



WASHINGTON REPORT

Congressman Edwin D. Eshleman

16th District—Pennsylvania



Public attention has turned a critical eye on the judicial system in our nation, and particularly on the Supreme Court. Many people have written me or asked me to do something about the Court. The general sentiment seems to be that some recent decisions have undermined the nation's strength and have strayed from the principles that we feel are most important.

I, too, have been gravely concerned by some of the actions of the Court. I have tried to reflect this concern in some legislation that I introduced in the past few weeks. One bill was designed to limit the tenure of Supreme Court Justices, and another was an attempt to reverse a Court decision that could allow Communists to be employed in vital defense plants. However, I think the really basic need is perhaps a reappraisal of the role of the Federal judiciary in modern America.

The Courts play an important part in our scheme of government. Ours is a government of laws and not of men. The court system is essential to our democratic way of life because it is the principal guardian of our liberties. The function of the Supreme Court was conceived to be the balancing wheel of the constitutional system — the ultimate interpreter of the written document. There is little doubt that this function continues to be of vast importance.

The problem area in the judicial structure has risen from another power granted the Supreme Court under the Constitution. The Court has the power to declare state and federal statutes as unconstitutional, a power that has certain political implications. In the modern era, the Justices have used this power to act in a legislative manner. They have established legal

principles that in many instances do not reflect the wishes of the majority of Americans and/or their legislative representatives.

The Constitution gives no authority to the Supreme Court to take unusual actions because the President or Congress chooses not to act in problem areas. Congress is the sounding board for the mood of the people and the pulse of the times. Where the people are indecisive, action is necessarily slow. However, when the majority of the people clearly define the direction, their elected representatives will move. In Court decisions, that element of democracy has been missing.

The growth and development of legal principles is purposely slow. Law is not law if it intends to keep pace with the ever increasing progress of science.

Outbreaks Of Hog Cholera In USA Total 854

There were 854 confirmed outbreaks of hog cholera reported during 1967, the fifth year of the cooperative State-Federal hog cholera eradication campaign, the U. S. Department of Agriculture reported.

This is up from the 534 outbreaks reported during 1966, but down from the 881 and 1,117 in

The current situation with the Supreme Court and the increased public opinion against some of its recent findings stems from the thought that these decisions, besides being legislative in nature, are creating precedents that may not be correct for the future. The Court must refrain from the injection of the personal philosophy of its members. The law itself will move forward when the people are ready for it to change. The administration of justice will always be what the people make of it.

1965 and 1964, and far lower than the estimated 5,000 to 6,000 outbreaks occurring annually before the start of the eradication program.

Both progress in some States and lack of progress in others is reflected in last year's increase, an official of USDA's Agricultural Research Service said.

Dr. Milton J. Tillery, in charge of hog cholera eradication for the ARS Animal Health Division, explained that advancement of some States into the "stamping out" phases of the eradication program — where farmers are reimbursed for hogs which must be destroyed because of hog cholera — has stimulated reporting. "This means we've been able to find more outbreaks which has caused an apparent increase in the rate of hog cholera infection," he said.

"Paradoxically," he continued, "lavety of reporting in some States which have not advanced in the program has allowed the disease to spread. Outbreak numbers, therefore, have increased."

A total of 37 States and Puerto Rico are now in the final "stamping out" phases (III and

IV) of the program. These States contain 85 percent of the Nation's hogs. Eradication measures in these final phases call for prompt and complete disposal of all infected herds, with indemnity payments for hogs destroyed.

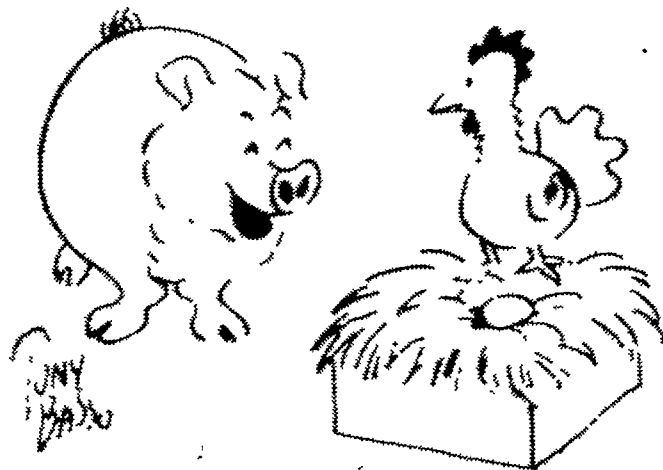
"Several major hog-producing States recently moved into Phase III," Dr. Tillery pointed out. "These included Indiana, Nebraska, and Ohio. So we might very well see an increase in outbreaks before incidence begins to taper off."

But finding the infection and stamping it out is far better than letting it smolder unnoticed, breaking to the surface only occasionally.

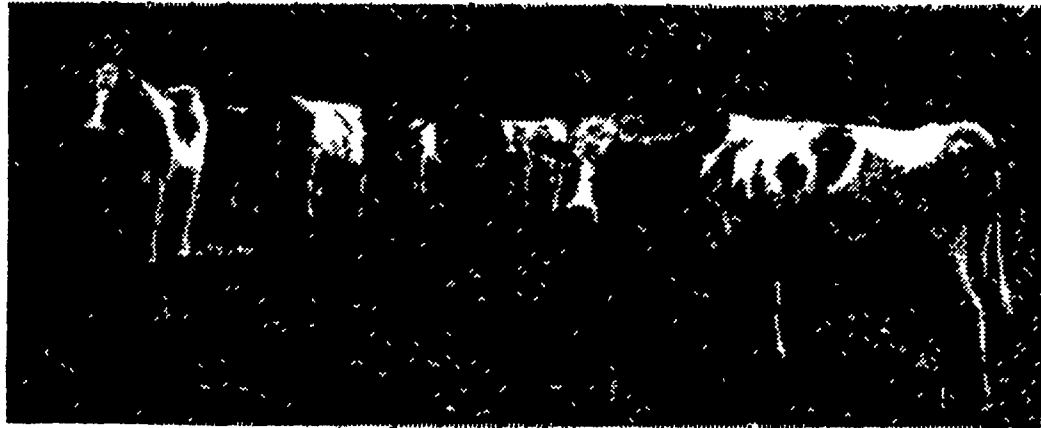
One indication of improved reporting is the steadily declining confirmation rate. In 1967, 854 or only 27 percent of 3,143 suspicious reports were confirmed as hog cholera. Rates for the preceding 3 years were 37, 52, and 67 percent, respectively.

The ability of investigating veterinarians to determine the cause of outbreaks has also improved. In 1967, a probable source was established for 80 percent of all confirmed outbreaks.

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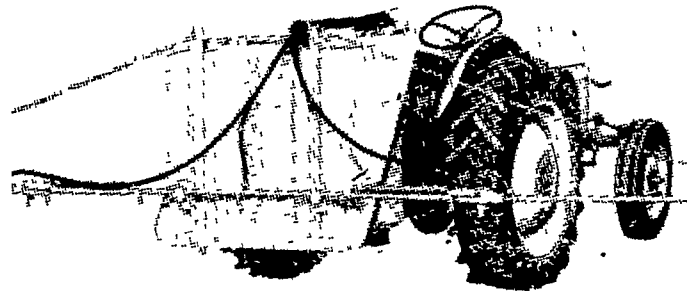
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