

GOVERNMENT'S CASE RECOUNTED BY DEPUTY

Naturalized American Citizen Reads Indictments.

ALBERS TARGET IN ATTACK

McCourt's Attempt to Bring About Removal of Three Actions Against Wealthy Miller Falls.

It was left to Barney Goldstein, Deputy United States District Attorney and himself a naturalized American citizen, to make yesterday in the United States Court one of the most terrible indictments ever heard inside the walls of that court.

In even voice and with recourse scarcely to any oratorical tricks, Mr. Goldstein flayed J. Henry Albers, the wealthy Miller on trial for sedition.

The court was so silent a pin could have been heard to drop. Every moment was grim, tense. So deep was the interest that it seemed, at times, as if some great stage presentation were being visualized.

Alleged Crimes Recounted.

To the chief actor in the tragedy, Henry Albers, the even-measured voice which recounted one after another his alleged crimes against the Government of the United States, the country which had adopted him as it had adopted his accuser, proved a veritable purgatory.

Beginning the day with the even temperament and unruffled demeanor which have so characterized his behavior, by noon Mr. Albers was close to a physical breakdown.

As the accusing voice was directed at him, he slumped in his chair. As he was charged with being an ingrate to his country his ruddy complexion changed to a pallor. His face twitched beneath the onslaught. But it was not until Goldstein turned viciously and with menacing voice and in the words of a popular song declaimed:

Words of Song Quoted.

"If you don't like the stars in Old Glory
If you don't like the red, white and blue;
Then don't act like a naturalized American,
Don't bite the hand that feeds you,"
that Albers literally crumpled.

"And that is the man," cried Goldstein, "who was proud to bring 'Einmal Deutsche immer Deutsche' (once a German always a German); there sits the man whose German heart and German soul we have so proudly proclaimed last October on a Southern Pacific train and in German: 'Wir haben die Freiheit der Welt gewonnen (we have won the war) to a man he thought was also a German sympathizer.'

Almost the entire morning was occupied after John McCourt had moved to the court that three of the indictments be stricken out and the court had ruled against him, with Mr. Goldstein's speech.

First the deputy prosecutor summarized the testimony in the case, taking each witness at a time, yet running through his entire address to the jury was what might be termed its theme, on which everything else depended.

"German Heart Proved."

"We have proved his German heart and proved his German soul," Mr. Goldstein would say as he presented the testimony of each witness, and then for the consideration of the jurors.

Mr. Goldstein departed from his theme only once, and that was when considering the testimony of Mrs. Elizabeth Gomes, who has been such a prominent figure throughout the case, he dismissed her testimony as the apparent insinuations of Henry E. McGinn that his integrity as an attorney and Government official was involved.

"I am not on trial here," Goldstein went on. "Mr. Albers is. Perhaps I am inclined to take Mr. McGinn too seriously, but I do not want there to be any detraction from the main issue of the case, which is: Is this man Albers guilty?"

Definitely did Mr. Goldstein point out that while Mr. Albers had denied or had failed to remember each insinuation concerning loyalty, his attorneys had tacitly admitted the truth of the quotations laid to Mr. Albers.

"Witness Titus Fair," Says McGinn.

Especially was this marked in the case of Mr. Titus, said Mr. Goldstein. "After we have examined this witness," Mr. McGinn said, touching upon his credibility: "We have no cross examination of this witness. I think he is a very fair witness. I should say that to his it was Mr. Titus who ascribed to Mr. Albers the statement that America was on the verge of a revolution, that 'our soldiers were amateurs and that the German soldiers were professionals,' that he 'doubted whether the German army could be beaten in 1000 years,' these alleged statements having been traced to newspaper columns on January 1, 1917, to March 1, 1918.

"I shall make no appeal to passion or sympathy," Mr. Goldstein said in his closing statement, "but simply put before you the facts in the case."

When Judge McGinn was examining you he was very careful to find out if you men were not to be swayed by patriotic impulse.

"Drunken Fool" Appeal Is Hope.

"He wants to put before you the case of this man Albers as a poor drunken fool who did not know what he was saying. He knows that Henry Albers' one hope is to put that appeal before you."

"God help America if I have to make a patriotic appeal to you. Were I so to do, it would reflect on your affection for the land of your activity or adoption. It would be to question your patriotism."

"Henry Albers is a man who attempted to bite and did bite the hand that was feeding him."

"His offense is a criminal one because the United States was at war—a war brought on this world by the imperial German government."

Conscription Act Recalled.

"The conscription act had just been passed. This country was making superhuman efforts to equip our soldiers."

"Then we began to hear of efforts to deter and restrain our young men on the part of pacifists; religious dogma was introduced; the German societies and German publications, such as that in which this man Albers was a prime stockholder, tried to forge the old ties to the fatherland."

"Who was complaining? Only the disloyal, only the Germans."

"Then we passed this law. It is the law. Whether they like it or not it must be obeyed."

"It must be understood America will not stand idly by a person, rich or poor, influential or not."

Albers Enrichment Told.

Then Mr. Goldstein told of Mr. Albers' German birth and rise to manhood in that country; of his coming to Portland and of the opportunities he found here; how he had enriched himself, on his own testimony, as the results of profits made supplying the government with hay and mill supplies during the Spanish-American war.

"Then we conferred on him the

PORTRAIT OF SAN FRANCISCO MANICURIST, FORMERLY OF MILWAUKIE, OR., WHOSE CHARGES AGAINST HENRY ALBERS WERE ONE OF FEATURES OF TRIAL.



MRS. OLGA GOMES, SNAPPED OUTSIDE POSTOFFICE BUILDING DURING PROGRESS OF HEARING.

greatest honor in our gift for one of foreign birth—citizenship. We asked of him in return nothing but decent citizenship and loyalty," went on Mr. Goldstein.

"The evidence shows that he considered citizenship a convenient garment, worn in fair weather but put away in storm and stress."

"That is how Henry Albers regarded his citizenship."

Jury Gets Warning.

Mr. Goldstein warned the jury of Mr. McGinn's known oratorical abilities.

"He will ask your pity," said Goldstein, "for this poor drunken friend of his—too drunk to realize what he was doing—too drunk to realize where he was or what he said, but the evidence shows that this man was not drunk, mellowed by drink, maybe, but not drunk, and still able to think clearly and concisely."

"He secured a sort of bravado by drinking. Drink gave him a false courage. He spoke with his German heart, his German soul and his German tongue. With honor in him this German heart demanded utterance. Then he flaunted his German superiority."

"Drunkness," Mr. Goldstein insisted, "is not an excuse. It is supposed to know and think of the consequence of his acts. Were Judge McGinn drunk or you gentlemen of the jury drunk, the voice your liquor gave utterance to would not be a German voice, nor would your sentiments be German ones."

Answer to Contention Given.

"And that is my answer to the contention that counsel will make that Albers was so drunk that he could not help showing his German sympathies, yet we are to assume him loyal."

"You know you and Mr. McGinn would never have said a word of disloyalty. Your loquaciousness would have expressed itself in terms of loyalty."

"This Henry Albers did not do."

"It will be said he was goaded. What a poor excuse! Albers could be goaded, yes! But how ready he was to express and manifest disloyalty."

"As I reread his utterances I strive almost vainly, but I want you to strive from a feeling of anger."

Original German Employed.

Mr. Goldstein repeated in the original German the statements that Albers is alleged by E. C. Bendixen to have made. He answered the Albers charge of conspiracy among the witnesses by declaring "conspirators do not usually meet by accident on a train."

Mr. Goldstein then carefully reviewed the testimony of each witness.

With regard to the testimony of L. E. Germent, one of the witnesses for the prosecution, who saw George Albers in Seattle, then saw Judge McGinn and Mr. Clifton, in what the defense pointed out was an attempt to sell his testimony, Mr. Goldstein said:

"Mr. Clifton and his stenographer lured him on. 'What may be the truth, I do not know. I believe the boy was over-zealous, and knowing that Albers had said: 'My brothers are pro-Huns,' wanted to get them in the tools also."

"But if you wish to set aside his testimony, you may do it, for you have the corroboration of four other witnesses."

Discussing the Bendixen testimony, with whom Albers is alleged to have talked in German, Mr. Goldstein said:

"What Albers was so very drunk. When Bendixen asked him if, then, he had personally helped Germany, this man was not so drunk that he could not craftily say: 'Nein, nein!'"

"Your verdict will decide what Albers meant when he said: 'Wir haben die krieg gewonnen (we have won the war).'"

"What he meant by 'we' you must decide."

One by one the speaker took up the testimony of witnesses regarding many of Albers' alleged comments; he denounced them as "insidious propaganda tending to undermine, to cow, to weaken men about to become soldiers."

Attorney Denounces Albers.

Mr. Goldstein denounced Mr. Albers for trying to take the credit for his men being enlisted or drafted.

"Yet they never testified that he commended their patriotism," scathingly declared the prosecutor. "All he could give them was the old German militaristic philosophy: 'It will make a man of you.' The German in the man was outing again."

Discussing the Albers Brothers Liberty Loan purchases, Mr. Goldstein declared that this was only another instance of "I am American on the outside, German inside."

"What else could he have done unless he wished to proclaim to the world he was a German," he voiced.

Albers' Betis Recalled.

He impeached Mr. Albers' credibility as a witness, especially by the testimony of John Harvey Noyes and Mr. Cushing, that on several occasions Mr. Albers had bet with them on the war, which Albers denied.

In his entire address, the only time Mr. Goldstein approached oratory was as he recalled his concluding passages. He had just declaimed at Albers the lines from "Don't bite the hand that's feeding you."

"Down deep in your hearts," he said, "you know where Albers' heart was. You know Albers taught, preached, sang and prayed German. He thought German. He lived German. He was German."

"His body was in America; his heart and soul in Germany. His eyes were over him was the label: 'Made in Germany.'"

Verdict of Guilty Asked.

"You must conclude that Albers lusted a German, remained a German and has always remained a German; that he is guilty on all counts as charged, and on this ground I ask you, if you so conclude, to return a verdict of guilty."

Mr. Noyes testified as the last witness that Albers had bet him \$100 on two different occasions, and that Mr. Albers had paid one of these bets, relating to when the Germans would win the war and when they would reach Paris.

Mr. McCourt asked that the testimony of both Cushing and Noyes be stricken out as immaterial, but the motion was not granted by Judge Wolvorton.

Mr. McCourt then asked for a directed verdict of not guilty on the grounds that Mr. Albers had not made a single statement that would hinder recruiting, further asking that counts two, three and four be withdrawn on the grounds that Albers had had hundreds of opportunities to create insubordination.

"Not until a Deputy Sheriff of the state of Washington and a Deputy

Marshal conspired to induce this man into statements presented in violation of the law was he accused," said Mr. McCourt. Each witness testified that it was with consent of the Deputy Sheriff or Tichenor (the Marshal) that the statements were made.

"Voluminous cases then were quoted from Mr. McCourt, asking if a man could be indicted for expressing his opinion, and voiced the view that if so the newspapers in this country were indictable for their views on the Food Administration.

Mr. McCourt Lauds Titus.

"Titus," said McCourt, "was not a weeping and not a man likely to be influenced."

That Albers' opinions might have been unwarranted, but with his rights of expression, Mr. McCourt pointed out, Mr. Goldstein answered Mr. McCourt's argument and the motion was denied by Judge Wolvorton.

The Albers case was adjourned till 2 P. M. Monday, when both Mr. McCourt and Mr. McGinn will make their formal statements before the jury. Haney will have the last talk for the prosecution and the case then will go to the jury, probably about noon Tuesday.

There are seven counts on the Albers indictments. Thus the maximum penalty is 140 years in jail and a fine of \$70,000.

GREAT UNION PROPHESED

BOILERMAKERS HOLD SESSION AT ARION HALL.

Speakers Who Predict General Strike to Tie Up Nation's Industry Freely Cheer.

Strongly marked by much radical talk, especially by those declared to be representing the I. W. W., was the weekly meeting last night of the Boilermakers' Union, held at Arion Hall.

Prophecies were freely made that within a short time the American Federation of Labor would be thrown into the discard and an enormous industrial union, which would recognize both the I. W. W. and the soldiers' and workers' councils, would be organized.

Speakers, who suggested that a great strike which would tie up not only manufacturing but all forms of transportation, would begin in early Spring, were freely cheered.

The meeting was addressed by a representative of the Seattle unions, who told of conditions surrounding the strike on Puget Sound.

An I. W. W. speaker, who asserted that \$600 millionaires had been made by the war and that every man present had made \$1000 out of the war the past year, was confuted by one of those present, who asserted he had made and saved more than \$1000. The latter speaker was hoisted.

No votes were taken and the sentiment seemed to indicate that a sympathy strike in Portland at this time is unwise.

PLANES TO SERVE ISLANDS

Company to Carry Passengers of Hawaiian Group Organized.

HONOLULU, T. H., Feb. 1.—(Special.)—Inauguration of a daily airplane service between the various islands of the Hawaiian group is proposed by a company now being organized in San Francisco, to be known as the Inter-Island Navigation Company, S. G. O. King, formerly of Lihue, Kauai; Ralph P. King, stevedore of San Francisco; and a local cattle-rancher and plantation man of Hawaii, are behind the scheme.

Ralph King is a licensed aviator and operated an aerial ferry between San Francisco and Oakland in 1913 until he fell into the bay with his machine. His mother then prevailed upon him to give up the game. He now intends to secure a number of big passenger-carrying Curtiss machines and three aviators. Schedules for the various inter-island routes have already been mapped out.

HOBOS ARRIVE AT ALBANY

Officers at Linn County Seat Resume Pre-War Activity.

ALBANY, Or., Feb. 1.—(Special.)—For the first time since the United States entered the war hobos are getting plentiful in the Willamette Valley now. City police have returned to the pre-war custom of rounding them up when freight trains arrive and lodging them in the City Jail for the night to prevent possible depredations.

The number of hobos passing through is not unusually large, viewed from the standards of the days before the war, but the rate has increased, what was formerly a normal standard.

Gambling Rampant in Honolulu.

HONOLULU, T. H., Feb. 1.—(Special.)—Gambling is rampant in Honolulu. The civic affairs committee of the A. O. Club of this city has been petitioned to take action.

Mr. McCourt then asked for a directed verdict of not guilty on the grounds that Mr. Albers had not made a single statement that would hinder recruiting, further asking that counts two, three and four be withdrawn on the grounds that Albers had had hundreds of opportunities to create insubordination.

"Not until a Deputy Sheriff of the state of Washington and a Deputy

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LEWIS COUNTY CROP HEAVY

State Horticultural Inspector Makes Report on Products.

CENTRALIA, Wash., Feb. 1.—(Special.)—Lewis County's yield of fruits and vegetables in 1918, as shown by the annual report of E. F. Perry, state horticultural inspector for the Southwest Washington district, was 11,219 boxes of apples, 575 boxes of pears, 197,700 pounds of beans, 60,900 pounds of plums, 150,900 pounds of sweet corn, 255,441 pounds of prunes, 309,000 pounds of sweet cherries, 105,000 pounds of sour cherries, 1,717,863 pounds of blackberries, 90,900 pounds of strawberries, 42,719 pounds of raspberries, 48,942 pounds of loganberries and 100 cars of potatoes.

ARTHUR HOWELL IS GUEST

Company D Auxiliary Entertains Returned Hero.

Arthur Howell, veteran of Chateau Thierry, is the first returned soldier of his unit which Auxiliary to Company D, 162d Infantry, has entertained.

Young Howell, whose home is at Lebanon, is in Oregon on furlough from the reconstruction hospital at Des Moines, where he is stationed, having lost an arm while active service. He will return to Portland when discharged, as he has been given a position here.

Klickitat Taxes on Increase.

GOLDENDALE, Wash., Feb. 1.—(Special.)—County Treasurer F. H. Anderson has announced that the county taxes will be increased.

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In This Greatest Final Flourishing Wind-Up of the Whitehouse Sixth Annual CLEARANCE SALE

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