

FRIERSON'S WORD RILES OREGON BAR

Refusal to Reopen Albers
Case Rouses Sentiment.

McNARY WILL GO AHEAD

Solicitor-General Declared to Be
Usurping Place of Courts and
Lawyers Plan Action.

With the case of Henry Albers, Portland miller convicted of violation of the espionage act, who never served a day of his sentence, considerably at sea in a legal way, with the Oregon State Bar association battling to steer it back into the usual course charted by long years of legal procedure so that the supreme court can adjudicate finally the merits of the conviction, Solicitor-General Frieron and Attorney-General Daugherty still appear determined to obstruct its course and dash it on the rocks, according to the view of Harrison G. Platt, president of the association.

Bar Equally Determined.
Frieron, Platt, backed by the entire array of talent comprised by the bar association, is equally determined that the Albers case shall be treated as all other cases, and that the supreme court by a writ of certiorari are, in the usual course, treated. They maintain that a writ of certiorari should function to differ the case than another and hold the supreme court alone should decide matters properly presented to it.

Solicitor-General Frieron telegraphed Mr. Platt yesterday as follows:
"With greatest respect for your opinion, attorney-general and I still convinced error was properly confessed. Responsibility for determining what questions shall be submitted to supreme court on behalf of government rests on us alone. If case reopened would feel it my duty to admit error. Hence cannot concede your request and do not understand court will entertain motion unless made by this department."

Daugherty Also Firm.
On top of that Mr. Platt has the following message from Attorney-General Daugherty:

"Error was confessed in Albers case because evidence was admitted of statements made two years before we entered war. These statements showed strong feeling in favor of Germany as against England, but contained no reference to America and express no preference for Germany as against United States. If they had shown feeling against America they would have been admissible under settled rules, but without this they could not throw light on feeling toward our government after we entered war two years later. This has been the ruling in other circuits when the question has arisen (1922, 283). Believing this ruling was correct and that admission of this evidence must have been prejudicial, this department cannot agree to its affirmation. Case has been remanded for trial on proper evidence. For these reasons cannot agree to reopen matter."

With such eminent legal talent avowedly "hard-boiled" on the question of letting the Albers case pass the department of justice and reach the supreme court for decision, President Platt and his associates went ahead with their program yesterday, setting forth legal authorities for permission to the bar association to appear before the supreme court as amicus curiae in the case. Senator McNary will be supplied with all sorts of precedents, duly established, and he will present the motion before the supreme court. Necessary, this will be a week or more in the future, as Mr. Platt is arranging legal authorities which he will mail to Senator McNary for his use.

Court Not Allowed to Act.
What particularly displeases the bar association is the interposition of the solicitor-general with his creation of error, which nullified the whole proceeding without the supreme court, to which the case was headed, having had an opportunity to pass upon it.

"The circuit court of appeals is a court of last resort," said Mr. Platt. "The right to petition for a writ of certiorari exists for use in extreme cases and, amongst other purposes, to enable the supreme court to reconcile conflicting decisions which may arise between the nine different circuits in the United States."

The petition for a writ of certiorari was granted in this case on the basis of a conflict of rulings between the ninth and one other circuit. This would have been a proper question for the supreme court to have passed upon. The solicitor-general has assumed to say that the ninth circuit court was in error and that he will not give the supreme court opportunity to pass upon this question, which action leaves the conflict of decisions unsettled.

Questions Settled for Court.
"The telegram of the solicitor-general assumes to determine what questions shall be submitted to the supreme court and refuse to allow that he can prevent it if the disputed question in the Albers case is to be passed upon by the supreme court, if he can prevent it, although the only reason for the case being in the supreme court is to have this question determined."

The admission of declarations of Albers prior to the entry in the war by the United States were to show intent, the same as in the Eust case. In her case, a writ of certiorari was asked for but denied. In the Albers case a similar writ was granted.

"I have no doubt that Mr. Frieron is satisfied in his own mind there was error in the record, but I do not think the circuit court of appeals ought to be reversed by a departmental officer. If he can do it in what he deems to be a proper case, he can do it in any other case. An executive officer of the government is thus becoming a court of appeals. More important than Albers, or whatever happens to him, is orderly procedure in the courts."

Equal Case Quoted.
In the decision of the circuit court of appeals, in which the Albers conviction federal court was affirmed, the Equal case was quoted and the two were linked closely. The court said in that decision:

"In the recent case decided by this court of Equal vs. the United States, a like question was presented and was strenuously argued. There the record showed testimony was admitted of what the defendant to the indictment had said and done on June 2, 1918, as bearing upon an intent with which she was alleged to have committed on June 27, 1918, the offense

there involved, in violation of the same espionage act—a period of more than two years between the two dates. "This court there distinctly adjudged the testimony not too remote, the purpose being properly limited, and the supreme court, on being petitioned for a writ of certiorari, has just denied the petition. It is manifest that a like ruling must be made in the present case, unless the Equal case is to be overruled, which we are not prepared to do."

Bend Post Joins Protest.

BEND, Or., May 6.—(Special.)—Percy A. Stevens post No. 4, American Legion, has informed the action of the state department and the legion in protesting against the dismissal of the charges against Henry Albers, convicted under the espionage act.

MELLON'S JOB LARGE ONE

(Continued From First Page.)

tant than many cabinet departments. The treasury has borrowed more than 20 billion dollars, a large portion of which is in such shape that very soon there will be refunding operations of a magnitude never before attempted in the history of the world. The treasury has loaned to foreign governments 10 billion dollars under circumstances such that many of the loans can be collected only by the most careful management and by the exercise of great patience and wisdom. On these loans there is now about half a billion dollars due in arrears of interest.

Insurance Big Feature.
The treasury has taken on a war risk insurance department comparable in size and complexity to any of our great insurance companies.

These are the principal items of the increase in the volume of business which the new secretary of the treasury must take care of. Many of the additions were taken on in the loose and haphazard manner which necessarily attended the haste of war.

There is a military mind which found his department in a condition of confusion, let that not be interpreted as a criticism of the man under whom these conditions arose. Let it be said, once and for all, that in the judgment of many who are his political opponents, Secretary McAdoo was, for war-time purposes, an excellent secretary of the treasury.

In war time the common rules of prudence and caution are reversed. There is a military mind which should be remembered and always repeated in any criticism of our management of the war, whether as regards the treasury or any other department.

Old Rule Is Reversed.
The maxim is, in war money is nothing and time is everything. Every military man knows this. It is a part of his preliminary training. But it is difficult for the civilian mind to appreciate this truth and all the more difficult for the civilian to observe it. Again and again during the war business men, whose earnings had all been in civilian life, came to Washington to help win the war. In most cases the first and most difficult lesson they had to learn was to dismiss their customary civilian caution about economy.

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In war time that rule is exactly reversed. The first requirement is to build the bridge quickly or to build the ship quickly or to get the supplies quickly. This lesson of discipline about economy and economy and focusing every effort on considerations of speed was very difficult for civilian minds to learn, but it was vital to the success of carrying on war successfully.

This is the thing that should be remembered whenever there is criticism of the department of the treasury. For plunging, headlong haste with which he did things. I have heard one of the three or four greatest bankers in the country—a man who, generally speaking, heartily disapproved of McAdoo, say that for war-time purposes McAdoo was the ideal secretary of the treasury.

Man of Action Needed.
The secretary of the treasury that we needed in war-time was a dashing man of action, intent upon quick results, regardless of cost. The man we needed was one who should feel confidence that the United States could never go broke. When it became a matter of borrowing money through the sale of bonds, when prudent people said let us issue a billion dollars in victory bonds—and when McAdoo said, "No, let us make it three billions," and by his dashing energy succeeded in floating them—that was the ideal character of war-time secretary of the treasury.

But the necessary result of this war-time haste and these improvised emergency situations on a huge scale has been to leave to Mr. Mellon a heritage of a huge sprawling mess.

Not merely is the treasury, as Mr. Mellon came to it, a job more than five times as big as any other secretary of the treasury ever had; in addition to that, necessarily much of the personnel that he finds under him is new. Many of the business men who came to help in the treasury department while the war was on left as the war ended. Many of the permanent heads of bureaus and departments, who are excellent men and who had their work thoroughly and minutely organized, unavoidably had the splendid systems which they had built up thrown into confusion by the size and complexity of the additional tasks thrust upon them as an accident of the war.

Secretary Modest Man.

All in all, Mr. Mellon has come to a task probably never surpassed in difficulty by that of any financial minister of any country at any time. In attacking this task, Mr. Mellon inspires as much confidence as Mr. Hughes in his work. The difference in Mr. Hughes' temperament, the fact that his problems are more immediate and more in the public eye, and the fact that he is more frequently seen by the public, makes the confidence in Mr. Hughes more widespread. But to those who have had occasion to observe Mr. Mellon, the confidence in him is not less.

Mr. Mellon is an excessively modest man. He gives the impression of a rather shy country banker, who always takes the quietest path from his home to his office, and who shrinks as much as a natural courtesy permits him from letting himself get involved in anything that would distract him from his task. Mr. Mellon in going twice a week from his office in the treasury to the cabinet meetings in the White House, avoids the publicity of Pennsylvania avenue, walks quietly out of the treasury basement across a comparatively unfrequented street, enters the White House at one end and passes unobtrusively the entire length of the building to reach the room where the cabinet meetings are held.

In surrounding himself with assistants Mr. Mellon has made the impression of trying to get men like himself, men of proved ability and of unostentatious personality.

Altogether, those persons in Washington who realize the magnitude and seriousness of our financial problems are cheered and filled with confidence fully as much by Mr. Mellon's course as by that of Mr. Hughes.

About 70 periodicals printed in Esperanto, the so-called universal language, are now published.

POLISH INSURGENT FORCES TAKE TOWN

Gross Strehlitz, Upper Silesia, Is Captured.

REVOLT AREA EXTENDING

Poles Now Said to Be in Possession
of Entire Eastern Section
of Country.

OPPEL (Upper Silesia), May 6.—(By the Associated Press.)—Polish insurgent forces entered Gross Strehlitz, in central upper Silesia, about 20 miles southeast of here, last night. The casualties among the troops of occupation in the fighting are given as one soldier killed and two wounded and several Italians wounded.

The Poles agreed to permit the entrance and local troops to remain in their barracks. An inter-allied representative was expected to arrive today to negotiate with the insurgents.

The revolt area is reported to be extending and to have reached nearly to this city. The insurgents are declared in messages received here to be forcibly recruiting males, including Germans between 16 and 45 years of age, in the vicinity of Eichenau and Schloppitz.

Two hundred Italian soldiers, commanded by Colonel Bond of the British army, evacuated Gross Strehlitz last night. At that time the town was under artillery fire from Polish insurgents. In making his report to the allied commission here, Colonel Bond urged the necessity of sending reinforcements. The French officials there declared they were unable to furnish more soldiers, saying they were short of men everywhere in the Silesian zone.

The Poles are reported to be in possession of the entire eastern section of Silesia as far north as Rosenberg. Fighting is still going on at Rybnik, in southern Silesia.

Organization of civilian police to the number of 3000 to reinforce the troops is contemplated here. These police would be upper Silesian Germans, it is indicated.

When a copy of the proclamation issued by Adolf Hitler, in which he declared himself governor of upper Silesia, reached the inter-allied commission here, a French official said:

"Korffanty is now a rebel and should we apprehend him he will be treated as such."

YREKA, Cal., May 6.—Arguments for and against the establishment of power dams on the lower Klamath river were being prepared today for submission to Washington, D. C., by F. H. Fowler, representing the United States, and a Klamath man, following a hearing here yesterday. T. M. Norbore, assistant state engineer, testified at the hearing that he believed the use of water in the Klamath basin for power interests would increase the flow in the Shasta river from 15 to 30 per cent.

The fish and game commission pointed out that the Klamath river was a producer and producer, and one of the finest playgrounds in the United States, and that the building of power dams would destroy these features.

Representatives of power interests said that an additional 100,000 horsepower of electrical energy would be developed in this region yearly in order to meet the demand.

INFLUENCE IS DENIED
(Continued From First Page.)

entirely unsatisfactory to my client. I wanted to try the case in Washington, where the fact that Albers is a rich man and Marie Eust is a poor woman would not influence the course of justice. There is not the faintest resemblance between the two cases, but it is evident that wealth is a great obstacle to justice, and there are those who are so inflamed against Mr. Albers by not understanding the real facts that he cannot get a fair trial here.

Propaganda Not Charged.
"The Albers case is not typical of the cases arising under the espionage act during the war, for Albers was not charged with actively assisting Germany or of actively obstructing the operations of the United States. He was not charged with printing or circulating disloyal circulars, books, pamphlets or newspapers, nor was he charged with preaching, lecturing or haranguing against the government or attempting to persuade or influence persons not to enlist.

"Nearly, if not quite, all cases under the espionage act were cases of propaganda or active enemies of the country, whereas Albers was shown to have been actively loyal and patriotic. It was not claimed that he belonged to any German society or that he was a subscriber of any German newspaper or that he contributed money to promote the German cause."

Drunken Condition Blamed.
"He was convicted of the utterance of several disconnected sentences or parts of sentences mumbled out when he was in a very drunken condition, but under circumstances that do not possibly have injured the cause of the United States in the war."

"When it is understood that instead of being disloyal, Henry Albers was the most loyal and patriotic of men, and that he was a victim of dipomania. His conviction, I feel sure, was due to the patriotic fervor of the times and especially to the admission in evidence of alleged statements showing a sliding with Germany immediately after the invasion of Belgium and long before our country was in the war and when it was not unlawful to favor Germany."

Delay in Piling Recited.
"When I went to Washington to argue the case in the supreme court at the time appointed, I found that the government had not yet filed its brief. The clerk of the court referred

me to the assistant attorney-general's office, and on inquiring there I was told that the case would not be reached for argument for several days, and that in the meantime the government had the matter under consideration and I would be notified when the brief was ready."

"Not receiving either a brief or notice, I called on the brief clerk shortly before the time for the hearing in the supreme court. This time I was referred to one of the assistants of the attorney-general, who told me at once that he had carefully considered the case, and had reached the conclusion that Albers was irresponsible with drink when he made the disloyal statements for which he was convicted, and that the government would not file an answering brief or argue the case."

Case Again Deferred.
"The course of procedure under these circumstances was under consideration for two or three days after that, for it happened that the date was changed owing to the congested calendar of the supreme court, and it was not until the morning of the day when the case was actually to be argued that I was informed that the solicitor-general would appear personally before the court and confess error, as it is technically called. He did so in court when the chief justice called the case, and this made any argument on my part unnecessary, and it resulted in an order reversing the judgment of conviction."

"I can only add that I took this case to the supreme court after a careful study and upon being deeply impressed with the justice of Mr. Albers' claim that he was not disloyal and had had no intention of obstructing the government in the war. He testified that he had no recollection afterward of the words attributed to him when under the influence of liquor, and that this was his loyal and generous support of the soldier boys throughout the entire period of the war."

Penalty Declared Unmerited.
"I think that anyone who will read the record of the case will agree with the assistant attorney-general that he has done nothing to merit punishment, and ought not to be classed with agitators and propagandists. The man's record for loyalty ought to stand for something when his case is considered on its merits, and he should have a square deal. He has been an American citizen 25 years or more, and has no interest whatever in Germany. He was no slacker, but was an ardent and loyal supporter of the American cause."

"I did not see Attorney-General Daugherty and so far as I know he never heard of this case. My talks were wholly with Assistant Attorney-General Stewart and Solicitor-General Frieron, both of whom have been handling this class of cases under the Wilson administration and whose duty it is to represent the government."

ALASKA HOUSES ADJOURN
Appropriations Made for Fish Commission and Road Work.

JUNEAU, Alaska, May 6.—The Alaska territorial legislature adjourned at 10 o'clock this morning after a closing session of 21 hours. Sixty-six measures, 49 originating in the senate and 26 in the house, were passed during the session. Appropriations were \$50,000 for the fish commission, \$24,500 for road work and \$10,000 for the Alaska coast guard. The Chicago mining congress next October.

Among the measures defeated were the checked eight-hour bill, the Murray anti-blue Sunday bill and the Britt bill for territorial control of Alaskan fisheries.

OHIO MAN LEADS ALLIES
General Hennoque to Command Advance Into Ruhr Region.

DUESSELDORF, May 6.—(By the A. P.) An American-born soldier will command the occupational forces to advance into the Ruhr region of Germany in order to take this solidly is General Hennoque, now in charge at Dueseldorf, in the Rhine province. He is a native of the United States, born in Gallipolis, O., some 60 years ago. His mother was American and his father German. He has many relatives in the United States.

VETERANS' BILL INDORSED
Editor and Federal Commissioner Favor McNary Measure.

WASHINGTON, D. C., May 6.—The McNary bill (H. R. 10,000) for the lands reclamation fund of \$100,000,000 was indorsed today before the senate irrigation committee as a measure to aid the McNary bill.

St. Jones, editor of Stars and Stripes, a service men's periodical.

Commissioner Spry of the central bureau of investigation, before the committee, also indorsed it.

Post Gets Slacker List.
BEND, Or., May 6.—(Special.)—Despatch company's slacker list, read at last night's meeting of Percy A. Stevens post No. 4, American Legion, contains 14 names. Two, which were thought to be names of men who were in service, will be investigated. The list was sent here so that the legion might check up on names of men who were known to have been in service.

Soldiers to Honor Mothers.
VANCOUVER, Wash., May 6.—(Special.)—Chaplain Henry F. Brown has planned special services for Mothers' day next Sunday in the post. The sermon subject is "Mothers" and the music will be by the newly-arrived post choir. Three young women will sing "Mother Macabree." The program for Sunday is set for 10 o'clock.

There's something about them you'll like

A full page ad could promise no more

Twenty to the package

Herbert
LONDON Cigarettes

There's something about them you'll like

A full page ad could promise no more

Twenty to the package

Herbert
LONDON Cigarettes

There's something about them you'll like

BRITISH COLONIES SIDE WITH AMERICA

London Spectator Says None
Would Line Up With Japan.

DROP PACT, IS ADVICE

Partitioning of Seas to United
States and Great Britain Is
Proposed by Paper.

LONDON, May 6.—British overseas dominions would not tolerate an Anglo-Japanese treaty having as its object opposition to the United States, declared the Weekly Spectator today. The newspaper devoted considerable space to a discussion of Anglo-American relations and Japan, and cited facts to show that an alliance between England and Japan was never meant and never could be used against America.

"Blowing of the British Empire into smithereens in a single instant would be the result if we went to war against America, not to support some rights of our own, but in order to help the Japanese," the newspaper continued.

"If the people of Australia and New Zealand were asked on which side they were going to be in a war between America and Japan, they would not hesitate a second. They would not waste time in reading diplomatic papers or considering legal points, they would say: 'With our own flesh and blood. If the poor old mother country has gone mad we cannot help it. We are Japanese to take San Francisco by assault? Good heavens, what are you talking about?'"

"There could be only one place for Canada in a finish fight between Japan and America—by the side of America. While South Africans would have the same answer. The Spectator asserted one of the reasons for continuing the alliance with Japan had been the keeping of peace by clearing the way for Japan's population, should it become excited on a 'point of order.' The newspaper concluded by suggesting that the British proposals to the United States.

"The first of these," the newspaper said, "would be to make a position absolutely clear to the whole American people and also to the people of our own empire, declaring we would not renew the Japanese alliance, and that, if we did, we would remain in perfect amity with Japan."

"Next we should propose a national convention with the United States. We would say to America: 'You shall take over command of the sea throughout the Pacific and carry on the policing of it. Just as you would be answerable for the Pacific, so we will have command of the sea in the Atlantic, which means not only all the northern waters of Europe and the Mediterranean, but also the waters encompassing the western and southern coasts of Africa.'"

ISSUE DECLARED NATIONAL
California Governor Says Jing Is Only One Who Wants War.

SACRAMENTO, Cal., May 6.—With the declaration that the Japanese problem is "not a local one" and that there is no talk of war with Japan for as long as the Japanese are in America that are favorable to other than America's cause," William D. Stephens, governor of California, today in a letter to Governor Baxter of Maine replied to the Maine executive's recent letter in which he deplored talk of war with Japan and declared that the question was a local issue.

"It is only the Jingo that wants war," Governor Stephens' letter said. "Our people do not desire or expect a war over a question of this kind." "We are asking only that which America has a right to expect—protection of our local citizenship, our standards of living and our homelife—from those who are ineligible to citizenship, who live and think differently, who never can be assimilated."

The Japanese problem is a national and is not local, says a statement issued at Washington today by Senator Johnson, concerning the origin of the new congressional executive committee, composed of western state representatives and senators and of which Senator Johnson is chairman. The statement is carried in a dispatch to the Sacramento Bee.

"The purpose of the committee," said the statement, "is to endeavor to present the western viewpoint on the Japanese immigration and land ownership question not only to congress, but generally. It has been organized, not for the purpose of making the administration, but rather for the purpose of aiding it."

"We hope to be of real service to the state department in enabling it to become acquainted with the facts with which we have become familiar in the west. We are attempting no legislation, leaving the matter for the time being to the administration and the state department, and holding ourselves in the position of being ready to aid it if either of them may wish to learn of these things that have become so impressed upon our western people."

"Our hope is that with the knowledge we have gained of the situation we can make the nation understand, for after all the problem is not local. It is national."

"One Sunday afternoon a few weeks ago, half a dozen of us went hiking. Later, the crowd dropped into our house to rest a few moments. But you know how moments lengthen out after a hike!"

"Supper time came and not enough cold chicken or any other one thing for a hungry half a dozen."

"Then I remembered the Tillamook Cheese we'd bought the day before. In a flash, everyone was busy. We made a rabbit they all declared to be the best they'd ever eaten. Everyone wanted the recipe. So I'm giving it to you below."

"Well, just this creamy, rich Tillamook cheese, with pickles, preserves and steaming cups of coffee made my Sunday suppers famous. We have a jolly crowd almost every week now—and no trouble at all!"

"But let me tell you—it isn't my 'secret recipe' so much as the cheese. I always look for Tillamook on the table when I buy cheese—because it is the best!"

Ask your grocer for Tillamook—sold by the slice or in 6 and 14-pound sizes

TILLAMOOK COUNTY CREAMERY ASSOCIATION, Tillamook, Oregon
—24 Cheese-Kitchens owned and operated cooperatively by the Tillamook dairymen

Society Brand Clothes

YOU want to see the style of the new spring models just arrived.

YOU want to see the way these all-wool fabrics are cut—the new low waist, the beautifully tailored sleeves that fit the arm stylishly from the wrist to the shoulder, the smart lines of the waistcoat, and the hip-fit to the trousers.

YOU want to stand in front of a mirror and notice the way the cloth in the sleeve folds when you bend your arm, the way the back of the coat drapes when you reach out. You want to put your hands in the new low side pockets. All these little things are what make style.

Tailoring by hand, with conscientious care, is what does it.

Meier & Frank Co.

THE QUALITY STORE OF PORTLAND

—The Store for Men, Third Floor.

"How my Sunday suppers became popular"

"One Sunday afternoon a few weeks ago, half a dozen of us went hiking. Later, the crowd dropped into our house to rest a few moments. But you know how moments lengthen out after a hike!"

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TILLAMOOK COUNTY CREAMERY ASSOCIATION, Tillamook, Oregon
—24 Cheese-Kitchens owned and operated cooperatively by the Tillamook dairymen

Look for TILLAMOOK on the Rind!

TILLAMOOK WELCH RABBIT

2 tablespoons butter Dash of mustard
2 tablespoons flour Dash of paprika, cayenne
1/4 to 1/2 teaspoon salt 1/2 pound TILLAMOOK Cheese

Melt butter. Add dry ingredients. Add milk. Stir until thickened. Put over hot water. Add ground Tillamook cheese and stir until melted. Serve immediately on toast or crackers. Garnish with parsley. If you wish to make this richer, the yolk of an egg may be added just before serving.

TILLAMOOK