

ARGUMENTS PENDED IN WOERNLE CASE

Judge Bean to Announce Decision at Later Date.

DEFENDANT MAKES PLEA

U. S. Attorney Denounces ex-German in Suit to Deprive Man of Citizenship Papers

That Joseph Woernle was a Joseph who wore a coat of different colors, on one side the colors of the United States and on the other, when it would be of aid to his fatherland, the colors of Germany, was the argument of Justice W. Humphreys, United States attorney, who appeared in federal court yesterday in final hearings of the rather noted suit to cancel Woernle's citizenship papers.

As against that picture, Woernle himself made a statement to the court, affirmed his love for the country of his adoption, pictured himself as torn between his devotion to the United States and his desire to aid his aged parents and relatives in Germany, and declared anew his allegiance to America. Tears were in his eyes as he said he would rather lie under the sod than to have the consciousness that any act of his would be responsible for the humiliation of the United States.

Statement is Effective.

The statement of Woernle in his own behalf was effective. It was followed in the afternoon by a summary of the case by C. T. Haas, his attorney, after which the case was closed, and Judge Bean will give his decision at some date as yet unannounced.

That cancellation of the Woernle citizenship would have the effect of making a woman without a country of Mrs. Woernle, formerly Cecilia Sherlock, member of a prominent pioneer family of Portland, since she would take the status of her husband in the United States, was the statement of Attorney Haas.

He said the interests of his client were unduly bound closely to those of the United States, where he has struck his roots deeply into American soil. His family is here, his property is here, his wife and three sons, all of them unable to speak or to understand German, proved, he said, that Woernle had become, in truth, a citizen of the country.

America Neutral at Time.

"It is necessary," he told the court, "to keep in mind that the offenses charged were those of 1914, before there was any thought of the United States entering the war. Those of foreign birth in this country at the opening of the war were torn between conflicting emotions. However, expression of their sympathy for their native land was common. At the beginning of the war, Germany was regarded as the under dog. Most of the foreign-born were pro-German, pro-British, pro-French, or some thing. Twelve senators of the United States were taking sides with Germany up to the day this country declared a state of war existed with that country."

"It was not a question of disloyalty with them. Our young men, in many cases, were crossing the line into Canada and, forswearing their allegiance to the United States, were enlisting in the British forces. Yet when they returned, their citizenship was restored to them. Celebrations were being held throughout the United States by various groups when either one or the other side at war won a success."

Legal Precedents Cited.

Legal precedents were cited, one a case in which a man of German birth who had taken out his first papers registered with the German consul at Galveston for service with the German army. His right to American citizenship was attacked later, but the court held he acted within his rights, inasmuch as the United States was not at war with Germany when the alleged offense was committed.

"Suppose," said the attorney, "the United States had remained out of the war, or suppose, again, that the United States had joined with Germany in the conflict, would the acts of Woernle now be declared disloyal?"

Mr. Haas said that the Hans Boehm of 1917 and 1918. He was then a respectable resident of Portland, one who had declared his intent to be a citizen, with responsible positions in this city.

Relative Cause of Worry.

Letters of Woernle were quoted throughout the arguments as showing his solicitude for his aged father and his brother, one of them the father of seven children, who was serving in the German army. It was said Woernle went to extreme lengths because he was fearful of his letters by the military censor. An instance was given where in one letter Woernle wrote conspicuously in a large blank space in the center of the sheet, "God will never desert the Germans." He said it was only in letters where he was put to this subtlety that undue praise for Germany was written.

One letter to Hans Boehm was stressed by the defense, for in it appeared a reference to "that country across the water second dearly loved best by us all." He spoke in it of efforts being made to keep the United States out of the war.

America Declared First.

Attorney Haas said this reference could mean only that next to the United States, Germany, the land of his birth, was dearest to him, and that this proved he was loyal to the country of his adoption.

It was stated in the argument that Woernle contributed to the various war funds, bought liberty bonds and also invested trust funds in his keeping in the same securities. He was said to have reported property of Hans Boehm in his charge to the alias property custodian; reported a

man whom he believed to be a dangerous spy to the United States attorney, and in several cases advised for-signers coming to him for advice not to claim exemption, but to join the United States army.

"Although the statute of limitations has run and Woernle cannot be punished for the things charged against him, he has been punished," concluded Mr. Haas. "Justice, equity and mercy do not require that he be stripped of his citizenship, but if he were, I do not believe you could strip him of the spirit of Americanism that is in his heart."

Prosecutor Attacks Defense.

Quite a different picture of the ex-Austrian consul was drawn by United States Attorney Humphreys in his closing argument. He said it tears of sympathy were to be shed, they could better be employed because of the good American blood spilled in the war and that the defendant had shown himself willing to give everything from his citizenship papers to his children in the cause of Germany.

Woernle, he said, could have taken sides in 1914, and he could have denounced any nation he chose, but the interests of the United States, to which he had sworn allegiance, required that he not make fraudulent use of his passport privileges as a citizen in favor of either side at war.

"Had the United States remained out of the war, would not the acts of Woernle have been condoned,

OFFICERS DECLARED LAX

CHARGES HURLED AT GRAYS HARBOR SHERIFF.

Officeholders in Defense Assert County Law and Order League Fails to Lend Help.

MONTESANO, Wash., March 23.—(Special.)—Charges of indifference and laxity in duty and inferences of crooked dealings were hurled at officers of the county by F. L. Morgan and Rev. Paul Ashby of Hoquiam at a meeting of the County Law and Order League in Elma. Sheriff Elmer Gibson denied many of the statements made and put up a strong defense for the administration of the sheriff's office.

Open gambling in club rooms at the corner of Eighth and I streets in Hoquiam last Saturday was charged by Mr. Morgan. He spoke at length of a crime wave on the harbor several years ago in which 25 men were killed and of the career of "Tex" Vernon, declaring no one cared the brought to justice. He scolded the officers, charging failure to drive out

THREE RECEIVE HONORS AT WHITMAN COLLEGE.



George B. Smith Ben Comrada Helen Van Nuy.

WHITMAN COLLEGE, Walla Walla, Wash., March 23.—(Special.)—A college team debater and captain of last year's championship football team, Ben Comrada of Seattle, was chosen Tuesday night by the senior class as one of three seniors to deliver commencement orations next June. Comrada is a member of the Delta Sigma Rho, national honorary debating society, and also of the Phi Delta Theta fraternity at Whitman.

Miss Helen Van Nuy of Portland, Or., and George Benjamin Smith of Los Angeles, Calif., have been selected by the faculty. Miss Van Nuy was chosen on all-around merit, while Smith heads the senior class in scholarship. Both are members of Phi Beta Kappa, national honorary scholastic society.

counsel asks, but I say no," Humphreys declared.

Letter Interpreted Differently.

"Allegiance is not a war-time quality only. It is just as much a requirement for a citizen today as it was in April, 1917, or in November, 1918. Woernle cannot say he did not know what he was doing. There can be but one conclusion to the passport transaction all the object of that was to give military aid to Germany."

Mr. Humphreys said it was undoubtedly true that the allegation in Woernle's letter, wherein he implied one country was more dear to him than Germany, was in favor of Austria, since as a Bavarian he would cherish loyalty to the Hapsburgs, who formerly ruled over Bavaria, and not to the Hohenzollerns, who despoiled Austria of that province.

In reading the Woernle letter, Mr. Humphreys became so castig "Americans are noisy, they could not even force ragged Mexico to salute the American flag" was one extract. "Teems with love and affection for America, doesn't it?" he inquired.

Letters Are Secured.

"I have three boys and they may be needed by the fatherland after the war," one letter ran. "I suppose his sons could have learned German just as easily as their fatherlearned English," said Mr. Humphreys.

"One can examine all these letters with a microscope," he said, "and not find the least reluctance to abuse the United States, yet there is continual existence and it cannot be passed over, nor can we consider sympathy in connection with a case as important as this. The alien and the foreign-born must be told the oath of allegiance means just what it says."

U. S. LAND SUIT FILED

RETURN OF 18,689 ACRES IN WASHINGTON SOUGHT.

Area Declared to Be Within Yakima Reservation and to Have Been Deeded by Mistake.

OLYMPIA, Wash., March 22.—(Special.)—Complaint of the federal government against the state of Washington, before the supreme court of the United States in an action seeking to recover from the state an area of 18,689 acres claimed to be within the boundaries of the Yakima Indian reservation and deeded to the state in times past as portions of the federal grant for school and higher educational purposes, was served today on Attorney-General Thompson.

The action involves 18,689.28 acres of land which it is claimed is within the reservation. The land, since it was deeded to the state, has greatly increased in value. State Land Commissioner Savidge said today, until there is no other federal land in the state that could be given in lieu of this land, which would anywhere, near equal it in that respect.

The complaint of the government alleges that prior to the passing of any of the deeds to the land, the Yakima Indian reservation was created by treaty between the government and the Yakima Indians and is still occupied by them, no changes in the boundaries having been made.

RULING MADE ON BONDS

Court Declared Unable to Delegate Approval of Sureties.

OLYMPIA, Wash., March 23.—(Special.)—Discretionary power lodged in the court to pass upon the character of the sureties on the execution of a bond in a criminal case cannot be delegated to a subordinate. Attorney-General Thompson held in an opinion sent today to Loomis Baldry, prosecuting attorney of Whatcom county. The court may permit the clerk or any other person to perform, under his direction, the clerical duty involved in approving the bond.

The state permits the judge of the superior court or the committing magistrate to admit to bail a defendant who is bound over after preliminary hearing and under its terms there is no authority for the approval of the sureties on the bond by either the sheriff or clerk.

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