

# RULING AWAITED ON COX'S POWER

Gilliom Asks if Declaratory Judgment Suits Are Justiciable.

Indiana's battle for the State House was in another lull today while the Supreme Court decided the power of Marion Circuit Court to enjoin the G. O. P.-dominated appointing boards created by the recent Republican Legislature.

The jurisdiction of Judge Earl R. Cox in granting the temporary injunction was challenged by four elected Republican State officials in a petition for a writ to prohibit him from enforcing the order, granted last week to the Democrats. After more than two hours of arguments yesterday, the Court indicated that it would rule only on the lower court's power to grant an injunction in the case.

Earlier, the Court had suggested that counsel for the opposing forces agree on a method of bringing the controversial new "decentralization" laws specifically before them for a decision on constitutionality. But a series of conferences failed to produce such an agreement.

Several Days Required  
Several days will be required for the Supreme Court to hand down its decision in the present case, it was said.

Arthur Gilliom, G. O. P. attorney, told the Court in closing his argument that "I believe it would be beneficial if this court, in its opinion, would pass upon whether the declaratory judgment suits now pending are justiciable controversies."

Democratic attorneys have indicated that they, too, might seek the court's guidance in the matter. Further legal action may be taken today.

If Judge Cox' jurisdiction is upheld, the Republican attorneys have indicated that they will appeal his injunction order to the Supreme Court. But if the order is dissolved, appointment of a new State attorney by a G. O. P.-dominated board to succeed Attorney General Beamer will follow. This latter appointment on April 1 was halted by the injunction. Other appointments, unless blocked, will be made after May 1.

Appointments Held Up  
The injunction holds up appointments by the newly-created boards until constitutionality of the laws is determined by three declaratory judgment suits filed by Governor Henry F. Schricker. These actions now are pending in Marion Circuit Court.

Mr. Gilliom and Fred Gause, in arguing the G. O. P. case yesterday, emphasized their contention that a justiciable controversy does not exist now and that the injunction prevents one from arising.

They also said that the injunction is "an invasion by the judicial branch of another branch of Government, the executive."  
"It is important that the judicial power of this State confine itself as the constitution confines it," Mr. Gilliom said. "The judicial department must not project itself into the powers of another branch of government and must avoid partiality and politics."  
The Republican attorneys denied that any property rights were involved as a basis for the injunction.

Hits 'Interference'  
"A court of equity should not interfere in political matters, such as appointments to office," Mr. Gause contended.

In answer to a G. O. P. charge that the Democrats sought an injunction merely to retain patronage, Walter Arnold, Democratic attorney, said: "This injunction was instituted to stay the hands of boards in administering the laws as well as making appointments. The Governor questions the constitutionality of the Legislature's power to create executive boards whose powers transcend his own power."

Mr. Arnold said that of the 54 State government departments, 50 were placed under the G. O. P.-dominated boards and four left to the Governor. These boards, and not the individual members, are empowered to administer 85 per cent of the State's laws, he said.

Frank C. Dailey, who presented the closing argument for the Democrats, attacked the G. O. P. petition for a writ of prohibition and charged that "the only remedy for the G. O. P. is an appeal of Judge Cox' decision."

"It must be the G. O. P. position that Circuit Court lacks jurisdiction in all the pending cases," he said. "Whether the decision was right or wrong, the lower court did not lack jurisdiction in granting this injunction."

Defends Court's Rights  
"This is a case to decide whether or not the Legislature can pass laws invading the Governor's constitutional rights. The court has the power to protect those rights."

Mr. Gilliom, during his closing argument was questioned several times by Supreme Court Judge Curtis Roll, Frank Richman and Michael Fansler.

Throughout the day's hearing, the courtroom was crowded with present State House employees, G. O. P. job seekers and several members of the Legislature.

DR. CRILE 'MUCH IMPROVED'  
VERO BEACH, Fla., April 9 (U. P.).—Dr. George W. Crile, 76-year-old Cleveland glandular research scientist injured in the crash of an Eastern Air Lines plane last Thursday, "is much improved this morning," his physicians reported. Mrs. Crile is also confined to a bed in Indian River Hospital here, but physicians said she was completely out of danger.

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# POLITICS By Vern Boxell

A SIDE ISSUE in the inter-party legal battle for State patronage is stirring up almost as much heat as the main go.

It's the question of who's delaying a decision on the chief question—constitutionality of the new G. O. P. "ripper" laws.

Both the Democrats and Republicans have said repeatedly that they are anxious for a showdown at the earliest possible moment. But as of today, they're still miles away from it.

Each blames the other for this state of affairs.  
"All we have met are dilatory tactics and questions of legal procedure," says Frank Dailey, Democratic attorney.  
"Methinks," says Arthur Gilliom, Republican attorney, "that the present Democratic litigation is designed for delay. We are trying to clear the path."

**Sidetrack Plea for Speed**  
This was what the Supreme Court ran up against yesterday when, in a hearing on a question not covering the constitutionality issue, it suggested that opposing counsel get together and hustle the main problem before the court without going into numerous other questions.

In effect, it urged that technical and procedure issues be avoided and the legality question tackled at once. To speed up this process, the Court ordered a short recess for the attorneys to talk things over.

"Constitutionality of these laws is the chief interest of everyone," said Chief Justice H. Nathan Swaim. "And we are ready to give right-of-way to this question."

Walter Arnold accepted on behalf of the Democrats. But Mr. Gilliom, while agreeing that "it is desirable to have an early decision," said that "we want to follow orderly judicial processes and do not want to set a bad precedent."

Both sides agreed to a conference and arranged a later meeting in chambers with the justices.

**45 Minutes; Result Zero**  
Net result of the 45 minutes of conferring was zero.

Mr. Gilliom said that the Democrats did not suggest "a single legal method for bringing the constitutionality issue before the court."

The Republicans insisted, as they have from the start, that Governor Schricker's three declaratory judgment suits now pending in Circuit Court are not just cases because no appointments have been made and courts can not act on the legality question until two appointees are claiming the same office.

These are the "obstacles" which the Republicans say they are attempting to "clear from the path."

## I. U. Sophomore Gets Navy Call

Richard Samuelson, a sophomore at Indiana University and a member of the U. S. Naval Reserve, has been called into active service at the Great Lakes Naval Training Station. Mr. Samuelson enlisted in the Reserve while he was a student at Tech High School. At I. U. he was a member of the track and football squads, and a pledge of Sigma Pi Fraternity. He is the son of Mr. and Mrs. Otto Samuelson, 1612 Harlan St.

## DOWNSTAIRS at AYRES

**STRIKE UP THE Band!**  
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## MATH COUNCIL SETS 6TH ANNUAL MEETING

The Indianapolis Council of Mathematics will hold its sixth annual meeting April 19 at the World War Memorial auditorium.

On the program will be talks by W. Fred Totten, Bedford High School principal; Miss Barbara Sue Reidy, Hartford City High School pupil; Miss Letty Wickliffe, Crispus Attucks High School; John W. Wilson, Connorsville High School; Mrs. Marie Wilcox, Washington High School, and Dr. Velorus Martz, Indiana University. The Shortridge High School Mathematics Club, under direction of Miss Ellen Ocker, will present "Mathematics on the Air."

H. Glenn Ludlow of Washington High School is president of the organization.

## 700 Awards to Be Given Scouts at Court of Honor



Robert Piltz

The highest rank of Scouting, that of Eagle Scout, will be conferred on 12 youths at the annual Mammoth Court of Honor at 7:45 o'clock to-night in Tomlinson Hall.

More than 700 awards are to be made including 12 Eagle Palms, nine life ranks and 42 Star Scout class awards. The session will be presided over by Merle H. Miller, assisted by Irving Williams. Among those receiving the highest awards will be:

Eagle rank—Jake Cohen, Jack Cohen and Robert Piltz, all of Troop 50, Jewish Communal Building; Russell Eckert, Jack Rennoe, Dale Saunders and Robert War-

den, Troop 9; Hal Silver, Troop 19; Assistant Scoutmaster Max Norris, Troop 60; Keith Bradway, Troop 72; Melvin Johnson, Troop 82, and Assistant Scoutmaster Floyd Lane, Troop 83.

Eagle palms—Eric Wadleigh, Scoutmaster of Troop 82; George Cunningham, Troop 66; Richard Hill, Troop 61; Donald Aulsebrook, Troop 9; Robert Kinney, Troop 19; Robert O'Brien, Troop 28; Jack Moss, Robert Moss, Assistant Scoutmaster S. G. Moss, Ben Roberts, Troop 72; Joseph Duffey, Troop 82; Charles Gribler, Troop 123.

Life rank—James Jacobs, Troop 19; William Kurtz, Troop 32; Larry Hayes, Phil Sheridan, Troop 72; Jerome Heater, Roland Swingley, Troop 81; Richard Feldman, Troop 82; Gene Roberts and Russell Kloss, Troop 116.

Star Scout rank—Deno Alexander, Troop 2; Lawrence Moran, Troop 6; George Martz, Troop 14; William

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