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LAST DAY

HARRY CAREY

"Canyon of the Fools"

From the Saturday Evening Post Story
and
"FELIX THE CAT"

JAPANESE BALK STRIKE CHARGE

HONOLULU, T. H., Mar. 23.—The views of Wallace R. Farrington on the alien language school question and on "the Japanese problem," as expressed in the executive message to the legislature, were, on the whole, correct and fair, according to the review by the Nippon Jiji, Japanese language newspaper, a translation of which is on file in the territorial attorney general's office.

"But, we cannot agree with one thing he said," the newspaper concluded. "In condemning the malcontents and agitators in the Japanese community, he referred to the sugar plantation strike of 1920. The strike, as we take it, was a part of the industrial unrest which swept that whole world. It cannot be said that the Japanese were solely responsible. Therefore it does not seem quite proper to contrast the strike with the Americanization movement or the campaign to protect American citizens."

The Hawaii Hochi, another Japanese newspaper, also took exception to Governor Farrington's statement concerning the sugar strike, adding in an open letter to the governor that "your excellency's attack against the Japanese, tying up the strike and the present school question, is not based on facts. It is a glaring error. May we inform you that, in order to become true friends between America and Japan, Japanese children—American citizens of Japanese parentage—should be educated in both the English and Japanese languages. Therefore, the Japanese language schools are a benefit, not only to Japanese parents, but also to America."

It is true, His Excellency condescended to allow the Judge and district attorney to make recommendations in some trivial cases, and in his blindness, and attempt to find an excuse for a line from a letter that I wrote to the governor, and to recommend him for parole and in this quotation Mr. Ritner represents me as asking the recommendation, but says because of my indefiniteness he did not consider it. He says I wrote: "I shall not oppose your parole, and hope you have justly earned one. There he stops. It is as dishonest to quote a line without its connection which shows the opposite, as it is to make a false assertion."

The convict Ritner named wrote me, during his whirlwind period of

SAYS CHINESE PARDONS ARE NOT LEGAL

(Continued from page 1)

sion is made to the governor, written notice of the intention to apply therefor, signed by the person applying, and stating briefly the grounds of the application, must be served upon the district attorney of the county where the conviction was had, and proof by affidavit must be presented to the governor.

Under our parole laws, where persons are confined in the penitentiary under indeterminate sentences, after they have served out one-half their sentence, being over twenty years old, the parole board may recommend for parole, (not pardon). A murderer sent up for life is not under an indeterminate sentence, and there is no way to determine when he has served out half his term. Such cases can only be dealt with direct by the governor under the constitution and laws of the state.

Notwithstanding each man who fills the governor's office is sworn to support the constitution of this state and its laws, Mr. Ritner accuses Governor Olcott of pardoning Ching Lem at the request of a man in Salem who knew nothing of the crime, paid none of the taxes to convict these murderers, suffered no danger from shooting up a town, but he stated that Lem was "a Trusty and acting as a cook for Dr. R. E. Lee Steiner at his house at the hospital for the insane," that "the parole board took the stand that if Ching Lem was entitled to a pardon, Chin Borkey, who was also serving for the same offense was entitled to a pardon." Mr. Ritner then pardoned Borkey on the recommendation of this parole board, he says.

Prisoner Acted As Cook.

In a letter written to Wayne Graham, deputy sheriff, on November 3, 1918, this same Chin Borkey says, "I am a trusty and cooking at Mr. Keller's house. He is parole officer of the State of Oregon." In other words, Mr. Ritner says, since Governor Olcott pardoned one murderer, I will pardon another to make it square. His logic is, if one wrong is committed, another will make it right. If the only reason is this, why did Mr. Ritner pardon the other three Chinese murderers who "were also serving for the same offense." If his righteous indignation demanded that all men in the same crime must be treated alike, even if one was unlawfully set free, why did he leave the other three in this castle cell? If in his knightly actions to free the poor, the helpless and friendless, who could not have friends and means to work for them, why did he leave the other three in and let out those who made noodles and flapjacks for the officials around the penitentiary and say, "The Knights Errant named in the Fairy Queen of Spenser, or even the redoubtable Don Quixote, would have had a better excuse to render his lady fair. This Borkey was a musician and was imported here from San Francisco, and was one of the actual gunmen in the murder of Eng, and in the shooting of Mrs. George, and nearly getting Miss Bryant, and I understand, a favorite of the Hop Singes."

From this "apology" it appears that no advice was wanted from Judge Knowles of District Attorney Wright, or the jury that convicted these felons, though the law required notice to be given. No one in Union county was consulted, though this county had to spend thousands of dollars in the separate trials the accused demanded, and the community had been grievously wronged; but on the recommendation of persons in Salem for whom the Chinese cooked, they are turned loose, ready to repeat the job when their tongues ask their services. Such illegal farces as this is what makes anarchists. Things like this encourage mob violence. It would not have hurt Mr. Ritner to have asked the advice of the attorney general as to his right to do as he has done. He and the parole board should have known the life cases. A man that fills such an office, even as a temporary substitute, should have followed the law he swore to uphold, and have required such petitions to take their regular channels.

Letter Extract Cited.

It is true, His Excellency condescended to allow the Judge and district attorney to make recommendations in some trivial cases, and in his blindness, and attempt to find an excuse for a line from a letter that I wrote to the governor, and to recommend him for parole and in this quotation Mr. Ritner represents me as asking the recommendation, but says because of my indefiniteness he did not consider it. He says I wrote: "I shall not oppose your parole, and hope you have justly earned one. There he stops. It is as dishonest to quote a line without its connection which shows the opposite, as it is to make a false assertion."

The convict Ritner named wrote me, during his whirlwind period of

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pardons, December 13, 1922, asking my recommendation, and stating that a letter from me to Ritner would "greatly aid" him in getting a parole. I refused to write Ritner, but wrote the convict a letter refusing to recommend a parole, and sent Ritner a copy. To the man who had paid the penalty for his offense and was subject to a parole, provided his penitentiary record justified it, I made the refusal as kind as I could, fully stated my reasons, and expressed the hope that his reformation had earned such parole. This quoted line is in this letter. In it I wrote: "To make recommendations by officials or ex-officials, without such knowledge (referring to the probability of reformation, expressed in the letter) merely based on sentiment or sympathy would not be honest to the state or society, and leads to disrespect of law and order."

"In your case I know only the circumstances of the crime as disclosed in the grand jury room—nothing of your previous life or your reformation since your incarceration, and, therefore, I could not say, or presume on the wisdom of a parole. The prison officials know all the circumstances of your life since the day of January, 1920, and the facts of your case as given to them by the district attorney when you were sent to the penitentiary on an indeterminate sentence, and can act accordingly."

"I shall not oppose a parole, and hope you have just earned one, but cannot be a party to making recommendations in such a way. I know others have done so, both as officials and as private citizens. This practice I cannot indorse, as its effects are too apparent in conditions today." Faithfully yours,

JNO. S. HODGIN.

Copies to Governor, Parole Office and Circuit Judge."

This is the connection in which the language was used. If this is a sample of the recommendations for pardons and paroles, which he claims to have received from the judges, district attorneys and juries through

out the state, which he says the press would not take in consideration in condemning him, then he must interpret no for yes. God pity the poor fellow. I personally know many of the judges and district attorneys of this state, and I do not believe they would wait until Governor Olcott was absent from the state to make their recommendations as to paroles or pardons, which they thought due.

Assuming, without saying so, that an acting governor (de facto governor) has the constitutional right to open up the doors of the penitentiary, he certainly is required to follow the law in turning convicts loose. Whether the proper officials will take action to have these illegal pardons/rescues, or whether a grand jury will investigate for the same, the rest of the state should not be treated as a serfdom, and a few officials around Salem, drawing salaries have an all powerful influence in any executive's office—even in violation of law.

This miserable affair, as shown by Mr. Ritner's "justification," proves that our constitution and laws should make it impossible for a man elected by one senatorial district—one-third of the population of the state—or by a representative district—one-sixth of the population of the state—to act as governor for the other 29-30 or 59-60, when even his own district probably did not select him with reference to such a contingency. If Walter Pierce should die or resign, Mr. Upton of Crook county, would be governor of the state till next election. Possibly in every way he might be fitted for such office, but the principle is wrong. The twenty-nine thirty-sixths of the state have as much right morally to say who shall be governor as the Crook county district has. The procedure in the last election of the presiding officers of the legislature certainly does not commend itself to the public in the selection of a possible governor. Many of the leading statesmen of the country have started as lieutenant governor or vice president, like Da-

vid B. Hill of New York or Theodore Roosevelt. As presiding officer of the senate, he could appoint his committees, avoid such scenes as we have witnessed in the election of a president, and could be given the voting power as senator at large for the entire state. At any rate we would have a man selected by all the people to fill this important office. Faithfully yours,

J. S. HODGIN.

La Grande, March 22, 1923.



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WOMEN SNARED BY LOTTERIES

(By Associated Press)
LOS ANGELES, Mar. 23.—Fifteen lotteries running in the heart of Chinatown here are attracting many well-dressed women who strive to travel an easy road to wealth by trying for the daily prizes totaling \$50,000, according to a statement of an investigator who has just surveyed the gambling districts here.

Philippine, Japanese and Chinese ladies in fan-tan and blackjack games are snared, but the women gamblers seeking the romance of the orient play the lotteries exclusively. More than \$170,000 a day is being paid into the lotteries here, it is declared.

Two drawings a day are held in the lottery headquarters. It is said the results are telegraphed to practically every city west of the Mississippi river.

It is said to the west in foreign countries that crime is right on today in these gambling districts.

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