake Mining up 1/2 at 41 1/2; Union Carbide up 1/2 at 82 1/2; Westinghouse Electric off 1/2 at 67 1/2; American Woolen up 1/2 at 20 1/2; Eastman Kodak up 1/2 at 62 1/2; General Dynamics off 1/2 at 49 1/2; and Radio Corp. off 1/2 at 27 1/2.

Gains and losses easily were covered by a point range with a few exceptions, usually stocks moving higher.

**Navy Airship Sets Endurance Mark**

**BULLETIN**  
**LAKEHURST, N.J. (AP)**—The Navy announced today an ZPG-2 airship of the NAN type today broke the world endurance record for a crew and aircraft by remaining aloft without refueling for 177 hours.

The lighter-than-air aircraft ship left Lakehurst Naval Air Station at 7:32 a.m. on Monday, May 17, to carry out a simulated anti-submarine patrol and is still aloft.

The public information office here said the airship is expected to land at the naval air station at Key West, Fla., at an undisclosed time.

**'Error or Perjury,' McCarthy Labels Stevens' Testimony**

**WASHINGTON**—Sen. Joseph R. McCarthy (R-Wis.) ended his interrogation of Army Secretary Stevens today in the Senate inquiry into their controversy and said Stevens either was "in error or there was perjury."

The Wisconsin senator and his chief counsel, Roy Cohn, broke off their cross-examination because, they said, Stevens had given so much "directly opposite" testimony that recalled Adams supported

there was "nothing to be gained by further examination of this witness."

Joseph Welch, counsel to Stevens, said "the record is the record" and it goes to the Justice Department "for appropriate action" in the event of perjury by Stevens or any other witness.

With Stevens' dismissal from the witness stand on the 19th day of public hearing, Army counsel John G. Adams was

Stevens' earlier testimony that the "Army alone" was responsible for preparation of a report claiming McCarthy and his staff used improper means in seeking favored treatment for Pvt. G. David Schine, McCarthy consultant until he was drafted last Nov. 3.

**'Cover-Up' Denied**

Before Stevens left the stand he denied under questioning by McCarthy that he was "covering up" for higher officials in the releasing of the report on Schine.

He said he may have discussed the report with members of the executive branch, but only he was responsible for its release to members of the Senate investigations subcommittee, which is conducting the present inquiry, and other members of Congress.

**Witness Defends Bus Fare Survey**

A transportation expert from San Francisco today defended a survey in which he supported San Diego Transit System pleas for an increase in bus fares.

The bus company would up the basic fare from 15 to 17 cents and seeks other increases.

The expert, Arthur C. Jenkins, a consultant for the company, went back on the stand under cross-examination by city attorneys, to open the fourth round in a state Public Utilities Commission hearing at Civic Center.

The hearing opened here last Wednesday and was recessed over the weekend by Commissioner Justus Craemer when time ran out on cross-examination that started Friday.

Examiner Ray Bryant held the gavel today. Craemer was in San Francisco attending a

commission conference.

Major item in Jenkins' report under attack by Alan Firestone, deputy city attorney, was his estimate of passenger patronage.

In recommending an increase in fares, Jenkins had predicted a drop of 6,310,357 passengers during the year ending May 31, 1954. And he anticipated a drop of some 4,966,200 under the present fare schedule for the year ending May 31, 1955.

Under the proposed fare, he said, passenger patronage will dip still further—to 6,500,600.

But Firestone questioned Jenkins' method of arriving at the figures.

Aaron Reese, deputy city attorney in charge of the city's case, said he plans to question James Haugh, business manager of the company, when Firestone finishes with the rate expert.

Disclosure by Potter

This followed disclosure by Sen. Charles Potter (R-Mich.), a member of the subcommittee, that an official "high in the administration" prompted him to write the Defense Department for a copy of the Schine report.

Identity of the high official was not disclosed.

(Frank Macomber, of the Copley Press Washington Bureau, said that reporters covering the hearings told him the high administration source is Vice President Nixon. Macomber said the reporters refused to say who told them it was Nixon.)

Stevens, in the witness chair after a week's recess in the hearings, that the Army alone was responsible for its charges against McCarthy and his aids. (Continued Next Page, Col. 3)

and rivers have flooded into the lowlands, driving people from their homes, destroying property, washing out bridges, and closing highways.

Biggest threat was in the Beckham-Custer County area.

At Elk City, police dispatcher Harry Hood said two homes suffered considerable damage when Elk Creek, which runs through the city and usually is dry, overflowed. Two small bridges buckled, but the main bridge was intact.

Hood said water ran in Main Street and many other streets were washed out. The north fork of the Red River was a foot from the big U.S. 66 bridge at Sayre with the rain pouring in torrents.

**Slight Quake Marked Here**

A sharp but nondamaging earthquake was recorded here yesterday at 4:53 p.m. on the seismograph of Fred Robinson, amateur seismologist.

Robinson said the tremor had and intensity of 1-plus on the Mercalli scale of 10. He said most residents in the San Diego area probably didn't feel it.

Seismologists at California Institute of Technology, Pasadena, said they believe it was centered in the Tehachapi region where a damaging quake of 7.5 intensity struck on July 21, 1952.

The Associated Press said the jolt was recorded throughout Southern California but reported no damage.

**Reds Hammer Fort Southeast of Hanoi**

**Written From Press Wires**  
**HANOI**—Communist-led Vietminh rebels continued to hammer today at the French outpost of Yenphu some 40 miles southeast of here.

French military commanders said there was a general lull in the fighting south of Hanoi during the weekend, but this did not apply to the rebel assault against the vital strong point.

Yenphu is located about six miles from the town of Phuly, believed to be the next Communist target on the approaches to Hanoi. The rebel attackers pounded the Yenphu garrison steadily during the weekend with a hail of mortar and machine gun fire.

Fierce clashes also were reported along the shore of the Tonkin Gulf but no details were given.

French army headquarters announced 422 French wounded have been evacuated thus far from the fallen fortress of Dien Bien Phu. There still was no indication when Nurse Genevieve de Galard Terraube would come out.

Lt. Genevieve de Galard Terraube, the heroic nurse of Dien Bien Phu, arrived by plane today and said she was in good health.

**Aids Wounded**

She flew into Dien Bien Phu on March 27 to aid the wounded and was unable to leave because of rebel advances. She remained, tending her hundreds of charges, until the fortress was overrun on May 7, the only woman in the post.

Although a prisoner, she was permitted to remain at Dien Bien Phu to do her work until freed today.

She told newsmen at Bachmai airport here she was taken by helicopter from Dien Bien Phu today to Luang Prabang, the Laotian capital, and then brought here by plane.

**'Nothing to Say'**

"I have nothing to say and I've made up my mind about that," she told reporters.

One hundred and thirty casualties—a record number for one day—arrived in Hanoi last night. They had been lifted by helicopters and light planes to Luang Prabang, the royal Laotian capital, and flown the rest of the way in transport planes.

French military commanders said there was a general lull in the fighting south of Hanoi during the weekend, but this did not apply to the rebel assault against the vital strong point.

Yenphu is located about six miles from the town of Phuly, believed to be the next Communist target on the approaches to Hanoi. The rebel attackers pounded the Yenphu garrison steadily during the weekend with a hail of mortar and machine gun fire.

Fierce clashes also were reported along the shore of the Tonkin Gulf but no details were given.

French army headquarters announced 422 French wounded have been evacuated thus far from the fallen fortress of Dien Bien Phu. There still was no indication when Nurse Genevieve de Galard Terraube would come out.

Lt. Genevieve de Galard Terraube, the heroic nurse of Dien Bien Phu, arrived by plane today and said she was in good health.

**ROBERT N. GALVAN**  
 Ordered Deported

Service detention quarters on Terminal Island, San Pedro, Calif., ordered released on \$2,000 bail last March 24, by the Supreme Court.

Urging the high tribunal to uphold validity of the law, the Justice Department cited two 1952 Supreme Court decisions in similar deportation cases.

**Was Freed on Bail**

In the decision, the section of the law was held valid as applied in the other decision, the court upheld a 1940 deportation law as applied in 1952 to aliens who were members of the Communist party before 1940. The second decision said the 1940 law applied even though there was no showing that the aliens themselves advocated—or knew that the party advocated—violent overthrow of the government.

The high court last Nov. 16 ordered Galvan released on \$2,000 bail pending final decision on his appeal.

Frankfurter's majority opinion said "it must be concluded that support, or even demonstrated knowledge, of the Communist Party's advocacy of violence was not intended to be a prerequisite to deportation."

"It is enough," Frankfurter said, "that the alien joined the party, aware that he was joining an organization known as the Communist Party which operates as a distinct and active political organization, and that he did so of his own free will."

"A fair reading of the legislation requires that this scope be given to what Congress enacted in 1950, however, severe (Continued Next Page, Col. 4)

**Seven Rescued After Italian Craft Sinks**

**GENOA, Italy (AP)**—A small Italian coastal freighter broke up and sank in heavy seas today a few miles off the Italian Riviera. Seven of the 12 men aboard were rescued after a hunt by ships of many nations, including the U.S. liner Constitution.

Search for the other five is continuing.

**AMITY PACT ANNOUNCED**

**ATHENS (INS)**—A joint communique announced today resumption of Greek-Bulgarian diplomatic relations after 13 years of enmity.

**TODAY'S INDEX**

Comics	A-14
Editorials	B-2
Radio, TV Programs	A-10
Sports	B-4,7
Theater, Hollywood	A-11
Women's News	A-16-19

**THE WEATHER**

Forecast: San Diego and vicinity, high cloudiness today through Tuesday, low cloudiness and local drizzles night time through mid-morning along the coast. Not much change in temperature. Details, Page B-8.

**Guatemala Area Rushed U.S. Guns**

**WASHINGTON (AP)**—The State Department disclosed today the United States is airlifting military equipment to Nicaragua and Honduras.

Press officer Lincoln White told newsmen, in reply to questions, that this program is "in implementation" of mutual defense assistance agreements recently signed with the two countries.

They are neighbors of Guatemala. Last week the department announced that arms

shipments have arrived at a Guatemala port from Communist Poland.

White indicated there would be more such air shipments to Nicaragua and Honduras and that a special effort to speed them up is being made because of left-wing Guatemala's recent imports of a reported ten million dollars in arms.

There was no immediate word from the state department on how much U.S. equipment is going to Nicaragua

and Honduras. Nor were other details, such as the name of the point from which the goods are leaving the United States, immediately forthcoming.

There were reports, however, that the shipments were being flown from Mobile, Ala., on the Gulf of Mexico.

It was understood the shipments were on a "rapidly as possible" basis, much as war goods were sent to Korea and Indochina.



attorney's office today about prosecution of the youth. Isbell said the youth could be charged as an adult with assault with a deadly weapon and burglary. But he said he expects the youth's case will be processed through Juvenile Court.

Two other Vista youths, 14 and 15, were arrested Saturday, after the boy told sheriff's deputies the three entered the Vista Grande Store and stole beer and soft drinks. All three youths are held at Anthony Home.

The boy told deputies he entered the house to take the keys to the Treguboff car. He said he beat Mrs. Treguboff when she awakened.

signed a statement admitting he raped Mrs. Schloemp April 19.

Mrs. Schloemp died May 2. An autopsy report showed her death was caused by a brain hemorrhage due to a blow on the jaw.

### Ex-Sailor Starts Solo Around Globe In 28-Foot Ketch

LOS ANGELES (AP)—As a boy and later as a quartermaster in the Navy during World War II, Rolph Thorvaldson dreamed of sailing solo around the world.

Today he's on his way in a 28-foot ketch and figures it will take a year to make the 12,000-mile voyage.

Thorvaldson, 30, of nearby West Covina, left yesterday. His craft, the Tahea, carries 210 feet of canvas and a 14-horsepower auxiliary engine. It cruises at about four knots.

earner, in the opening preliminary:

1 — Chairman Mundt (R-Mo) announced that McCarthy and his associates had advised him they were "ready and willing" to testify at any time. Mundt told reporters he was hopeful the Army's case would be completed and testimony from the McCarthy camp begun "early this week."

2 — Mundt ruled senators could ask any questions they liked about a high level administration conference last Jan. 21 on the Army's problems with the McCarthy subcommittee. He said it would be up to witnesses to decide which questions they could not answer in the light of President Eisenhower's order forbidding testimony about confidential administration actions. It was that order that caused the recess.

3 — Sen. Symington (D-Mo) called for the public record to include all monitored telephone conversations deemed by the subcommittee to be pertinent.

Symington established the line of command reached down from the President through Wilson, Stevens and to Adams. The Missouri senator asked the witness if it wasn't true that White House staff members could not give "order" to John Adams.

Under Orders of Stevens

"Yes, I'd say that was correct," Stevens replied.

"Nobody could give orders to Adams but you?" Symington asked.

"That's right."

"Did the President ever tell you he was delegating authority to members of his staff who attended this (Jan. 21) meeting in relation to this case?"

"He did not."

Stevens said he was "quite sure" they would have.

Stevens said, in response to questions by Symington, that neither President Eisenhower nor Wilson had ever given him "orders" to prepare the charges against McCarthy and his aids.

### G.E. Makes Offer To Rival Unionists

NEW YORK (AP)—General Electric Co. today offered its employees a general wage increase of four to five cents an hour plus holiday and vacation improvements.

The offer was made both to the CIO International Union of Electrical Workers and its rival, the United Electrical, Radio and Machine Workers of America (Independent).

The company said the same offer applied to other unions and to employees not represented by unions.

The offer was made both to the CIO International Union of Electrical Workers and its rival, the United Electrical, Radio and Machine Workers of America (Independent).

The company said the same offer applied to other unions and to employees not represented by unions.

### Jet Pilot Escapes

LISBON (AP)—A jet fighter from the U.S. aircraft carrier Hornet caught fire in the air today. The pilot, Lt. E. B. Woodberry, crash-landed the plane in a field outside Lisbon and was able to walk away from it.

### WOMEN 'STARTLING'

## 'Who's McCarthy?' Asks Ex-Con, 81

CHICAGO (UP)—Ex-convict Lyman William Hall, 81, who emerged from behind bars after 57 years, asked today "who the Sam Hill is this fellow McCarthy?"

Hall, paroled from an Illinois prison late last week, was puzzled by quite a few

differences between the gay 90s and the mid-20th Century.

Concerning Sen. Joseph R. McCarthy (R-Wis), he said:

"I've read something and heard a great number of people talking about it since I got out of prison and I'd like to know this—who the Sam Hill is this fellow McCarthy?"

Then there was the subject of modern women. Hall said women seem to have changed since he began a life term for murder in 1897.

He took a walk after his release, he said, and chanced to follow two young girls in slacks.

"I couldn't tell if they were men wearing long hair and makeup or women trying to wear pants like men," he complained.

He called the "changes" in women "startling."

"Not only in their dress and their makeup—that was unheard of when I went to prison—but their manners, their carefree attitude and the fact that so many of them act just like men," he said.

Hall took television in stride, however.

"Watched a baseball game on television," he said. "It is quite interesting, yes, quite."

### Woman to Face Kidnap Charge

Arrested by San Diego FBI agents, an El Paso baby sitter today was to be arraigned before the U.S. commissioner at Riverside on a charge of kidnaping the 2-year-old daughter of an El Paso couple.

Catherine Cassiano, 20, the suspect, was arrested yesterday at Ripley, Riverside County, reported Galen N. Willis, special agent in charge of the FBI here. He said Maria Gonzales, the baby, was found unharmed. The child's parents were en route from El Paso.

Willis said Miss Cassiano had been hunted since Tuesday, when she and the baby disappeared from El Paso. She was traced to Ripley, where she had obtained work as a barmaid.

Miss Cassiano was quoted by Willis as relating she had taken the baby to Ripley by bus "because I learned to love her." She frequently had cared for the child in El Paso.

Miss Cassiano, also known as Cathy Chavez, faces charges to be filed by the U.S. attorney at El Paso. She could be charged under the Lindbergh Act because state lines were crossed in the alleged kidnaping, agents said.

Arrested by San Diego FBI agents, an El Paso baby sitter today was to be arraigned before the U.S. commissioner at Riverside on a charge of kidnaping the 2-year-old daughter of an El Paso couple.

Arrested by San Diego FBI agents, an El Paso baby sitter today was to be arraigned before the U.S. commissioner at Riverside on a charge of kidnaping the 2-year-old daughter of an El Paso couple.

Arrested by San Diego FBI agents, an El Paso baby sitter today was to be arraigned before the U.S. commissioner at Riverside on a charge of kidnaping the 2-year-old daughter of an El Paso couple.

Arrested by San Diego FBI agents, an El Paso baby sitter today was to be arraigned before the U.S. commissioner at Riverside on a charge of kidnaping the 2-year-old daughter of an El Paso couple.

pringing a Netherlands sea-

man, III with appendicitis boat attempted to cut across the Channel. He fired a very pistol flare after shouted warnings failed. Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Fifty persons were aboard Olde Ironsides. The Milida carried 25 passengers.

## 'McCarthyism' Seen By Dr. Steinmetz

Dr. Harry C. Steinmetz, who was dismissed as a San Diego State College psychology professor after he had refused to tell a congressional committee and the State Board of Education if he was, or had been, a Communist, today blamed "McCarthyism" for the withdrawal by Cornell University of its invitation to him to teach there.

"Cornell is a great university and I regret any construction that I may have placed on my summer teaching professorship that assumed more knowledge than the Cornell administration had," Steinmetz said.

"Better I Not Go"

The professor announced last week that he had been engaged to teach at a six-week summer term at Cornell. He referred to the hiring as an "academic vindication." After news services reported the statement at Ithaca, N.Y., Cornell announced Steinmetz would not be engaged.

"It is obvious that the issue pertains to no relevant competence," Steinmetz said today. "New York, no less than California, is the victim of McCarthyism and peculiar laws that instrument it."

Ouster Under Appeal

"It is better that I not go to Cornell than that it be discovered later to our mutual embarrassment that I hold in profound contempt certain legislators and laws that permit government by men rather than according to the Bill of Rights.

"It is on account of this

"It is obvious that the issue pertains to no relevant competence," Steinmetz said today. "New York, no less than California, is the victim of McCarthyism and peculiar laws that instrument it."

"It is obvious that the issue pertains to no relevant competence," Steinmetz said today. "New York, no less than California, is the victim of McCarthyism and peculiar laws that instrument it."

"It is obvious that the issue pertains to no relevant competence," Steinmetz said today. "New York, no less than California, is the victim of McCarthyism and peculiar laws that instrument it."

"It is obvious that the issue pertains to no relevant competence," Steinmetz said today. "New York, no less than California, is the victim of McCarthyism and peculiar laws that instrument it."

"It is obvious that the issue pertains to no relevant competence," Steinmetz said today. "New York, no less than California, is the victim of McCarthyism and peculiar laws that instrument it."

"It is obvious that the issue pertains to no relevant competence," Steinmetz said today. "New York, no less than California, is the victim of McCarthyism and peculiar laws that instrument it."

"It is obvious that the issue pertains to no relevant competence," Steinmetz said today. "New York, no less than California, is the victim of McCarthyism and peculiar laws that instrument it."

yards apart when Kelechenyi's

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

and Mrs. Jack L. Skinner, Man-

Kelechenyi said he fired the answering shot in self defense, charging that Chamberlin endangered his boat with the flare.

### School Building Loan Repayments Exceed 5 Million

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

Kirkwood said the money is owed the state by 321 school districts of the 283 which received state aid under a \$250,000,000 bond issue approved by voters in November, 1949.

During fiscal 1953-54 the repayment amount was \$3,678,521, Kirkwood said. He attributed the current high figure to increases in assessed valuation of the state-aided districts. Repayment is based on assessed valuation and ability to pay.

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

SACRAMENTO (UP)—Annual repayments on loans for schoolhouse construction will total \$5,301,536 during fiscal 1954-55, State Controller Robert C. Kirkwood said today.

## SAN DIEGO FEDERAL SAVINGS & LOAN ASSN.

NEWSLETTER

San Diego's harbor is coming of age industrially.

Cotton is one reason for it. Another is its dynamic Port Director—John Bate, and his hard-working and imaginative staff.

More than 125,000 bales of cotton have been exported from San Diego in 1954. Compare this with 2007 bales shipped through this harbor during all of 1953.

Nature gave San Diego one of the best land-locked harbors in the world. With ingenuity, hard work and imagination, the industrial future of this harbor is limitless.

To point up its potentialities, a gigantic Port and Maritime Exposition will be staged next week-end. The show will start Friday and continue through Monday.

Speedboat races, a dazzling parade of 50 gaily-lighted vessels, and a fireworks display Sunday night will be staged. Industrial and maritime exhibitions will be on display in Broadway Pier.

It will be a chance for all San Diegans to get a first hand look at their harbor . . . and to see and feel its vast potential for the future.

Do you need money for that new car . . . that long-delayed vacation trip . . . to send a son or daughter to college . . . or countless other things that cost more than you have right now?

You can realize any of these things now if you own your home. You may refinance it at San Diego Federal. Then you get the money you need and you pay it back at reasonable interest over a long period of time.

Also, if you are a home owner and you want to add a room, build a patio, put up a garage, or do any repair or remodeling job, you may get money at San Diego Federal.

We invite you to come in and see us on these problems. We can help you and help build San Diego. You'll receive helpful, friendly courteous service when you consult our loan department.

Our telephone, BELmont 4-2121.

NEWSLETTER

NEWSLETTER

NEWSLETTER

NEWSLETTER

NEWSLETTER

NEWSLETTER

NEWSLETTER

NEWSLETTER

NEWSLETTER

NEWSLETTER

**u s grant hotel**

**Sand Dabs . . . By Request!**

The Coffee Shop has had a serious complaint. No Filet of Sand Dabs lately! Well, we hadn't forgotten about these succulent little under-sea critters . . . it's just that good sand dabs have been hard to find. But today's fresh from Catalina, are wonderful! And we'll roll 'em in snowy flour, brown 'em to the split second in creamy butter and set 'em off with a single dash of lemon. If you're the man who made that complaint, come on in!

**The Coffee Shop**

## — JESSOP'S —

not \$285<sup>00</sup> not \$279<sup>50</sup>  
not \$269<sup>50</sup> only \$125

Done conduction acc'tly separate extra part

### TUBELESS, 3-TRANSISTOR ZENITH "ROYAL-T" HEARING AID

**By Makers of World-Famous Zenith TV and Radios.**

★ **10 Day Money-Back Guarantee**

★ **Convenient Time Payment Plan**

**Operates for 1 1/2 months instead of \$4.50 to \$9.00 a month for vacuum-tube aids. No "B" battery . . . one 15¢ "A" battery operates entire aid for 30 days or more. Greater-than-ever clarity! Fewer interruptions in power, fewer battery changes! Includes built-in Phonemagnet.**

**You Can't Buy a Better Hearing Aid At Any Price!**

**J. Jessop & Sons**  
NORTH PARK • LA JOLIA  
DOWNTOWN SAN DIEGO

# DEPORTING UPHOLD

CONTINUED FROM PAGE 1

the consequences and whatever view one may have of the wisdom of the means which Congress employed to meet its desired end."

Frankfurter said the Supreme Court must recognize the power of congress to deal with aliens.

Black's dissenting opinion said that when Galvan became a Communist Party member, candidates of that party appeared on California election ballots, "and no federal law then frowned on Communist Party political activities."

Now, said Black, "for joining a lawful political group years ago — an act which he had no possible reason to believe would subject him to the slightest penalty — Galvan now loses his job, friends, and maybe even his children, who must choose between their father and their native country."

In his dissent, Douglas said he could not agree "that because a man was once a Communist, he always must carry the curse." He added:

"Experience teaches otherwise. It is common knowledge that though some of the leading socialists of Asia once were communists. They repudiated the Marxist creed when they experienced its ugly operations, and today are the most effective opponents the communists know."

Douglas gave no names.

# Beating Victims Leave Hospital

A Vista mother and her 3-year-old daughter were released from Palomar Memorial Hospital, Escondido, today where they were treated after being beaten with a hammer as they slept in their home early Saturday.

Mrs. Jean Treguboff, 33, and her daughter, Christiana, were attacked by a 15-year-old Vista boy who entered their home. Mrs. Treguboff suffered fractured hands and arm and fractured head, as well as neck and chest injuries. The child underwent surgery for a head injury.

Sheriff's Lt. Tom Isbell said he and Sheriff's Sgt. Roy Harvey will confer with the district prosecution on the youth.

Isbell said the youth could be charged as an adult with as



**BACK ON STAND** — Army Secretary Robert Stevens, back on the stand today in the McCarthy-Army hearings, con-

fers with his special counsel, Joseph Welch. The hearings were recessed last week.—(AP) Wirephoto

## Murder Count To Be Sought

Carlsbad Police Chief U. Max Palkowski said today he will seek a complaint charging Julian Martinez Garza, 20, Carlsbad farm laborer, with murder and rape in the death of Mrs. Evangeline Schlomp, 77.

Palkowski said he would confer with the district attorney's office today about the complaint against Garza.

In county jail, Garza told a reporter in broken English that he didn't remember striking Mrs. Schlomp in her three-room house at 3070 Madison St., Carlsbad.

The slim, dark-eyed youth gave soft-spoken, monosyllabic answers to questions concerning the accusations. He said he came to San Diego County about seven years ago from Texas, where he said he was born.

Questioned concerning Mrs. Schlomp, Garza said he had been drinking and didn't remember raping or striking her.

But Palkowski said Garza's statement

## McCARTHY HEARING

CONTINUED FROM PAGE 1

Roy M. Cohn and Francis P. Carr.

Called Too Involved

McCarthy asked him, "would your answer be the same if you were to learn that someone high in the administration—I don't mean the Pentagon—telephoned Sen. Potter and asked him to write for these charges?"

Stevens said McCarthy's question was "too involved and too hypothetical" to answer.

Used as 'Vehicle'

McCarthy then said that the unnamed high official used Potter as a "vehicle" to bring into the open the claims that the senator and his aids exerted improper pressure in behalf of Schine.

Potter intervened and said he had talked with the official but was in no way used as a "vehicle." He explained he learned of the existence of the Schine case report and wrote Defense Secretary Wilson for a copy because Democrats on the investigating subcommittee knew about it and Potter thought the Republicans should have a copy.

Earlier in the hearing, Potter

There has been no decision as to the handling of stenographic transcripts the Army has of telephone conversations between Army officials and Sen. McCarthy and his staff.

Then, questioning of Stevens on his statement, the same he made last Wednesday, and the Jan. 21 meeting began.

Stevens said that "at no time did the Army or I, as its secretary, receive any orders" about the preparation of the case against McCarthy and Cohn.

He said the purpose of the Jan. 21 meeting, in the office of Atty. Gen. Herbert Brownell Jr., was to give the Army legal guidance on what to do about an effort by McCarthy to subpoena members of the Army loyalty board.

Sen McClellan (D-Ark) asked Stevens:

"If the countercharges against the Army (by McCarthy) are true, do you also take full responsibility for that?" — that is, for the conduct of Army officials in dealing with the McCarthy subcommittee.

"Yes," said Stevens and

## Judge, Jurors Deny Bulen Politics Links

The County Grand Jury has emphasized that politics did not influence its action in returning an indictment against State Assemblyman Edwin S. Bulen (R-Esccondido) on charges he received "kick-backs" from his former office stenographer.

After the indictment was returned last week against Bulen Superior Judge L. N. Turrentine made the following announcement from the bench:

"The jury wants it stated that Mr. Gibson did not attend any meetings or participate in any deliberations on these indictments."

John B. Gibson, La Mesa Republican, is a grand jury member and a candidate for the 77th Assembly District seat now held by Bulen.

Excluded From Sessions  
H. K. Raymenton, jury foreman, made the following statement:

"Gibson had been excluded from grand jury sessions after he called me in the middle of April and said he would like some time off because he was running for office."

"I do not recall that he even mentioned the office he was running for. He was excused and has taken no part in the grand jury work since."

"I do not believe more than one or two members of the grand jury even knew Gibson was running for the same office as Bulen until after the Bulen case was taken up."

"And here I want to emphasize that no member of the grand jury had anything to do with bringing the Bulen case before our body. It was brought to us by the district attorney. So far as I can ascertain none of us knew anything about it until the district attorney brought it in."

"I cannot stress too strongly that our consideration of the Bulen case was absolutely non-political."

Bulen is scheduled to plead June 2 on the indictment. He is free on his own recognizance. The two-count indictment charges him with an "unlawful interest in a contract in his official capacity" as a member of the Legislature.

## Coast Guard Flies Sick Seaman Here

A San Diego-based Coast Guard rescue plane today is bringing a Netherlands seaman aboard the Netherlands vessel Haulerwyk to Naval Hospital

## EDEN RETURNS TO ASIA TALKS

### Foreign Secretary Gets Secret Instructions From Churchill

Written From Press Wires

GENEVA — Anthony Eden, British foreign secretary, flew back to Geneva today for a final effort to break the East-West deadlocks on Indochina and Korea.

Arriving by special plane from London, where he consulted Prime Minister Churchill and other cabinet members, Eden declined to comment on secret instructions he was reported to be carrying.

Sees 'Decisive' Talks  
Before leaving London, however, he said: "I shall continue to do my best to reach an acceptable and peaceful settlement in the Far East. I think it likely that our discussions during the next week or two will be decisive."

It was expected Eden's instructions might determine how much longer the Geneva conference would last. Today's secret nine-party session on Indochina opened its fifth week.

The United States already has made it clear to Britain and France it is ready to end the East-West talks on Korea and Indochina at any time.

French Foreign Minister George Bidault, meanwhile, warned the United States it must make quick and fateful decisions if Indochina and Southeast Asia are to be saved.

Indo General Returns  
Bidault made a strong appeal for Allied unity at a meeting with Walter Bedell Smith, watching groups.

## FBI Probes Shot In Fishing Dispute

A dispute over fishing right-of-way flared into gunfire yesterday off the Coronado Islands, 20 miles southwest of San Diego. A federal authority said, however, no formal charges were contemplated.

Charles Chamberlin, skipper of the 70-foot sportfishing boat Olde Ironsides, radioed the Coast Guard that the skipper of a small cruiser, Louis Kelechenyi, Inglewood, had fired at him with a .22 caliber rifle. He said the shot struck the water.

Olde Ironsides and the Milida, skippered by Irv Rowland, 3183 Bannock St., were fishing 100 yards apart when Kelechenyi's boat attempted to cut between them, Chamberlin said. He fired a Very pistol

## Insanity Plea Withdrawn at Murder Trial

In a surprise move at noon today, James Patrick Twomey, charged with murder in the "nightmare" shooting of his wife, withdrew his plea of innocent by reason of insanity.

Twomey, 42, of 8170 Lincoln Ave., Lemon Grove, asked to be tried only on a straight plea of innocent.

Waives Jury  
Twomey withdrew the earlier plea after his trial had opened this morning before Superior Judge John A. Hewicker. Twomey is accused in the April 20 shooting of his wife, Margaret, 47, and has waived a jury.

Twomey's attorney said he had moved to withdraw the insanity plea because he did not believe his client was insane. The attorney said also he did not want Twomey committed to a mental institution in any event.

Shot Through Head  
Shot through the head, Mrs. Twomey died soon after Twomey had called deputy sheriffs to the couple's home. Twomey told the officers he didn't remember the shooting.

"I was having a nightmare, and when I came to, I saw I had shot my wife," the officers said he declared.  
The couple's son, Pat, 13, who was in the house at the time of the shooting, was the prosecution's first witness today.

## Crewman on Sub Drowned Fishing

The Navy reported today that Robert V. Myers, 29, San Diego, engineman I.C. on the submarine Saba l o, drowned Saturday night while spearfishing off the north coast of Oahu Island, Hawaii.

He was the son of Mr. and Mrs. Harold V. Myers, Seattle, and the husband of Mrs. Lois Myers, 3238 54th St. The couple had two children, Patrick Lee, 7, and Cheryl, 2.

Myers had been in Hawaii four months and had taken up spear fishing as a hobby there. The family has lived in San Diego eight years.



# S.D. MAN'S DEPORTATION UPHELD BY HIGH COURT

**EVENING TRIBUNE**

**FINAL EDITION**  
Complete Financial

San Diego Sun—Established 1881    Evening Tribune—Established 1895    San Diego Daily Journal—Established 1944  
 Belmont 4-7111    Published daily except Sunday by Union-Tribune Publishing Co. Entered as second-class matter at the postoffice at San Diego, California, under act of March 3, 1879.    919 Second Avenue

No. 19666    36 PAGES    SAN DIEGO, CALIFORNIA, MONDAY, MAY 24, 1954    10 CENTS PER COPY

## GALVAN CASE FOUR YEARS OLD

Father of Five Entered Appeal To Supreme Court After 1950 Order

The U.S. Supreme Court decision today in the case of Robert Norbert Galvan, 43, decided a case that was started here four years ago.

Galvan, the father of five children, appealed to the Supreme Court after being ordered deported by the U. S. immigration and Naturalization service, Dec. 12, 1950.

The Immigration and Naturalization Service charged that Galvan was a member of the Communist Party from 1945 to 1947.

**In U.S. Since 1918**  
 Under the McCarran Internal Security act, aliens who were members of the Communist Party after entering the United States were deportable.

Galvan, of 2296 Julian Ave., and his wife, Consello, have one son who is a Korean War veteran.

He is a Mexican alien who has been in the U. S. since 1918.

Federal Judge Jacob Weinberger sustained the Immigration Naturalization Service order to deport Galvan when the Mexican alien was brought into court here on a writ of habeas corpus in 1951.  
 Held for Two Years

## McCarran Act Bar to Reds Is Ruled Valid

Robert Galvan Had Been Accused As Party Member

WASHINGTON (AP)—The Supreme Court today upheld a section of the McCarran Internal Security Act which says an alien must be deported if he was a Communist at any time after entering the United States.

Justice Frankfurter delivered the 7-2 decision.

Justice Douglas and Black wrote dissenting opinions and each also joined in the other's dissent.

**Attacked by San Diegan**

Validity of the section was attacked by Robert N. Galvan, a Mexican who was ordered deported on government allegations that he had been a member of the Communist Party in San Diego "from at least 1945 to 1947."

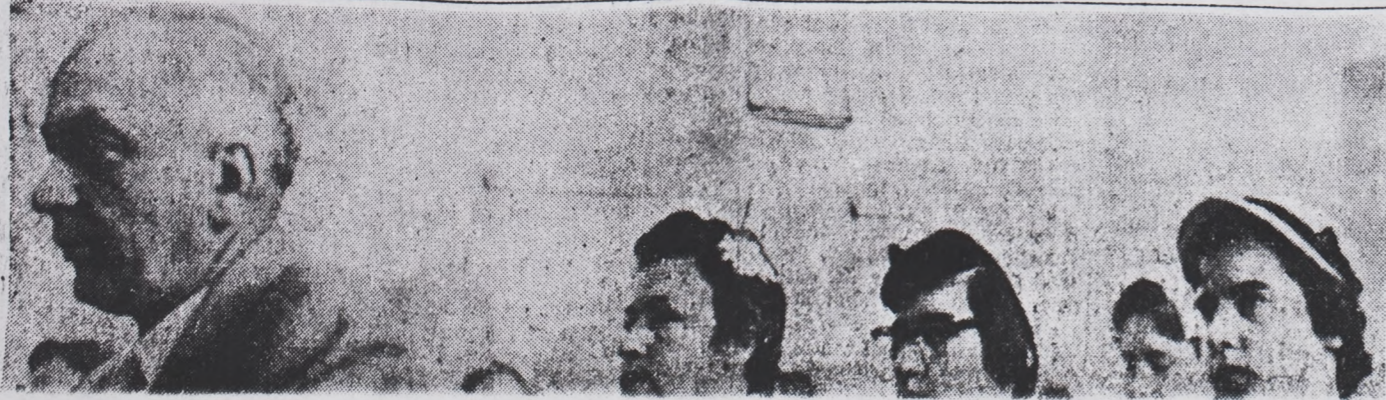
The section involved is part of the McCarran Internal Security Act of 1950.

Urging the high tribunal to uphold validity of the law, the Justice Department cited two 952 Supreme Court decisions in similar deportation cases.



**ROBERT N. GALVAN**  
 Ordered deported service detention quarters on Terminal Island, San Pedro,

# Torrential Rains Flood West Oklahoma Towns



## Creeks, Rivers Overflow, Hit Bridges, Roads

Some Flee Homes When Lowlands Washed by Storm

Sept. 5, 1998

Robert Galvan was the kind of person you wanted to know, and once you met him you just knew that what you had heard about the man was justly so. They were right, he was a great guy and you wanted to be his friend or relative. I was lucky, he was my Uncle Bob.

I lived with my Uncle Bob and his wife my Aunt Consuelo, better know as "Connie", and cousins for many years off and on of my young life. After my mother died in 1938, I and my sister moved in with my Uncle Bob, Aunt Connie and their family at 922, So. 16th St. in Logan Heights, San Diego.

Since my Uncle Bob always had a car he was the guy people came to for rides. There were a lot of emergency calls, operations, births; or just rides from the market with their provisions for the week. Bob never refused anyone and never charged. At times he would let the people know he was short on gas; and at times they had to push the car off the road. If someone was hitch hiking, they were taken to where they were going. Uncle Bob was the most helpful person in Logan Heights. That quip about "giving the shirt off his back", they got it from my Uncle Bob.

At the cannery Van Camps in San Diego where my Uncle Bob worked as warehouse man was no exception. Again he was called to help for many reasons, interpreter, explaining to the bosses about work conditions, etc. As president of the local for the CIO Union, Bob was kept very busy. There many night meetings and his wife and children would wait in the car for him. Workers would fall behind on their dues and would received a loan from Bob, sometimes he never got his money back.

Shortly after that time, The CIO held their annual meeting in San Francisco and of course Bob attended. At that convention Bob was around people that were communist. That was going on at that time, people did not

see any wrong doings by socializing because Russia was our allied during the 1940's. Also, during that time I wanted to join the military service. They wouldn't take me unless I had a legal guardian. I asked Bob to adopt me and he said, "no". This was the first time I had heard that word from him, when I asked for this favor. He was afraid the family on my fathers side would get on him if something was to happen to me. We had long talks and I finally convinced him to adopt me, and sign my enlistment papers. I was so happy and my poor uncle Bob worried until I was back safe at home.

That idiot Joe McCarthy had the whole nation on witch hunts, going after persons who were named "commies" and having others testify against them and in this manner many persons were destroyed. There were actors, writers, directors, union presidents and others of many vocations. Also, to this day some people still insist that our great President Roosevelt was a "commie".

My uncle Bob was brought up on charges and found guilty and since he was not a citizen of the U.S.A. was sentence to be deported to Mexico a country he knew nothing about, having lived in San Diego since he was a small child. The courtroom was a sham. When my uncle's lawyer was talking, the judge would turn his back and acted as if this case was boring. This case incidentally is in the law books, know as Galvan versus the U.S.A. Persons who have studied for the bar have related this to me.

Well the deportation was to last for over four years were my Uncle Bob was imprisoned at Terminal Island, San Pedro, CA., while waiting for his orders to leave the U.S.A. On arriving at Tijuana, Mexico, he was welcomed by having announcements on the radio and newspapers of a communist in their midst. This royal welcome made it difficult for Bob to gain employment. Being resourceful, Bob survived and he use his natural instinct of helping others, first by typing, writing and interpreting papers for Tijuana lawyers and acquaintances.

He became a kind of notary, only now for pay.

Bob became ill and was allowed to come back into San Diego and was given 30 days leave. He was diagnosed with cancer, although he wasn't told, while in the hospital in National City, CA. I was there visiting him when an immigration agent walked in who knew Bob well. Upon seeing Bob after having lost so much weight he said, "Robert I heard you were sick but not this bad". At that point Bob told the agent, that he had to go back in 30 days. The agent said, "no you're not going until you get well." My uncle Bob died of cancer four months after that. When I last saw him, his hands that were known for so much strength especially to give you a massage and help you feel great were fragile and weak. This hands had always helped so many. yet for Robert Galvan no one could help him.

Carl, there is so much to say about your Dad, so many incidents, happenings, occurrences, if only you can find people from Logan Heights and Cannery Workers, they will tell you of Bob's greatness to all. You know Carlos your mom was also a person helping others. They complimented each other so well.

When I became a Boy Scout Master, I now know why it was easy for me, because of the slogan, "To help other people at all times", is how your dad lived his life. Carl, there is so much to say about this man. I just touched a small part of his story.

I hope you can read this scribbling, as I told you these fingers are shot and really numb. One of the things that I have tried to do in my life is to simulate him, as so many more have tried.

Regards to all and my best wishes to Helen, So long.....

For a common cause,

Mike Ybarra