POHLMAN REFUSES TO ENLIGHTEN JURY

Business Agent of Seattle Iron-Workers' Union Declines to Answer Questions.

PERSONAL MAIL IS OPENED

Witness Declares Letters Had Been Read Before Being Delivered. Contempt Proceedings Are Contemplated by Prosecution.

LOS ANGELES, March 8.—H. W. Pohlman, business agent of the Seattle Iron Workers' Union, proved an unsatisfactory witness before the Federal grand jury, which resumed its investigation of the National dynamite conspiracy here today, and as a result contempt proceedings against him were contemplated.

Pohlman declined to answer certain questions asked by the Federal prosecutor and 30 minutes were allowed him to think it over and decide if he wished to continue in that attitude. In the half hour he obtained legal advice and when the recess was ended again refused to answer. He was told to remain under subpena until the grand jury meets again, probably next Friday.

Pohlman expected to produce the books and records of the Seattle union for the grand jury inspection today, but did not do so because, he asserted, W. H. Harrison, postmaster in Los Angeles, was ordered in a later subpena to take these documents, scheduled to arrive here by mail, into the grand jury chamber.

Mail Taken to Juryroom.

Pohlman alleged that Lawler, previous to the grand jury's session, called him into his offices and said:

"Well, those things have come."

"What things?" demanded Pohlman.

"Why, the books, records and correspondence you telegraphed to Seattle for, according to the order given you Tuesday," the prosecutor was alleged to have responded.

"How do you know about my mail?" demanded Pohlman.

"Well, they're addressed to this office," returned Lawler.

"They are not," declared Pohlman; "they're addressed to me."

"Well, they'll be up here soon, anyway," replied the prosecutor.

Then, according to Pohlman, he went to the postoffice, but obtained no mail. Later Postmaster Harrison took a package which Pohlman asserted was addressed to him into the grand jury room.

Letters Opened, Is Charge.

Pohlman, who said that other letters addressed to him here had been opened before they were delivered, said he had nothing to conceal, but objected to the procedure. He said he had contemplated legal steps to recover the package he alleged was in the possession of the postmaster. He said the package probably contained his correspondence with J. J. McNamara, the dynamiter now in San Quentin Penitentiary, when he was secretary-treasurer of the International Association of Bridge and Structural Iron Workers. He said he never had corresponded with E. A. Clancy, but had telegraphed to his associates in Seattle to send such correspondence if they could find it. He showed a telegram from Scott Hofedlts, temporary secretary of the Seattle union, which contained the phrase, "Find no Clancy letter."

TAFT ANSWERS ROOSEVELT

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of judicial decisions. Let us examine these remedies separately.

"In the remedy by judicial recall, it is proposed to provide by law that whenever a judge has so discharged his duties as to induce a certain percentage of the electorate to deem it wise to remove him, and that percentage sign a petition asking his recall, an election shall take place in which the incumbent shall stand against other candidates; and if he does not secure a plurality of votes, he is ipso facto removed. Could a system be devised better adapted to deprive the judiciary of that independence without which the liberty and other rights of the individual cannot be maintained against

"But it is said we may have corrupt judges. How are we going to get rid of them? They can be impeached under our present system. But that is said to be too cumbersome. Well, amend the procedure of impeachment. Create a tribunal for removal of judges for cause. Give them an opportunity to be heard, and by an impartial tribunal; but do not create a system by which, in the heat of disappointment over a lost cause, the defeated litigants are to decide without further hearing or knowledge whether the judge who decides against them is to continue in office.

Suggestion Without Precedent.

"Let us examine the other method proposed for the reform of the judiciary.

"That is the recall of decisions. By this method, when a Supreme Court has found a law, intended to secure public benefit, to be invalid because it infringes some constitutional limitation, the decision is to be submitted to a vote of the qualified electors, and if a majority of them differ from the court and reverse the decision, the law is to be regarded and enforced as valid and constitutional.

"This is a remarkable suggestion and one that is so contrary to anything in government heretofore proposed that it is hard to give it the serious consideration that it deserves, because of its advocates and of the conditions under which it is advanced.

"What the court decides is the enacted law violates the fundamental law and is beyond the power of the Legislature to enact. But when this issue is presented to the electors, what will be the question uppermost in the minds of most of them and forced upon them by the advocates of the law? Will it not necessarily be whether the law is on its merits a good law rather than whether it conflicts with the Constitution? The interpretation of the Constitution and the operation of a law to violate some limitation of that instrument are often nice questions to be settled by judicial reasoning and farsighted experience, which are not to be expected of the electorate, or welcomed by it. If the issue is transferred to them, the simple question will be of the approval or disapproval of the law.

Constitution Is Suspended.

"What this recall of decisions will then amount to, if applied to constitutional questions, is that there will be a suspension of the Constitution to enable a temporary majority of the electorate to enforce a popular but invalid act.

"Suppose the act to be invalid because it infringes the rights or liberty of a certain unpopular class and by indirect means suspends the writ of habeas corpus in their cases. I ask any candid, fair-minded man if the decision of such a question, when submitted to a popular majority, is not likely to turn rather upon the popular disfavor of those affected than upon the possible infraction of the Constitutional liberty of a citizen?

"Most serious objection to the recall of decisions is that it destroys all probability of consistency in Constitutional interpretation. The majority which sustains one law is not the same majority that comes to consider another and the obligation of consistency of popular decision is one that would sit most lightly on each recurring electorate, and the operation of the system would result in suspension or application of Constitutional guarantees, according to popular whim. We would then have a system of suspending the Constitution to meet special cases. The greatest of all despotism is a government of special instances.

Argument Is Fallacious.

"But the main argument used to sustain such a popular review of judicial decisions is that, if the people are competent to establish a Constitution, they are competent to interpret it, and that this recall of decisions is nothing but the exercise of the power of interpretation. This is clearly a fallacious argument.

"The approval of general principles in a Constitution, on the one hand, and the interpretation of a statute and consideration of its probable operation in a particular case and its possible infringement of a general principle on the other, are different things. The one is simple, the latter complex; and the latter when submitted to a popular vote is much more likely to be turned into an issue of general approval or disapproval of the act on its merits for the special purpose of its enactment than upon its violation of the Constitution. Moreover, a popular majority does not adopt a Constitution or amend its terms until after it has been adopted by a Constitutional convention or a Legislature, and the final adoption is, and ought to be, substituted with such checks and delays as to secure deliberation.

Deliberation Is Essential.

"Constitutions ought to be protected by such requirements as to their amendments as to insure great deliberation by the people in making them—much greater than one vote of a mere temporary majority. This method of amending the Constitution would give it no more permanence than that of an ordinary legislative act, and would give to the inalienable rights of liberty, private property and the pursuit of happiness no more sanction than that of an annual appropriation bill.

"Finally, I ask what is the necessity for such a crude, revolutionary, fitful and unstable way of reversing judicial construction of the Constitution? Why, if the construction is wrong, can it not be righted by a constitutional amendment? An answer made to this is that the same judges will construe the amendment and defeat the popular will, as in the first instance. This assumes dishonesty and a gross violation of their oaths of duty on the part of the judges—a hypothesis utterly untenable.

"I have examined this proposed method of reversing judicial decisions on constitutional questions with care, I do not hesitate to say that it lays the ax at the foot of the tree of well-ordered freedom and subjects the guaranties of life, liberty and property, without remedy, to the fitful impulse of a temporary majority of an electorate.

Seeds of Confusion Sown.

"I agree that we are making progress and ought to make progress in the shaping of governmental action to secure greater equality of private and of accumulated capital and to remove obstructions to the pursuit of human happiness; and in working out these difficult problems, we may possibly have, from time to time, to limit or narrow the breadth of constitutional guarantees in respect of property by amendment. But if we do it, let us do it deliberately, understanding what we are doing and with full consideration and clear weighing of what we are giving up of private right for the general welfare.

"Let us do it under circumstances that shall make the operation of the change uniform and just, and not depend on the feverish, uncertain and unstable determination of successive votes on different laws by temporary and changing majorities. Such a proposal as this is utterly without merit or utility and instead of being progressive, is reactionary; instead of being in the interest of all the people and of the stability of popular government is sowing the seeds of confusion and tyranny."

TURKEY TROT "NOT NICE"

Justice of Peace, as He Fines Trio, Admonishes Against Dance.

TACOMA, Wash., March 8.—(Special.)—Jovita is vindicated. The placing of a ban on the "turkey trot" and other more or less wiggly-wiggly dances of questionable nature at public terpsichorean entertainment is to be commended, according to a ruling made by Justice of the Peace Graham today.

Graham imposed a fine of $10 each on three young swains, who among other things were accused of introducing the perplexing trot last Saturday into public dances at the quiet little hamlet on the Tacoma-Seattle Interurban Railroad.

The dance complained of might be popular in great population centers, but from the evidence introduced, said Justice Graham, he was convinced that it was no nice dance. That the court could qualify as a judge of dances and dancing and that in nothing was it a prude, the Justice went at great length to explain, making bold the assertion that in the court's younger days it would warrant it had done considerably more tripping of the light fantastic than any of the expert trippers who had testified or who were in the courtroom, and that included about all the masculine and a large part of the feminine dancers of Jovita.

OREGON MAN IS WINNER

David C. Pickett Secures First Place in Oratorical Contest.

FOREST GROVE, Or., March 8.—(Special.)—David C. Pickett, of the University of Oregon, won the state intercollegiate oratorical contest here tonight. Willamette University was awarded second place and McMinnville College third.

"The Modern Parody" was the subject of the winning oration.

Monmouth Cheers Johnson.

MONMOUTH, Or., March 8.—(Special.)—A large delegation from the Oregon Normal School was present at the oratorical contest held at Forest Grove tonight. They took with them the normal school colors to cheer and inspire Johnson, who represented them and whose subpject was "The Cry of the Children."

WOMAN'S HOPE SEEN

Eleanor Sears Says One of Sex Will Be State Governor.

SPHERE TOO LIMITED NOW

Athletic Boston Heiress Declares World Is Just Beginning to Realize Progress Has Been Retarded by Conventions.

SAN DIEGO, Cal., March 8. — (Special.)—"California will some day have a woman as Governor, because this is a state where ideas grow rapidly," said Miss Eleanor Sears, Boston heiress and athletic girl, who is visiting in San Diego this week. "I could also say the United States will some day have a woman as President, but probably that time is farther off," she went on.

Miss Sears has not abated a whit in her liberal ideas as to the dress and exercise of women. In fact, clad in the familiar boots and a rough-weather costume usually affected by males, she takes long walks daily, sometimes covering 20 miles in a tramp.

"The world is just beginning to realize that its progress has been retarded by the so-called conventionalities which bind down and limit the activities of women," she commented. "There is nothing woman cannot do as well as man, and many things she can do better and more effectively. There should be no dividing line in the code of morals between men and women. Why should women be shut in by a lot of conventionalities which improve neither their health nor their morals?

"For instance, why should men be allowed to say it is improper for a woman to chew gum and not put the same rule in effect for men? A man chewing gum presents the same appearance as a woman. The practice is to be condemned for appearance sake, if for anything, but certainly it is no worse for women than for men.

"Some day women will shake off the shackles fashion has forged for them, and it will be a great day for women. Nature never intended that we should caparison ourselves in steel-ribbed vises and go through life suffering torture. When we learn to dress as comfortably as our Oriental sisters, the health and happiness of the Nation will have greatly improved."

CHANCE FOR MIXUP SEEN

If All Voters Choose Same Presidential Elector What Then?

SALEM, Or., March 8.—(Special.)—Just what would happen under the Presidential preference primary law, if all of the voters of the state should happen to hit upon one man whom they wished to act as delegate to a National convention, is a problem that has been advanced as one of the peculiar features of the law.

In that event there would be but one delegate elected and it is a question as to who the remaining delegates would be. While the election of but one delegate is considered as very improbable, at the same time there seems to be a good probability that perhaps but nine out of 10 or eight out of 10 delegates might be elected.

In that event the state would still be with a short representation at the convention and it has not been determined here just how the other delegates would be selected.

Man Who Attacked Child Sentenced.

ASTORIA, Or., March 8.—(Special.)—Herbert Stanley Sullivan, who was found guilty by a Circuit Court jury on a charge of attempted criminal attack on a 5-year-old girl, was sentenced by Judge Eakin to serve an indeterminate term of from one to ten years in the Penitentiary. This is the only penalty that could be imposed under the existing state law. In pronouncing sentence, the court scored the defendant most severely for his crime. He said that, according to the defendant's own statement, his act was a reprehensible one. The court added that this admission, together with the plain testimony of the little child, left no doubt of the latter's truthfulness and of the defendant's guilt.