The Sun

The Globe and Commercial Advertiser.
PUBLISHED DAILY EXCEPT SUNDAY BY THE NEW YORK SUN, INC., 280 BROADWAY, NEW YORK, N.Y. TELEPHONE, WORTH 2-2323.

WILLIAM T. DEWART,
President, Treasurer, Publisher.
Editor: FRANK M. O'BRIEN.
Managing Editor: KEATS SPEED.
Business Manager: EDWIN S. FRIENDLY.
Secretary: WILLIAM T. DEWART JR.

Subscription by Mail, Postpaid.

UNITED STATES AND POSSESSIONS:

	Year	6 Months	1 Month
THE SUN, Daily	$12.00	$6.00	$1.00
Saturday edition	1.50	.75	—

Canada, Newfoundland, Spain, Mexico, Cuba, Dominican Republic, Haiti, Central and South America, except British Honduras, and British, French and Dutch Guiana:

	Year	6 Months	1 Month
THE SUN, Daily	$14.00	$7.00	$1.20
Saturday edition	2.00	1.00	—

OTHER FOREIGN COUNTRIES:

	Year	6 Months	1 Month
THE SUN, Daily	$32.00	$16.00	$2.75
Saturday edition	5.00	2.50	—

WASHINGTON.....Munsey Building
CHICAGO.....180 North Michigan Avenue
BOSTON.....Old South Building
SAN FRANCISCO.....681 Market Street
LOS ANGELES.....315 West Ninth Street
PARIS.....39 Rue Cambon

Our friends who submit letters, manuscripts or other matter for publication and wish to have them returned if rejected will do well to inclose the necessary postage or a self-addressed and stamped envelope. Otherwise, rejected matter will be destroyed.

THE SUN was founded September 3, 1833, and was published as a morning newspaper until October 1, 1920, when it changed to the evening field. THE GLOBE, founded in 1793 as THE AMERICAN MINERVA, later THE COMMERCIAL ADVERTISER, was merged with THE SUN June 4, 1923.

TUESDAY, MAY 7, 1940.

An Old Rule Amended.

The opinion presented by Justice DOUGLAS for a majority of the United States Supreme Court in sustaining the conviction of twelve oil corporations under the Sherman act is one of the longest on record. It marshals a goodly number of choice words to say in effect that the old "rule of reason," which has obtained since 1911, has been amended by a new rule that any combination to fix prices, whether reasonable or unreasonable, is of itself a violation of the law.

In a dissenting opinion Justices ROBERTS and MCREYNOLDS argued that unless it had been found that the activities of the defendants had a "substantial tendency" to restrain competition, the trial court should have instructed the jury to bring in a verdict of not guilty. Justice DOUGLAS argued, to the contrary, that any combination which tampers with prices is unlawful. Those who fixed reasonable prices today, he said, would "perpetuate" unreasonable prices tomorrow. Even though the members of a price-fixing group were in no position to control the market to the extent that they could lower or raise or stabilize prices, they would be "directly interfering with the free play" of the market.

The majority and minority differed sharply concerning the significance of the present ruling. The majority argued that it was a natural consequence of previous decisions and logically flowed out of them. Justice ROBERTS, speaking for the minority, said, on the other hand, that in no case ever before decided by the Supreme Court had it been held that a combination was illegal solely because its purpose or effect was to raise prices. In the present case, he said, there was "substantial evidence" that all the defendants did was to act in concert to eliminate "distress" gasoline; that what they agreed to and did neither fixed nor controlled prices, nor unreasonably affected normal competition; that "the purchase of distress gasoline at going prices" permitted such prices to rise to a normal competitive level.

"Distress gasoline" in less judicial language is often referred to as "hot oil," meaning stocks produced by independent refiners that in 1935 and 1936 resulted in heavy overproduction. Action taken by the defendants to alleviate conditions thus brought about in their business resulted in their indictment and conviction as conspirators within the meaning of the Sherman act.

The statutory structures of the nation and many of the States embody enactments regulating price fixing which gravely complicate a problem which is inherently of great complexity.

Blitzkrieg in Texas.

The recent epistolary and editorial blitzkrieg between Secretary ICKES and AMON G. CARTER, publisher of the Fort Worth *Star-Telegram*, contained a few passages that should be preserved for the edification of contemporaries and the enlightenment of posterity. The boiling point of Mr. ICKES is notoriously low. An editorial article in Mr. CARTER'S paper on March 27 might not have angered another, but it angered the Secretary of the Interior. Concerning a recent invasion of Texas by politicians from Washington and elsewhere the article said:

> The inimitable Mr. ICKES, sometimes termed the hatchet man of the Hophappy Tong, wants to see with his own eyes whether the Texas oil fields are really big enough to justify all the labor he has put into the effort to take production control out of the hands of the State into those of his own Department of the Federal government. By a happy coincidence, a bushwhacking detachment from Austin will be on the move in the direction of Fort Worth at about the same time.

As if this were not enough to irritate Mr. ICKES, the article drew a parallel between this visitation and a "similar golden period in Texas's earlier political life," when shoals of visitors from the national capital ushered in the "Carpetbagger Era." In a letter to the editor, under date of April 18, the Secretary wrote:

> It would seem that, in common with some native-born, lifelong Texans I . . . am a "carpetbagger." I have visited your State on several occasions and on no one of them have I made a political speech or talked politics privately. I have gone to Texas bearing gifts—rich gifts—not a few of them eloquently solicited by the Great Editor of Fort Worth—and you never thought of calling me a carpetbagger.

To this and accompanying remarks the editor replied in a letter on April 28 and through the columns of his newspaper on April 29. The editorial article was headed "Mr. ICKES Irritates Easily and Quickly." It hastened to inform Mr. ICKES that the term "carpetbagger," which was "only indirectly applied to himself," was not final. In reference to the "rich gifts" it went on to say:

> That is the way the Secretary looks at it, but down here we had not understood that they were gifts, or that the Secretary's part was any other than that of an agent. Allocations to Texas under the PWA, &c., have been regarded here as items of co-operation between local communities and the government, in which the former, at some cost to themselves, obtained public improvements and the latter, at a cost which all share, furthered its program for providing employment.

Only the reckless would be rash enough to award the palm of victory in this titanic combat. Prudence permits it to be said only that for the Secretary's Oliver the editor returned a quite competent Roland. It is nevertheless sad to witness such strife between loyal partisans of the New Deal.

Time for a Senate Vote.

Despite the plea of the Senate majority leader to table the Logan-Walter bill the Senate Judiciary Committee has voted to bring this measure to "regulate the regulators" to the floor of the Senate. Senator BARKLEY'S argument that "we all know that this bill will never become law" is tantamount to a threat that the President will veto the bill if the Senate passes it. If Senate sentiment for the bill is as strong as House sentiment was, the bill may be enacted over a Presidential veto. The vote in the House was 282 to 97, very close to a three-fourths majority. A few votes might be changed if the President vetoed the bill, but probably enough would be left to pass the bill over the veto. The division of strength in the Senate is not accurately known, but there is apparently a majority for the bill now, possibly a two-thirds majority.

With the public demand for the bill what it is Senators would have been politically unwise to let the bill be smothered in committee. A roll-call vote in the Senate will indicate plainly who the Senators are who are friends of the bureaucrat first, the ordinary citizen second.

Praise for the Garand Rifle.

Reports from four divisions of the Regular Army which have given the Garand semi-automatic rifle prolonged tests under combat conditions pronounce the new rifle the superior of the Springfield rifle. The advantages asserted for the Garand, as summarized in the *Army and Navy Journal*, are many: increased fire power against fleeting targets, amounting to three times the volume of the Springfield rifle; greater accuracy of fire under combat conditions; rapidity of fire for anti-aircraft defense; favorable psychological effect on troops aware of the greater fire power of the rifle, and lessened fatigue on the part of those firing because of the slight force of the recoil. At ranges in excess of 600 yards the Garand may be slightly less accurate than the Springfield, but if war comes the Army will need a good combat rifle rather than an excellent target rifle.

The Garand fires a clip of eight cartridges to the Springfield's clip of five, but after each of the Springfield's shots the bolt of the rifle must be manually operated, whereas the Garand is completely automatic so far as each clip is concerned. Only one of the divisional reports mentions a problem that is certain to make itself felt—that of ammunition supply for the Garand rifle in actual warfare. A rifle needs fresh ammunition in proportion to the rate it can fire; the rapidity of fire possible with the Garand will make the problem of supply a difficult one.

There is also the problem of supply of the rifle itself. Efforts have been made to step up production of the Garand at Springfield and they have been measurably successful. Private manufacture will supplement the work of the government arsenal, but if a sufficient supply of Garands is to be provided within a reasonable period there must be a still greater expansion of production. This problem will be solved, no doubt, as others have been in the course of the cautious development of this weapon.

Decay at the Core.

Along Broadway for a mile south of Fourteenth street lies a strip of Manhattan on which many of the buildings are obsolete. This strip extends for two or three blocks east and west of Broadway, and forty years ago was occupied by large and small businesses in the dry goods, clothing, millinery and related trades. Covering about seventy blocks, it was considered the mercantile hub of the country. Today it is one of the neglected parts of Manhattan. Though ideally situated for housing as well as business buildings, it has suffered serious losses through three decades in property valuations and general usefulness. In the May issue of *Nation's Business* this area is cited by H. M. PROPPER for a type study of decay at the core of a city.

"We find the typical American city showing a growth pattern much like that of a tree," says the writer, "except for one all-important difference. Each year the tree adds a growth ring to its circumference, increasing by that much the tough, live center of heartwood. Our cities, too, have grown on the periphery, but usually at the expense of the core, leaving centers of decay and dilapidation."

The housing reformers in government bureaus lay out ambitious projects, most of them situated beyond the business centers of the city, or set amid