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.

1.05 ANGELES, March & -H. W. Pohlman, business agent of the Seat-tie from Workars' Union, proved an unsatisfactory witness before the Fed-eral grand jury, which resumed its in-vestigation of the National dynamite compliance here today, and as a result conspiracy here today, and as a result conternot proceedings against him

were contemplated. Pohlman declined to answer certain questions asked by the Federal prose-cutor 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 local advice and when the receas was ended again refused to answer. He was told to remain under subpens until the grand jury meets again, prohably next Pri-day.

day. 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, postmuster in Los An-geles, was ordered in a later subpens to take these documents, scheduled to arrive here by mail, into the grand jury chamber.

Mail Taken to Juryroom.

Mail Takes to Juryroom. Poshiman alleged that Lawler, pre-vious to the grand Jury's sestion, called him into his offices and said: "Well, those things have come." "What things" demanded Pohlman. "What things" demanded Pohlman. "Why, the books, records and corre-spondence you telegraphed to Seattle for, according to the order given you "Luesday," the prosecutor was alleged to have responded.

"How do you know about my mail?" "How do you know about my mail?" demanded Pohlman. "Well, they're addressed to this of-fee," returned Lawler. "They are not." declared Pohlman; "they're addressed to me."

"they're addressed to me." "Well, they'll be up here soon, any-way." replied the prosecutor. Then, according to Pohlman, he went to the postoffice, but obtained no mail. Later Postmater Harrison took a package which Pohlman asserted was addressed to him into the grand jury recom-

Letters Opened, Is Charge.

Letters Opened, Is Charge. Pohlman, who said that other let-ters addressed to him here had been opened before they were delivered, said he had nothing to conceal, but object-ed to the procedure. He said he had contemplated legal steps to recover the package he alleged was in the possez-sion of the postmaster. He said the package probably contained his corre-spondence with J. J. McNamara, the dynamiter now in San Quentin Peni-teniary, when he was secretary-trensoynamiler now in can getting tenlary, when he was secretary-treas-urer of the International Association of Bridge and Structural Iron Work-ers. He said he never had corre-ers. He said he never had

sponded with E. A. Clancy, but had telegraphed to his associates in Seat-tie to send such correspondence if they could find it. Its showed a telegram could find it. - 1 from Scott Hofe dits, tempo

torate to enforce a popular but invalid Suppose the act to be invalid be

"Suppose the act to be invalid be-cause it infringes the rights or liberty of a certain unnopular class and by indirect means suspenia the writ of halicas 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?

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 Constitu-tional interpretation. The majority which sustains one haw is not the same majority that comes to consistency of popular decision is one that would sit most lightly on each recurring elec-torate, and the operation of the system would result in suspension or applica-tion of Constitutional guarantees, ac-cording to popular whim. We would then have a system of suspending the greatest of all despoism is a gov-ernment of special instances. ernment of special instances.

Argument is Fallacions.

"But the main argument used to sus tain 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 interpre-tation. This is clearly a fallacious arsument

sument. "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 the latter when submitted to a popular vote is much more likely to be lurned into an issue of general approval or disapproval of the act on its merits for the special purpose of its enact-ment than upon its violation of the Constitution. Moreover, a popular mafority does not adopt a Constitution of amend its terms until after it has been adopted by a Constitutional convergion or a Legislature, and the final adop-tion is, and ought to be, substituted with such checks and delays as to se-

deliberation. Deliberation Is Essential.

ure.

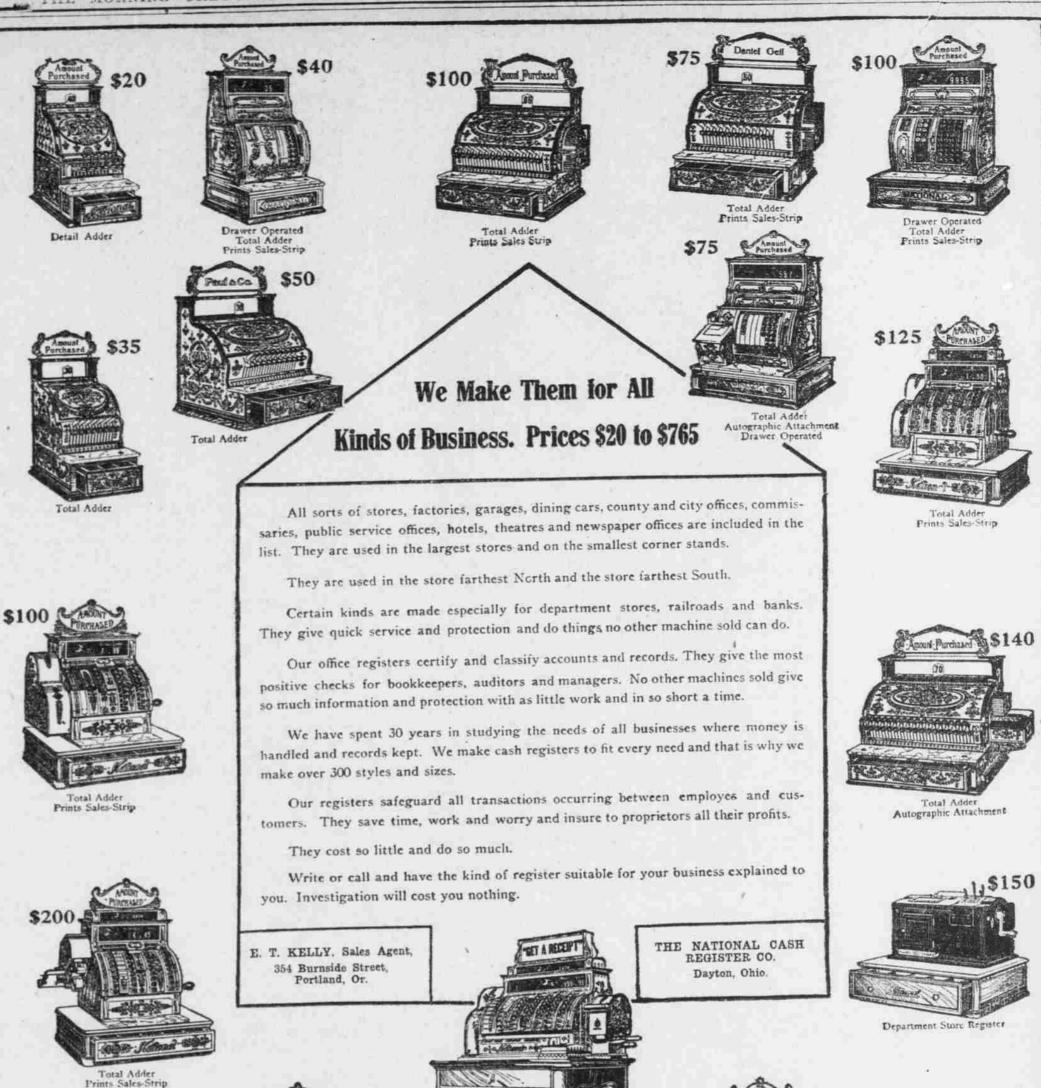
"Constitutions ought to be protected by such requirements as to their amendments as to insure great deliberation by the people in making them --much greater than one vote of a mere temporary majority. This method of temporary majority. This method of amending the Constitution would give it no more permanence than that of an ordinary legislative act, and would give to the inglienable rights of lib-erty, private property and the pursuit of happiness no more sanction than "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 wrong, can it not be righted by a constitutional amend-ment? 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 eaths 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. 1 do not besitate to say that it lays the ax at the foct 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 prog ess and ought to make progress in the shaping of governmental action to 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 nar-row the breadth of constitutional guarrow the oreant of tonorty by amend-ment. 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 gen-ment underse ral welfare. "Let us de "Let us do it under circumstances "Let us do it under circumstances that shall make the operation of the change uniform and just, and not de-pend on the feverisi, uncertain and un-stable determination of successive votes on different laws by temporary and barries matorities. Such a provotes on different laws by temporary and changing majorities. Such a pro-posal as this is utterly without merit or utility and instead of being pro-gressive, is reactionary; instead of be-ing in the interest of all the people and of the stability of popular government is sowing the seeds of confusion and tyranny." tyranny.

THE MUMAING UNEQUMAN, CALUNDAL, MARCH 9, 191-



tary of the Seattle union, which con-tained the phrase, "Find no Clancy let

TAFT ANSWERS ROOSEVELT

Continued From First Page.) 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 re-.Could a system be devised better adapted to deprive the judiciary of that independence without which the liberty and other rights of the indicannot be maintained against Idual

vidual cannot be maintained against "But it is said we may have cor-rupt judges. How are we going to get rbi of them? They can be im-peached under our present system. But that is said to be too cumbersome. Well, amend the procedure of impeach-ment. Create a tribunal for removal of judges for cause. Give them an op-portunity to be heard, and by an im-partial tribunal; but do not create a system by which, in the heat of disap-pointment over a lost cause, the de-feated hitgmanks are to decide without

Suggestion Without Precedent.

Let us examine the other method oposed for the reform of the jud-

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 in infringers some constitutional limi-tation, the decision is to be submitted to a vote of the qualified electors, and if a majority of them differ from the to be regarded and enforced as valid

is to be regarded and enforced as valid and constitutional. "This is a remarkable suggestion and one that is as contrary to anything in government heretofore proposed that it is hard to give it the serious con-sideration that it deserves, because of its advocates and of the conditions un-der which it is advanced. "What the court decides is the en-acted law violates the fundamental law and is beyond the power of the Legis-lature 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 on its merits a good law rather than whether it conflicts with the Constitu-tion? The interpretation of the Con-sitution and the operation of a law to violate some limitation of that instru-ment 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 constitu-tional questions, is that there will be inspire Johns suspension of the Constitution to enable a temporary majority of the elec- the Children."

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 pub tic 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 or three young swains, who among othe feated litigants are to decide without things were accused of introducing the further hearing or knowledge whether is the judge who decides against them is its continue in office. things were accused of introducing the perplexing trot last Saturday into pubthe Tacoma-Seattle Interurban Rail-

> road The dance complained of might b 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 to the con-siderably more tripping of the light fantaatic than any of the expert trip-pers who had testified or who were in the courtroom, and that included about all the masculine and a large part of the femiline dancers of Jovita.

OREGON MAN IS WINNER

David C. Pickett Secures First Place in Oratorical Contest.

University of Oregon, won the state in-ercollegiate oratorical contest here onight. 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 inspire Johnson, who represented them and whose subpject was "The Cry of the Children." do better and more effectively. There should be no dividing line in the code of morals between men and women.





Retarded by Conventions,

ial.)-"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 be worked by the base of the peculiar featthe United States will solve day have a woman as President, but probably that time is farther off," she went on. Mus Sears has not abated a whit in her liberal ideas as to the dreas and exercise of women. In fact, clad in the familiar boots and a rough-weather the familiar boots and a rough-weather

SAN DIEGO, Cal., March 8. - (Spe-

the familiar boots and a rough-weather costume usually affected by males, she takes long walks daily, sometimes cov-ering 20 miles in a tramp. "The world is just beginning to re-alize that its progress has been re-tarded by the so-called conventionali-ties 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 befor and more effectively. There

Herbert Stanley Sullivan, who was should women be shut in by a lot found guilty by a Circuit Court jury on a charge of attempted criminal at-tack on a 5-year-old girl, was sen-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 ap-pearance as a woman. The practice is to be condemned for appearance sake. If for appearance sake. tack on a s-year-old girl, was sen-tenced by Judge Eakin to serve an in-determinate 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 pro-neuroing sentence the court scored nouncing sentence, the court the defendant most severely for his 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. 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 addeu 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.

caparison ourselves in steel-ribbe-vises and go through life suffering tor ture. When we learn to dress as com vises and go through life suffering for fure. When we learn to dress as com-fortably, as our Oriental sisters, the health and happiness of the Nation will have greatly improved."

CHANCE FOR MIXUP SEEN

If All Voters Choose Same Presiden tial Elector What Then?

acts gently yet promptly SALEM, Or., March & .- (Special)what would happen under the on the bowels, cleanses Presidential preference primary law, if all of the voters of the state should the system effectually happen to hit upon one man whom they assists one in overcoming habitual constipation In that event there would be but one delegate elected and it is a question as permanently. To get its to who the remaining delegates would be. While the election of but one delbe. While the disciplination of the bar of the egate 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 chort representation at the conbeneficial effects.buy

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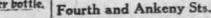
> This with our SAN FRANCISCO and LOS ANGELES Branch Houses on the Coast will give us the opportunity to serve the trade in the best possible way -and with quick despatch.

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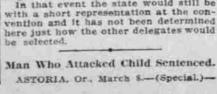
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