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The Weather

Today—Mostly sunny, with high near 50. Saturday—Fair, little change in temperature. Yesterday—High, 42, at 2 p.m.; low, 36, at 12:40 a.m. (Details on Page B-11.)

Phone NA. 4200

The Washington Post

Final

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Court Rejects Plea to Put Off Charter Vote to 1950

Maryland Judges Give Montgomery Green Light to Hold Election January 6

By Roger B. Farquhar

Post Reporter

Annapolis, Md., Dec. 16— The Maryland Court of Appeals today gave a green light to Montgomery County's scheduled January 6 charter council election, ending a prolonged legal controversy. The high court, after only a 30-minute consultation, held no conflict exists between the special election and Article 17 of the Maryland Constitution which deals with quadrennial county elections. The Montgomery election had been challenged by four former county commissioners who claimed the election, under Article 17, could not be held until 1950. The four are among the seven former commissioners now serving as the county's interim council under the charter adopted November 2.

Opinion to be Written Later

The court gave its brief decision following oral arguments heard during the day from attorneys for the four challengers and for charter supporters. The written opinion, setting out reasons for its decision, will not be handed down until after the court reconvenes January 11 after the Christmas holidays. Today's ruling was a "per curiam" one, expedited because of the nearness of the scheduled election date and the Christmas holidays. It affirmed a decision last Monday of Montgomery County Circuit Court. Ten candidates already have filed for the scheduled election.

Judge Questions Welsh

Chief Judge Ogle Marbury repeatedly asked Attorney F. Barnard Welsh, representing the former county commissioners, the basis of the election challenge. Welsh claimed the present commissioners should remain in office as interim councilmen until the next regularly scheduled county election in 1950. He asserted that the "fewer elections" amendment was passed seven years after the State Constitution's "home rule" amendment which gave counties the right to set up charter governments. Because the "fewer elections" amendment was passed later, Welsh contended it superseded the "home rule" amendment. At this point Chief Marbury interrupted with: "I think you are wrong." Attorney Frederic P. Lee, representing charter supporters, argued that the interim council is powerless to enact any legislation, and that only an elected county council could exercise the broad legislative authority transferred to the county under the charter from the State General Assembly.

Cloudburst, Flood Kill 200 in Brazil

Rio de Janeiro, Dec. 16 [?]
—A cloudburst and flood, the heaviest recorded in Brazilian history today brought death to 200 persons, authorities announced, and left more than 1000 injured and homeless. Damage and casualties extended to an area of about 1200 square miles in the southeast part of Minas Gerais state and northern Rio de Janeiro



state. Minas Gerais state authorities announced 155 bodies had been recovered in that area. In the city of Padua, Rio de Janeiro state, the mayor announced 45 bodies were recovered. The heavy cloudburst caused the overflowing of the Pirapeinga River for 45 miles. In some places the water was 30 feet above normal level. Bridges and homes were swept away and communications disrupted.

Guitar Sold For \$30 Through Post

Mr. R. S. 11th St. N.E. was delighted—his ad in The Washington Post last week had quick success; he sold a used guitar for \$30 in only two days. Sell that unwanted musical instrument now for ready Christmas cash. To place your Post ad call NA. 4200.

Ceremonies at Smithsonian

Famed Wright Plane Becomes Property of Americans Today

[[image]]

THE GIRL WHO FLEW A WRIGHT PLANE-Ruth Law, the first woman to fly her own Wright brothers' airplane, is in Washington to participate in the celebration of the forty-fifth anniversary of the airplane flight. She is displaying a picture made of herself at the controls of a Wright plane. (Story on Page 14)

Vinson to Accept Historic Machine In Name of People

The famous Wright airplane, which gave wings to man 45 years ago becomes official property of the American people today.

At least 700 persons, including the Nation's most celebrated aviation figures, will witness ceremonies at 10 a. m. in which the Smithsonian Institution will take formal possession of the prized "Kitty Hawk."

In the north hall of the National Museum's arts and industries building, Jefferson dr. and 10th st. sw., the famous relic, which spent 20 years in England as a result of Orville Wright's dispute with Smithsonian officials, will be accepted by Chief Justice of the United States Fred M. Vinson. He is Chancellor of the Smithsonian.

Vice President-elect Alben W. Barkley, a regent, will deliver the address of acceptance. A message from President Truman will be read by his Air Force Aide Col. Robert B. Landry.

The plane, invented by Wilbur and Orville Wright, will be presented to the Smithsonian by Milton Wright of Dayton, Ohio, a nephew, on behalf of Orville Wright's estate.

On its official tag, visitors-including some of this country's earliest pilots-will read that "the first flight lasted only twelve seconds, a flight very modest compared with that of birds, but it was nevertheless the first in the history of the world in which a machine carrying a man had raised itself by its own power into the air in free flight..."

Today's ceremonies, scheduled to last an hour, will be opened by Dr. Alexander Wetmore, secretary of the Smithsonian. Following greetings from Chief Justice Vinson, presiding officer, and the presidential message, Sir Oliver Franks, the British Ambassador, will discuss "Britain and the Wright Brothers."

Admission is by invitation only.

An oil painting of the first Wright flight will be flown to Washington for exhibition at the Smithsonian immediately after its unveiling at the forty-fifth anni-

See FLIGHT, Page 14, Column 7

Arctic Fliers' Rescue Faces Storm Threat

9 on Ice Cap Await Gliders; Radio Says All in Good Health

(See Picture on Page 5)

Westover Air Force Base, Mass., Dec. 16 (AP).-Nine United States airmen cheerfully awaited rescue tonight as an Arctic storm threatened to delay their release from frigid imprisonment on a bleak Greenland ice cap.

Rescue plans call for two red-tailed gliders to drop down beside the men and take them aboard. Then transport planes are scheduled to swoop down and pick up two lines on the fly, yank the gliders into the air and

haul them back to civilization.

When the attempt will be made depends on the Arctic's fickle winter. Weather reports received here indicated a snowstorm was spreading over much of the north country. Conditions prevailing in Greenland, spawning ground of icebergs which annually infest the north Atlantic, were not made clear in reports to Westover.

All the necessities for the immediate wellbeing of the nine men had been dropped to them and by radio they advised all were in excellent health, good sprits and confident of rescue.

The supplies included warm clothing and heating equipment with which to withstand the zero temperature of the bleak 8000-foot plateau of ice. Rescue equipment was being assembled at Narsarsuaq, in southern Greenland, about 100 miles from the stranded fliers. Two transports took off from Westover last night, towing the gliders which will be used in the operation.

Seven of the nine men have been on the ice cap a week, since their C-47 made a forced landing. The other two nose-dived into a snow bank in a B-17 on a rescue attempt.

Mustache Cup Out, Piano In

Lockheed Force's Nov. 3 Idea On 'Dewey Special' Is Cited

By C. B. Allen

President Truman and his Air Force Secretary, W. Stuart Symington, made seemingly conflicting statements yesterday concerning the plush Air Force "executive type" Lockheed Constellation reportedly prepared as an inaugural "surprise" for Gov. Thomas E. Dewey in the widely shared expectation that he would become President.

Mr. Truman was asked at his press conference whether he planned to "take a ride in the so-called 'Dewey Special' airplane." The President said he had never heard of the plane except for what he had read in the newspapers.

A few hours earlier, Secretary Symington - after denying again that the Air Force had been involved in any such scheme and offering to contribute \$1000 to a widows and orphans fund if anybody could prove the contrary-said he had talked to President Truman months ago about using the controversial "Connie" as a stand-by plane for Mr. Truman's Douglas DC-6, the Independence.

Symington's specific offer was to contribute \$1000 to the Air Force Aid Society "if anybody can show any connection between the Air Force staff and the recent Republican presidential candidate."

It was made at a luncheon in the Hotel Statler during which the Air Force Secretary presented the President's certificate of merit to more than 50 East Coast air-

See PLANE, Page 6, Column 4.

Chiang Army Stiffens at Peiping Wall

Trapped Forces' Destruction Is Denied; Marines Reach Shanghai Nanking, Dec. 16 (AP).-Government counterattacks outside the walls of beleaguered Peiping and conflicting announcements on the escape and destruction of a trapped army group northwest of Nanking featured tonight's rumor-wild Chinese war news.

Meanwhile a shipload of United States Marines reached Shanghai to guard American lives and property if needed.

Generalissimo Chiang Kai-shek remained secluded. A reliable source said he was studying suggestions that he step aside to permit negotiations with the rampant Communists, but nothing had developed. Hysterical rumors swept Nanking and Peiping. They ranged from the propable to the absurd and obscured the true situation.

Report of Capture Denied

Newspapers, especially in Shanghai, bannered all day that Communists had captured Peiping and the northern commander, Gen. Fu Tso-yl.

Associated Press Correspondent Spencer Moosa reported direct from Peiping tonight that these stories were not correct.

In a dispatch timed at 7 p. m. (6 a. m. EST) Moosa said General Fu's headquarters announced successful counterattacks just outside the Peiping walls. Points 3 1/2 to 6 miles outside Peiping were listed as recaptured, including the damaged electric power plant for dark Peiping. Moosa said rifle fire from just outside was audible all morning, and in midafternoon Communist mortar shells started hitting the south airfield, 7 miles south of the gates.

Mission Plane Turns Back

This caused hasty departure of eight Chinese commercial airliners with about 300 persons. The Lutheran Mission plane St. Paul was forced to return to Tsingtao without landing after having made two previous successful evacuation trips.

Inside the city, Moosa reported all was about as usual, but thousands of civilians had been put to work building an emergency landing strip near the old legation quarter. Unit it is finished, Peiping remains cut off.

A group of Peiping professors sent a letter by courier to United States Ambassador J. Leighton Stuart. They asked him to appeal to the central government to avoid fighting inside Peiping to spare its many historic spots.

General Fu's announcement of counterattacks, however, indicated a fight might be in prospect despite earlier rumors he was dicker with the Reds.

On the front before Nanking, the National Defense Ministry suddenly announced that Gen. Huang Wei's Twelfth Army Group had fought out of a Communist trap and joined another government force northwest of Pengpu. That anchor of the Hwai River line is about 100 miles northwest of Nanking.

Immediately the Communist radio announced that the Twelfth Army Group had been finally destroyed Wednesday night after 22 days of encirclement.

The Communist broadcast said the group totaled 80,000 men.

Government sources had estimated it

See CHINA, Page 3, Column 1.

Harmony Reigns

Inaugural Committee Plans Fully Approved by President

By Adrienne Tassler

Post Reporter

In a hilarious exchange with reporters, President Truman announced yesterday that he was in harmony with the Inaugural Committee on whatever plans it has for January 20.

This meant (though he didn't say so) that Maj. Gen. Harry H. Vaughan, his loyal and outspoken Army aide, must not have been laying down official policy when he told a reporter for The Washington Post that inaugural ceremonies would be "10 times as large" as the President "wants them to be."

The colloquy over inaugural plans, at the White House news conference, began when a reporter asked:

"Mr. President, do you concur with General Vaughan's views of the inaugural plans?"

Mr. Truman said he had no comment.

Then he said that he was in harmony with the inaugural committee on whatever it plans to do. He said the committee was carrying out his wishes.

General Vaughan, he continued, didn't remember making such a statement for publication.

"For publication?" a reporter queried.

The President said that was right.

This landed on the collective funny bone of the assembled reporters. A roar of laughter swept the room. Mr. Truman, his face red, laughed too. General Vaughan was standing behind the Chief Executive. So far as could be observed, he did not join in the laughter.

The general was called by a Washington Post reporter Monday night on a detail of inaugural plans affecting veterans.
Unexpectedly the military aide said that inaugural festivities would "be three times as big as they have any sense being" and "10 times as large as President Truman wants them to be." He did not put his comments "off the record," according to the reporter.
He said he felt the "situation is getting out of hand."
Notified of yesterday's developments, Melvin D. Hildreth, the 1949 inaugural chairman, said:
"I think it's a tremendous encouragement to us all that what we are doing meets with the full approval of the President."

Justice Dept. Again Hits Red Probers
Nixon Denounces Charge That House Aide Damaged Film Evidence
By Robert C. Albright
Post Reporter
A charge by a Justice Department spokesman that a House Un-American Activities Committee investigator muffed important espionage evidence last night touched off another round of firing on the spy-hinting front.
The house committee called a press conference to denounce the department for what it called "a patent fabrication" and "a vicious sneak attack."
More than that, Representative Richard M. Nixon (R., Calif) charged the FBI was "instructed by Attorney General Tom Clark not to cooperate with the committee" and that initial evidence was not passed on to the FBI by the Justice Department itself.
The new ruckus flared after the Justice Department and the committee had seemingly buried their feud with the New York grand jury perjury indictment of Alger Hiss, accused by former Communist Whittaker Chambers of passing him secret State Department documents.
Then in New York yesterday a Justice Department official who asked that his name not be used, charged a committee investigator may have prevented further indictments by damaging one complete Alger Hiss Pleads Not Guilty in N. Y.
Alger Hiss yesterday pleaded not guilty to two indictments charging perjury, as a new grand jury took over the espionage investigation at New York. President Truman, at the same time, drew the curtain on the issue raised by his terming the House Committee investigation "a red herring." Both stories on Page 12.
roll of undeveloped film in removing them from a pumpkin on Chambers' Westminster (Md.) farm December 2.
"So far the FBI has been unable to produce what was on the one roll." said the Justice Department spokesman. "The bungling amateur investigator-and I use the word amateur advisedly-may have prevented the possible indictment of an entire wartime espionage ring."
Earlier, a source close to the FBI said the agency called the committee after it learned the films had been picked up and offered its services in processing the film but the offer was not accepted until the film had been developed.
Acting Chairman Karl E. Mundt (R., S. Dak.) assembled Republican members of the committee and called a press conference to "challenge" the Justice Department to support its charge of "amateur bungling."
Mundt charged the department spokesman had deliberately misrepresented the facts. The fact was, he said, that the only roll of microfilm that couldn't be developed was damaged and exposed before its investigators picked it up, and Chambers so advised the committee agents.
Here is how Mundt related the story in a formal committee statement:
"Five rolls of film were discovered.
See CHAMBERS, Page 12, Col. 6.

Fall in French Senate Injures Queuille

Paris, (Friday.) Dec. 17 (AP)-Premier Henri Queuille was injured last night in a fall on the stairs of the upper house of parliament.
Greater Powers Urged For Defense Secretary By Hoover Committee
Trade Treaty Held Peace Aid

State Officials Urged Nazi Pact In '38, Chambers Papers Show (An Inventory of the Documents Appear on Page 10)

By Ferdinand Kuhn, jr.

Post Reporter

Fairly high officials of the State Department were urging a trade agreement between the United States and Nazi Germany early in 1938, it was disclosed yesterday in a new batch of documents released by the House Un-American Affairs Committee.

Most of the 34 newly-released documents were produced by Whittaker Chambers in Alger Hiss' libel action against him in Baltimore.

The arguments for a trade agreement with the Nazis were contained in a 16-page memorandum from Charles F. Darlington, assistant to Harry C. Hawkins, who in 1938 was chief of the State Department's division of trade agreements.

Darlington thought such a pact would tend to strengthen the "moderates" in the German bureaucracy, and would be "a factor making for peace." He conceded that it would be unpopular politically and might embarrass the Roosevelt Administration "for a period," but he insisted that "the best politics of all, at any time, is the politics of prosperity."

Hawkins sent the memorandum with approving comments to his chief, Assistant Secretary Francis Bowes Sayre, but proposed that nothing be done publicly until after the congressional election of 1938. In the meantime, he urged, "confidential" discussions should go on.

One of the employees of Sayre's office at the time was Henry Julien Wadleigh, recently called as a witness by the House committee and the New York grand jury.

If the Darlington and Hawkins documents ever reached Moscow, they might have strengthened Soviet suspicions that the United States was willing and eager to do business with Hitler. In the following year the Russians themselves began trade discussions in Berlin that led to the Nazi-Soviet nonaggression pact and the launching of World War II.

Nothing ever came of the Darlington-Hawkins idea on the American side. Hitler invaded Austria two months after Hawkins wrote to his chief, and thereafter the idea of a trade agreement was "never pressed," a State Department official said yesterday.

No code-breaking was involved in letting the Darlington-Hawkins papers reach a foreign government, since they were simply interoffice memoranda familiar in government offices.

But many other messages released yesterday were translations from code, which would have made them more valuable to foreign governments than any information in them.

Three of those released yesterday had been microfilmed and found in a pumpkin on Whittaker Chambers' farm in Maryland.

Two, alleged to be in Hiss' handwriting, were summaries of routine cables telling of Japanese troop movements and of Chinese
(See PAPERS, Page 8, Column 3.)

French Level Two Russian Radio Towers

Berlin Propaganda Station Back on Air, However, in 12 Hours

Berlin, Dec. 16 (AP) -French engineers today blew up the giant transmission towers of Radio Berlin but only silenced temporarily Soviet Russia's most powerful propaganda voice in Germany.

Twelve hours after dynamite brought the two tall towers crashing to earth in the French sector, Soviet Commentator Heinz Schmidt was back on

the air on the same wave length and apparently with the same broadcasting power.
Radio Berlin's personnel refused to say how they managed it, but German engineers said they might be using another tower at Potsdam. Schmidt told his radio audience the day-long interruption of powerful Soviet broadcasting was caused by an "order from Washington," not by the French.
The French said they blew up the towers in their sector because they menaced merican and British airlift planes flying into nearby Tegel Airfield. The Russians had ignored a notice last month that the demolition would be carried out. Radio Berlin's studio is in the British sector.
The Russian commander of Berlin, Maj. Gen/ Alexander Kotikov formally protested the French action, devlaring the dynamiting was "illegal and arbitrary." He said he was not satisfied with expalinations that the towers menaced airlife planes.
It took an hour and 45 minutes to carry out the job. The towers-used before Germany's defeat to transmit the propaganda of Hitler, Goebbels and other Nazi leaders-were 262 and 393 feet high.
The action is expected to bring some retaliatory move by the Russians against the French or against
See BERLIN, Page 4, Columne 3.

Fight Looms Over Senate Foreign Post
Contest Involves Claim of Morse Committee Berth
A back-stage batte over a GOP seat on the Senate Foreign Relations Committee last night threatened to go to the floor of the Senate unless resolved in a Republican caucus.
The contest involved the two-year claim of Senator Mayne Morse (R., Oreg) to the next GOP vacancy on the important foreign policy group. Senator Arthur H. Vandenberg (R., Mich), outgoing chairman of the committee, is believed privately supporting the bid of Morse, originially rejected by the Republican conference in January, 1947.
Senator Rober A. Taft (R., Ohio) meanwhile was reported interested in the seat. Indications were that Taft does not seek the place for himself, he may back a candidate other than Morse, porbably Senator William F. Knowland (R., Calif).
The struggle involves more than geographic factors-Morse initially pointing out that the West Coast is unrepresented on the committee. Intermeshed is the liberal Oregonian's free lance battle with the old guard wing as well as isolationist elemests still in the party and possible disciplinary action against himself.
Friends of Morse represented him as determined to go through with the fight, even if it reaches the floor of the Senate, and as saying privately: "they have disciplined me for the last time."
The GOP vacancy will occur if Democratic leaders go ahead with present plans to keep the party ration on the Foreign Relations Committee as it now is, 7 to 6.
See SENATE, Page 6, Column 6.
25 Convictions Involved

Jap War Crime Tribunal Called Illegal Before Supreme Court
By Murrey Marder
Post Reporter
The International Military Tribunal which convicted 25 top Japanese of was crimes yesterday was attacked beofre the Supreme Court as "purely national" illegal creation of the United States.
As arguments on this vital issue opened before the Supreme Court William Logan, jr., of New York, who represents several of the Japanese, charged:

"The fountainhead of this international tribunal was an order of the Joint Chiefs of Staff of the United States...to General Douglas MacArthur, Supreme Commander of occupation forces. Although the Far East tribunal contained judges from 11 nations, said Logan, it was "a rare creation...of the executive (branch) of the United States and the military authority thereunder." Establishment of the tribunal was carried out without a treaty-which must be approved by Congress- and amounted to legislative action, similarly reserved to Congress, Logan declared. While attorneys for the United States did not get an opportunity to speak at yesterday's short session, Solicitor general Philip B. Perlman said in a brief that if the Supreme Court "arrogates" power to review the tribunal's actions, "irreparable damage" would be done to this Government
"Other cooperative endeavors...such as the United Nations ac-
See CRIMES, Page 19, Column 1

Extensive Revisions Proposed to Remedy Weaknesses, Waste In Security Setup
(See "People in the News," Page 2)
By John G. Norris
Post Reporter
Greater power was proposed for American Defense Secretary yesterday to eliminate "weakness" and "waste" in the national security setup. A 24-man civilian "task force" of the Hoover Commission on Organization of the Government reported that the newly unified defense system "is soundly constructed but is not yet working well. Calling for improvements up and down the line, the committee recommended against major changes. With one or two members dissenting, the group went on record against a single chief of staff for the armed forces or merger of the Air Force and Navy arm. But the alterations proposed were extensive, and almost all directed toward greater civilian control of the armed services and national security policies.
211 Pages in Report
The 211-page report proposed elimination of many of the safe-guards against centralization of power written into the Unification Act last year. In bolstering Defense Secretary Forrestal's authority it would remove the right of the Secretaries of Army, Navy, and Air Force to go over his head to the President or Congress. Blame for the present bickering and waste in the services was placed at many doors-with a major share going to lack of direction "from the top." Hitting "the want of firm and clear top-level national policy directives," the committee said "the military have picked up the ball of national policy and are starting down the field with it." Instead of "policy determining strategy" and strategy in turn fixing the size and make-up of our defense forces, said the reporter, the individual "aims and policies of the military services are combining to make the strategy they are supposed to serve, and the strategy is tending to make national policy."
The USAF fight for a 70-group Air Force and determination of occupation policies in Germany and Japan were cited as examples of this.
Cites Long Service
At one point, the group appeared to suggest replacement of the present head of the Army, Navy, and Air Force. Declaring that the services "are still headed by the same men who have been carrying on the same controversies from the days preceding unification," it added:
"At the very least, the (Unification) Act is entitled to a fair trial under the direction of people unprejudiced by the acrimonious disputes of the past."
The report was the result of a six-month study by the so-called "task

force" of the Hoover Commission. A research committee headed by Ferdinand Eberstadt, New York financier, it was made up of college presidents, top-flight industrialists and newspapermen. In as much as the report is understood to conform largely to Secretary Forrestal's own ideas for change, it probably will form the basis of new legislation this winter. The Hoover Commission—an agency set up by the last Congress and headed by former President Herbert Hoover—may accept or reject the report however.

Several mistakes by top officials at the Pentagon were cited in the report, reporting that the inventory systems in the armed forces are faulty, it declared the Army has lost track of some 9,000 of its tanks. The group said the Army estimated it had 25,000 tanks left after the war, but could find only 16,000 of them. The report indi-

See DEFENSE, Page 2, Column 3.

5-Nation Group Off to Costa Rica To Probe Invasion

By the United Press

A special five-nation investigating commission was flying to Costa Rica last night in the first dramatic test of the peace-keeping powers of the Western Hemisphere's little United Nations."

The group took off at 10:30 p.m. from National Airport for an on-the-spot investigation of Costa Rica's charges that it was invaded from Nicaragua December 10 by an army of "diverse nationalities."

Members of the commission are Chairman Juan Bautista Delvalle, Peru's Ambassador to the United States; Paul C. Daniels, director of the State Department's office of American Republic affairs, and the following Ambassadors to the United States: Jose Maria Bello of Brazil; Silvio Villegas of Colombia, and Luis Quintanilla of Mexico.

(Earlier Story on Page 18.)

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