

LIBERTY AND FREEDOM MUST BE MAINTAINED IS OPINION OF JOHN KIRBY, JR.

(Extracts from a recent speech of John Kirby, Jr., of the National Association of Manufacturers.)

This is no time for palaver, and I have none to deal out; it is not the time to whitewash the truth, which I shall make no effort to conceal. I shall hew to the line, letting the chips fall where they may.

From the wise precedent of your Association that it should not indulge in the activities of practical partisan politics, I shall not deviate. From the precedent, however, that measures are more important than men; that fundamentals tower over expediencies, I shall not retreat. Nothing is more alien to my thoughts than a discussion, in a partisan sense, of the impending political campaign wherein two parties seek the votes of our electors.

Fearless of contradiction, however, I affirm that this a government of law; that its organic purposes are revealed in our written constitution; that from this charter, wrought out of the experience of the past, there has evolved a representative form of government, which has stood well the test of 135 years of conscious National life. Either we believe in that constitutionally ordained form of government, or we do not. If we do, we must reject innovations that would reduce its inherent purposes, powers, or functions. If we do not then, we may discuss other forms of government—pure democracy, benevolent monarchy, imperialism, or oligarchy. But even if we do not believe in our representative form of government, and hence seek something different, before we actually change, before we accept something different, let us see to it that the new does excel the old. Let us test well the tenets of any alleged new faith before we reject the old faith.

Let me illustrate: You may believe in the popular election of United States Senators. Many do. But if you believe in the popular election of United States Senators, you are thereby excluded from believing in the primary function of the United States Senate, as designed by the framers of our Constitution, because the Senate was never intended to be a directly popular body. If you please, it was intended to be an unpopular body. Certainly, it was never intended to be in direct accord with popular whims or passing caprices of the people. Its primary function was exactly opposite. Therefore, if you believe in the popular election of United States Senators, very good. But do not in the same breath say you believe in the Senate as ordained by the authors of our constitutionalism.

Let me illustrate again: Pulpit, journalism and forum agitated the measure known as the recall of judges. Again I say, if you favor the recall of judges, very well. But if you believe in the inherent power of the judiciary; if you believe in the co-ordinate branches of government; if you believe in the power of the judiciary to construe legislative acts in the reasoned light of the Constitution, you cannot believe in the recall. That is, if you do, you are not honest.

This, in brief, and in crude outline, is the precise issue before the American people upon this particular day, namely, is representative government in this country adequate for the purposes for which government is created? In no Presidential campaign since the Civil War has such issue been submitted for action by the voters of this country.

For the first time in nearly fifty years, the organic basis of our commonwealth is challenged. It is not an issue—it is a crisis. Whether we want it or not we are called upon to declare our belief in the operative principles of representative government, or we are called

upon to swear allegiance to a new Constitution, a new body or organic law, a novel commonwealth minus tradition, minus experience, minus chart, minus compass.

The panaceas of the initiative and the referendum are offered as necessary agencies for the rebuilding of representative government. Let us weigh carefully these claims. It is true that state amendments and state constitutions are, as a rule, passed upon by the people as a whole. But this is totally at variance with the suggested proposition of forcing a referendum vote upon a legislative action. Such an innovation would clearly attack the representative principle, and it is the representative principle that we assert must not be attacked or invaded.

On the proposal of governmental legislation through the device of the initiative, an even more sinister invasion of guaranteed republicanism is involved. The device is advanced to revitalize representative government by generating a direct democracy. Hence it is fundamentally a contradictory political expediency.

The measure proposes that a limited fraction of the electorate (5 to 10 per cent.) shall suffice to initiate legislation and compel a poll on the law thus proposed. Do you not see that this Utopian dream bears straight on to a direct democracy; that its very essence and spirit does violence to the organic principle of representative government; that its mode of execution, its scope of operation, is so diametrically in opposition to the precepts of popular representation that it at once becomes, not evolutionary, but revolutionary?

Does the plan tend to conform to orderly processes of legislative procedure or does it furnish the means of a constant restlessness of spirit amongst the people, and thus inspire disturbance of the general electorate by hasty action of an insignificant fraction of the entire voting mass? Would its operation ensure tranquility or incite constant uncertainties?

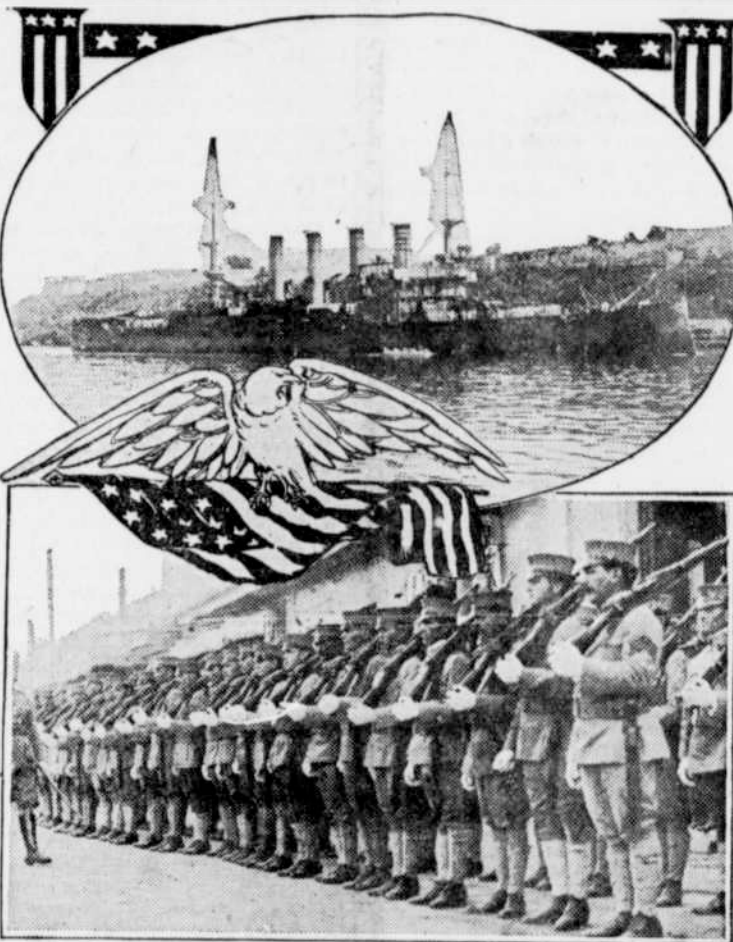
Business men are in great part victims of politics. Politics can ruin, by indirect confiscation, any business. Frankly, I wish the connection between government and industry were less intimate. In one sense, I believe that government should have as little to do with industry as possible, consistent with considerations of public policy.

There is no substantial or real demand or desire or call for the principles of government advocated by many people today. I take positive and exact issue with them, or with any public man whose position commands a following when he seeks to attack the basic principles of our historic form of representative government.

Our forefathers fought seven long years to establish liberty and freedom in this country, and, as a result of these great struggles, there were builded institutions which have made possible the development upon this continent of the greatest and most prosperous Nation on earth affording opportunity for the poor man to rise from the log cabin the towpath, the factory, and the farm through thrift and intelligence, until today we represent a Nation of self-made men, enjoying opportunities greater than ever before in the world's history.

It is your business and mine to preserve these institutions and defend them against the attacks to which they are now so commonly subjected; sometimes by demagogues, who, from selfish motives, appeal to the baser passions of the mob element of society; sometimes by the mob element itself, and sometimes by men of unstable tendencies, who seem to go upon the principle that to transform our old and tested institutions into moving picture shows will operate as a panacea for ills which have always existed and always will exist.

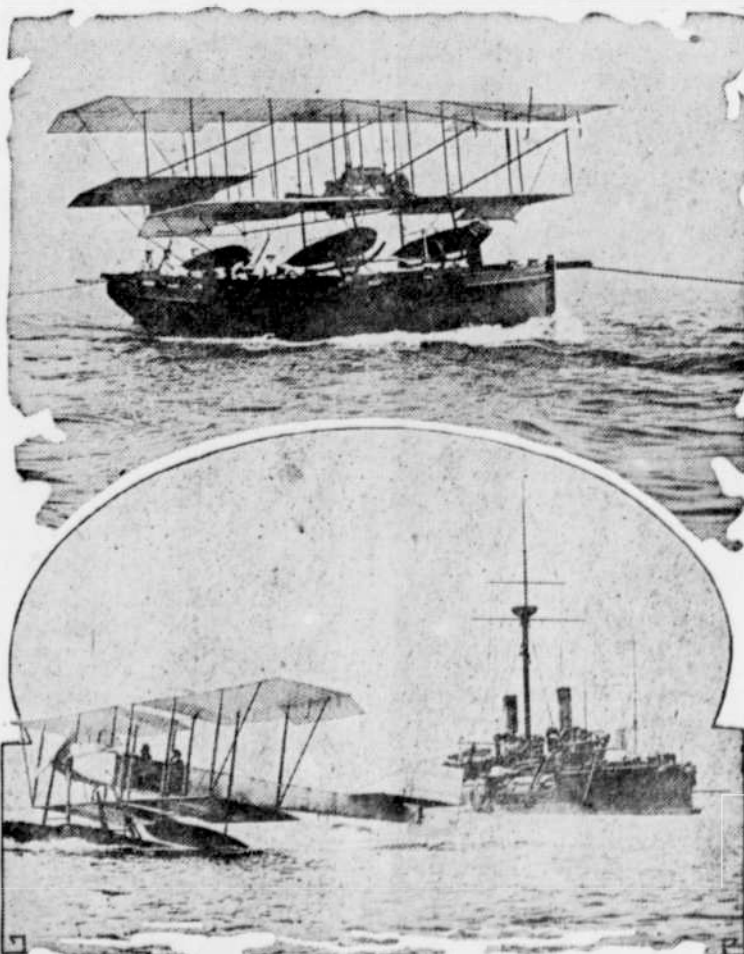
Cuba's Insurrection and Two Of the Means of Checking It



Photos by American Press Association.

ONCE again the United States government has been obliged to make preparations to "keep the lid on" in Cuba and has dispatched a strong squadron under the command of Rear Admiral Osterhaus, with the armored cruiser Washington as his flagship, to land marines at Guantanamo and to take such steps as may be necessary to safeguard American interests. Under the provisions of the Platt amendment the United States has "the right to intervene for the preservation of Cuban independence and for the maintenance of a government able to protect life, property and individual liberty." The Cuban government has protested its ability to put down the negro insurrection with its regular and volunteer forces, which include many of the men who fought against the Spaniards in the war of liberation. The Washington is shown in the upper photograph, a detachment of the regulars in the lower.

England Is Enthusiastic Over a New Hydroaeroplane



Photos copyright, 1912, by American Press Association.

THOUGH later than Americans to take up experiments with hydroaeroplanes, the English are now enthusiastic over the successful maneuvers of the machine which was tested at the recent naval review in Weymouth bay. It is described as having "the powers of an albatross, able to fly over the water, float upon it and rise again." King George watched the evolutions of the craft, which located the royal yacht in a thick fog and later alighted on the water near the yacht and disembarked an officer who delivered a message to the king. The naval authorities declare that in the new invention, for which an Englishman is responsible, Great Britain has the most remarkable and satisfactory machine of its kind in the world, "that other powers have been left behind in the race for aerial supremacy" and that "the British hydroaeroplane has already performed feats completely altering the conditions possible in naval warfare." And yet a month or so before the Weymouth review an American aviator, Frank Coffyn, performed feats equally remarkable in New York harbor. The upper of the two photographs shows the waterplane towed on a boat, the lower just rising from the water.

FLAG DAY IS OBSERVED

Join in Celebration—Tactics of I. W. W. Are Denounced.

In honor of the American flag, which was formally adopted by Congress just 135 years ago patriotic organizations of Portland held Flag Day meetings and demonstrations in various parts of the city yesterday, in which veterans of three wars and hundreds of citizens took part.

The main programme was at the Knights of Pythias Hall, at 8 P. M. when Spanish War Veterans, members of the Grand Army of the Republic, Mexican War Veterans, Company B, of the Oregon National Guard, and many others took part. Patriotic music and addresses formed the main part of the entertainment.

The meeting voiced a strong protest against the practices of the I. W. W. and others of like caliber who openly denounce and disgrace the flag. J. J. Kennedy, chairman of the Spanish War Veterans committee, spoke against this form of anarchy, and urged those present to join in a general protest against the meetings.

Steps were taken to organize a flag association. Postmaster C. B. Merrick gave an address on the subject of flag associations in the East, and what they are doing, and urged such an organization in Portland. Tentative plans were made for the launching of a strong organization.

Anthems were sung by the assemblage, and addresses were given by Professor M. L. Pratt on "The History of Flag Day and Its Observance;" "five minute" talks on patriotic subjects by W. M. Miller, of Mount Tabor School; W. A. Dickson, of Creston School, and A. F. Herschner, of Lents School. Other features were the singing of old songs by the veterans' quartette, an instrumental solo by Mrs. N. C. Calvert, and an address by Father Conaty on "The Flag."

The meeting was preceded by a parade in which Company B, of the National Guard, and the veterans took part.

Fifty children of the Couch School gave an interesting programme in the afternoon at the Bungalow theatre under the auspices of Multnomah chapter of the Daughters of the American Revolution. "The Evolution of the Flag" was the subject of the programme.

Another programme was carried out in the afternoon at the Neighborhood House. The principal speaker was D. Solis Cohen. A silk flag was presented to the House.

"OLD GLORY" IN MIRAGE

Night Phenomenon Is Stars and Stripes Silhouetted in Sky.

Searchlights of the cruiser Maryland bring out at night a phenomenon that has aroused the patriotic admiration of all who have seen it. It is a silhouette of the American flag in the sky.

During the marine pageant upon the harbor at night it was noticed with especial distinctness. One of the searchlights of the cruiser had been set upon the flag at its mast bringing it out in the darkness as brilliantly as though it had been done in colors of fire.

Passing on, the white shaft of light fell in a great white circle on the low hanging clouds over the city and in the ring of light among the clouds, fluttered the colossal shadow of "Old Glory."

DARROW TRIAL MAY HAVE AN ABRUPT END?

Defendant's Lawyer Asks That Labor Leaders Be Called to Clear Up Point and Prosecution Makes Objection.

LOS ANGELES.—The participation of Earl Rogers as attorney in the McNamara prosecution confronted him in the trial of Clarence S. Darrow for jury bribery. Not only did it threaten to cause Rogers' withdrawal as chief counsel for the Darrow defense, but it also evoked from the prosecution a threat which, if fulfilled, may mean the abrupt ending of the trial tomorrow.

This was the construction placed upon District Attorney Fredericks' declaration that the prosecution would not proceed if Rogers won his point with the court, which will be settled finally today.

Labor Leaders May Be Called.
Rogers asked that Olaf A. Tveit-moe and Anton Johannsen, San Francisco labor leaders, be placed upon the stand immediately in order to clear up a point of divergence between Rogers and his client arising out of the Caplan matter, which came into evidence yesterday and which, according to Rogers, involved the preservation of Darrow's rights.

The request aroused a storm of protest from the prosecution. Rogers argued that unless evidence was admitted at once showing his part in the Caplan matter while engaged in clearing up the Times explosion conspiracy, it would be impossible for him to proceed and place in jeopardy the interests of his client. He described his position as intolerable and said that only the immediate appearance on the stand of the witnesses indicated would relieve his embarrassment and permit him to continue.

The prosecution contended that Rogers' request was unheard of in court procedure, and that the point of ethics involved concerned only Darrow and Rogers. District Attorney Fredericks said that unless the state was allowed to proceed with its evidence as planned, irreparable harm would be done the prosecution.

Authorities to Be Quoted.
Judge Hutton granted permission to the District Attorney to cite authorities in support of his contention, before final ruling by the court.

Before court convened this afternoon moving pictures were taken. It was said to have been the first time in history that moving pictures of a trial were taken in this country.

COLORED EMPLOYEE OF POST-OFFICE IN PRISON.

SEATTLE, Wash.—In spite of endorsements and recommendations for mercy made by Senator Pliny L. Allen and numerous prominent men, Stephen A. Glass, colored, who pleaded guilty to many thefts from the Seattle post-office, was sentenced by Judge C. H. Hanford, in the United States District Court, to 18 months' imprisonment in the Federal penitentiary on McNeil's Island and to pay a fine of \$100 and costs. Glass said that family sickness and heavy assessments had driven him to commit the thefts.

INDUSTRIAL REAL NATIONAL PERIL.

PASADENA, Cal.—That the Industrial Workers of the World are a menace to the laboring class and are trying to drag down with them earnest American laborers was the declaration of President J. W. Baer of Occidental college, before the graduating class of the Pasadena High school, which is creating much discussion here. Baer declared the extremes of the human scale are the great sources of danger of the day citing the extremes as the idle rich who do no work, and the penniless men who refuse honest labor.