

The Butte Daily Bulletin

Issued Every Evening, Except Sunday, by THE BULLETIN PUBLISHING CO.

Published as Second-Class Matter, December 18, 1917, at the Postoffice at Butte, Montana Under Act of March 3, 1879.

PHONES: Business Office, 52; Editorial Rooms, 292
BUSINESS OFFICE AND EDITORIAL ROOMS, 104 SOUTH IDAHO STREET

SUBSCRIPTION RATES:

One Month \$3.00
Three Months \$8.00
Six Months \$15.00
By the Year \$27.00

The Daily Bulletin is on sale every day at the following places in Butte.
Jaeger Drug Co., Harrison and Cobban
George A. Ames, Jr., 316 1-2 N. Main St.
International News Stand, S. Arizona St.
Palace of Sweets, Mercury and Main Sts.
Everybody's News Stand, 215 S. Montana

TUESDAY, APRIL 15, 1919.

THE DEFENSE OF PONTIUS PILATE

Among Christians this is holy week. It is therefore an appropriate time to discuss with Christians the trial of Christ, and how and by whom this noblest of the proletarians was scourged and crowned with thorns. The subject has been introduced, not by the Daily Bulletin, but by the lineal descendants of those who spat upon his face, those who gave him the gall and vinegar, those who applauded his murder. The copper press have taken up the defense of their master's model judge, the Honorable Pontius Pilate. Their excuse is the decision of the supreme court of Montana in the case of W. F. Dunn and James J. McCarthy against Charles H. Treacy, city clerk of the city of Butte, the decision that pleased the master, because it disfranchised the people of the metropolis of this state. Coupled with laudation for what the Butte Post calls "A decision of righteous judges," the Missoulian, Livingston Enterprise, Great Falls Leader and Helena Independent, true to the hand that feeds them, calls upon the supreme court to disbar Mr. B. K. Wheeler, one of the attorneys for Dunn and McCarthy, because he said of the decision of the court and of the court: "You cannot expect justice in the supreme court. You might as well throw away your law books and use them as fuel."

Mr. Wheeler said this to 6,000 people assembled in Butte last election day in protest against the decision and on strike against an election that the supreme court had turned into a mockery. Mr. Wheeler did make that statement and the 6,000 people became, when he hurled those words at the supreme court, accessories after the fact, because they then and there made the echoes ring along the continental divide with thunderous applause.

The Missoulian asks: "Now, then, what will the supreme court, elected by the people of Montana, do with regard to this matter?"

The Livingston Enterprise, after the fashion of the end man in the minstrel show, interrogates in this wise: "Law-abiding, law-respecting citizens naturally will take offense at this crude attempt to undermine the courts, which Americans for generations have cherished as the bulwark of their rights and liberty. What action will be taken against Mr. Wheeler? It is inconceivable that he will be permitted to continue the practice of law in this state." The audience at the minstrel show will not get the answer immediately. The Enterprise knows, for the Enterprise says: "The next few days may supply the answer."

The Great Falls Leader joins in the copper chorus in this fashion: "That a practicing attorney of the state of Montana should make such charges against the district and supreme court is something which the courts themselves should attend to. Mr. Wheeler himself is a sworn officer of the courts he charges with subversion of justice, and the people of Montana will watch with more than ordinary interest the action of the courts in question on the charges made against them by a court officer."

The lowest of the copper press is of course the most fulsome in its praise of the decision. The Butte Miner, personal property of W. A. Clark, who paid \$1,000,000 for a seat in the United States senate and \$5,000 for the present United States district attorney, says: "After an exceedingly bitter legal fight waged by the supporters of Seditious Dunn to secure a place, which he was not entitled to, upon the municipal ballot Monday, the supreme court yesterday came to the rescue of the loyal citizens of Butte by denying this man's application to appear upon the tickets as an independent candidate."

The Anaconda Standard speaks in like happy vein of the decision. We have not heard from the copper songster of the Yellowstone valley, the Billings Gazette, but we know that it has done its duty by the master's court.

Now, why all this noise and clatter? The supreme court did not render a decision. The supreme court refused to render a decision. If you do not believe us, look up the files of the supreme court and you will find an entry about like this: "On account of the many serious questions raised by counsel, and on account of the importance of the questions submitted to us for decision, we are unable, because of the limited time at our disposal, to decide the case and therefore, we dismiss the petitions of Dunn and McCarthy."

You see the court decided that it would not decide. Of course, any question that the A. C. M. company raises is a "serious" question just as the question raised by the mob that crucified Christ was regarded as a serious question by the Honorable Pontius Pilate. Pilate also refused to decide. Christians and perhaps others will recall that the learned Roman, sitting in Judea, hoping to quiet the stings of his conscience, took a basin of water and going before the multitude that was crying, "Crucify him, crucify him," washed his hands. Courts are ruled by precedent. This is the only precedent that sustains the decision of the supreme court of Montana. Dean Swift says that if a court can ever find that some other court robbed, a litigant robbery can be judicially confirmed and a precedent for robbery laid down for future guidance.

Now what serious question confronted the supreme court? The question may be understood by a reference to the statute allowing independent nominations for municipal offices. Section 524 of the compiled statutes of Montana, says:

Candidates for public office may be nominated otherwise than by convention or primary meeting in the manner following: A certificate of nomination, containing the name of a candidate for the office to be filled must be signed by electors residing within the political division in and for which the office or offices are to be elected. The number of signatures must not be less than 5 per cent of the number of votes cast for the successful candidate for the same office at the preceding election, whether the said candidate be state, county, township

or municipal or other political division. The elector signing a certificate must add to his signature his business, business address and place of residence. This certificate must be filed with the city clerk three days before the election.

Election day was fixed this year at April 7. Certificates of nomination, signed by more than 10 per cent of the electors for the successful candidates for office of mayor and treasurer of the city of Butte were filed with Treacy, city clerk, on April 2, at 4 o'clock in the afternoon. He refused to receive them and refused to file them. At that time neither Dunn nor McCarthy held certificates of nomination made by any convention, any primary meeting, or any primary election. At 10 o'clock next morning, April 4, they applied to the supreme court in open court, at the state capitol building for an order directing Treacy, as city clerk, to file the certificates of nomination and to place the names of Dunn and McCarthy on the ballot in accordance with the wishes of the electors signing the petitions.

Thus there arose a serious question. Namely, should the decision made by Treacy, the election crook, be allowed to stand as a final decision or should the supreme court set the crook's decision aside and replace it with its own decision? We supposed that the judicial power of the state was in the supreme court, not in a city clerk. We supposed this, because the written (not unwritten) constitution of this state in Article 8, Section 1, says: "The judicial power of the state shall be vested in the senate sitting as a court of impeachment, in a supreme court, district courts, justices of the peace and such other inferior courts as the legislative assembly may establish." Section 3 of Article 8, says in the written (not unwritten) constitution: "The supreme court shall have power in its discretion to issue and hear a writ of mandamus." We do not claim to have legal knowledge, but we are able to read a little and we have been unable to find in the constitution, (the written one, of course) that a city clerk, even though he be the property of the Anaconda Copper Mining company, is the supreme court. To him the question was not serious. He decided it, and what is more, his decision was final. We always supposed that final decisions were made by supreme courts. We know better now. We know we are just stupid working people, without the reverence for the courts, possessed by the editors of the copper journals. Perhaps if these courts belonged to the masses we would have some reverence for them.

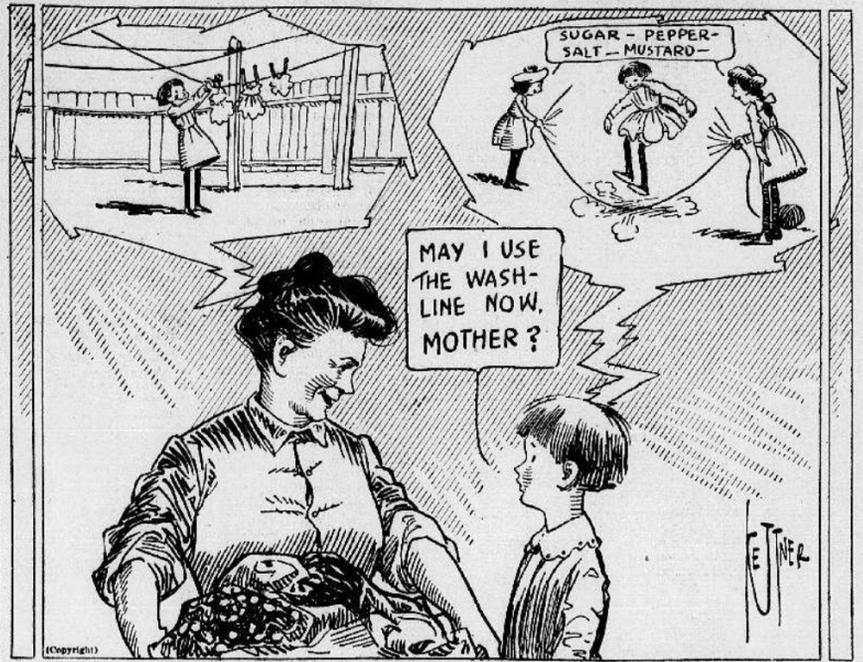
By the decision in the Silver Bow county district court, in the department presided over by Judge E. M. Lamb, we were also initiated into the mysteries of the occult science of jurisprudence. We there learned that a court can have jurisdiction for the purpose of confirming an election procured by fraud, but can have no jurisdiction for the purpose of setting aside an election procured by fraud. In two election precincts the judges and clerks of election, the most eminent among them being the chief accountant for the Montana Power company, all swore that the four middle pages in the tally sheet of one precinct were removed and four bogus sheets inserted in place of them, that in the other precinct six sheets were removed and six bogus ones inserted in their places; that the true count gave Dunn and McCarthy 80 more votes than the tally sheets showed and Cutts and Treacy 50 votes less, and that the fraud unearthed in these two precincts alone nominated both Dunn and McCarthy over Cutts and Treacy. Judge Lamb said that the tally sheets had been tampered with; that there was evidence of fraud, but that the only thing that he could do was "confirm" the stolen election; that he had "no jurisdiction" to set the work of the election crooks aside. The decision of the election crooks is the decision of the court of last resort in this state. No court has power to set it aside.

Matters of greater importance to the common people than the election of candidates for mayor and city treasurer of the city of Butte pressing these days for solution, we will not review the actions of the gunmen hired by the Anaconda Copper Mining company, beating up citizens at the polls, nor bodily throwing out of an election booth a good woman of Butte, who has two soldier sons in France. We haven't time to review the returns of the Robbers' Roost (otherwise known as the Finlen hotel), where the crooked returns show that Cutts and Treacy each received 390 out of 510 democratic ballots cast on primary day and where on election day Cutts and Treacy received less than 120 votes each. We have neither space nor time to discuss why the first, second and third wards of Butte, which have never in the history of the territory or state returned republican majorities, did so on election day. Perhaps the "loyal citizens," whom the supreme court rescued, as the Butte Miner said, suspected that Cutts and Treacy were the receivers of stolen goods. Perhaps it will throw some light on the matter to know that in a city that Woodrow Wilson carried by a majority of 6,800, gave Cutts and Treacy 2,600 votes on election day and elected every republican candidate from mayor to alderman in the Eighth ward. The question decided by the electors was perhaps regarded by them as "serious."

Chief Justice Brantley has been practicing law for 40 years, and has been chief justice of the supreme court of this state since 1896; and Associate Justice William L. Holloway has been practicing law for 28 years and has been a member of the supreme court continuously since 1901. Housewives struggling for an existence on dry farms in Montana, mothers surrounded by broods of children struggling for existence in the metal camps and coal camps of Montana, newsboys and news-girls begging a pittance on the streets of Butte, decide more serious questions daily than the question submitted to the supreme court. In justice to Associate Justice Cooper, it should be said that he has publicly declared that he was opposed to the action of the supreme court. The supreme court complains of the amount of work that it has to do. We think that the people have a right to complain of their failure to do the task that is imposed upon them. In the ordinary relation of master and servant, if the servant does not perform the duty that he is hired to perform, he is either fired or resigns. By contrast to the amount of work imposed on the supreme court, and of which they complain, we call attention to the circuit court of appeals, that sits at San Francisco, Seattle and Portland, and decides all appeal cases from the states of Montana, Idaho, Washington, Oregon, Nevada, California and Arizona. This court consists of three judges and decides more cases every year than the supreme court of Montana.

If it be contempt to state the facts as Mr. Wheeler spoke them, then all the lawyers of Montana, who are worth a re-tainer, ought to be punished by having their licenses taken from them, and the common people ought to be crowded into the jails, because they, too, think that the law books ought to be burned. In answer to any man who speaks out against the enemies of freedom, the paid hirelings of the copper press,

Conflicting Thoughts



cry out to the court, "He is a seditious man. He forbids the people to pay tribute to Caesar. He is a disturber of the peace from Galilee even to Jerusalem." The working people haven't any delusions about the influences that dominate our courts. We understand the Pharisees, who, with their eyes to heaven, talk about those evil men who, say the Pharisees, advocate the ballot instead of the ballot, and when men appeal to the ballot and the ballot is debauched, the crime is stamped with the stamp of judicial approval.

God save us from what we do not understand: The devious ways of the grand and glorious science of jurisprudence!

"BIRDS OF A FEATHER"

According to the organizers of a new club—as yet unchristened—who met last night in Judge Lynch's court room, the simple fact of having been in the trenches during the late war is not a sufficient test of Americanism.

Probably because the rank and file of the membership of the army and navy league has been remarkably successful in discerning and rebuking the fake veterans who donned the uniform in the closing period of the war, and who carefully picked soft spots on which to land, these disgruntled victims of the righteous wrath of the genuine doughboys, have decided to have a little organization all by themselves; being, as they claim, the only real, honest-to-God Americans.

Unswerving loyalty to the Anaconda Mining company will be the qualification for membership, although devotion to the interests of corporations with similar autocratic policies will entitle applicants to consideration.

One of the moving spirits in this new branch of the "protected crooks of the Anaconda" organization is Dr. Witherspoon, who, when it looked like the armistice would be signed any day, self-sacrificingly accepted a \$500 per month job as army surgeon.

In his fervid desire to serve his country, Dr. Witherspoon forgot to sever his connection with the Murray hospital and received \$500 per month from that source also; flebbing this neat sum from the miners who contributed \$1 per month to that institution.

It is said that "the membership will exercise the strictest investigation into each application to guard against the admission of men whose views would not be in accord with the constitution and whose presence in the club would cast discredit upon the organization."

It is hard to imagine just what type of individual could cast discredit on this kind of an organization, formed of individuals for whom there is no room in the real veteran's organizations, but we suppose that they mean anyone who refuses to accept as just and holy, the gun man rule of the A. C. M.

We wish this new-born child of the parasites success. We hope they will succeed in enrolling within the sheltering walls of the organization all who believe as do its founders!

We believe in segregation for moral and social lepers and this bastard child of the special interests is a step in the right direction.

We will always know where to look when we wish to find those willing to accept "latrine detail" for the local autocracy. May they soon number them all under their banner!

WITH THE EDITORS

Last week the Farmer had prepared an editorial concerning Butte's declaration of political independence from the Anaconda Copper Mining company, announced through the nomination of W. F. Dunn for mayor of that city. Then came the news that the company crowd had stolen the nomination from Dunn by altering the returns between the time the votes had been counted by the judges and the official canvass by the city council. Our editorial was not printed. Now comes the news that the district court in Butte, in hearing a contest of the election, finds the returns were actually altered, just as Dunn's supporters claimed they had been. Not only were the erasures and alterations plainly visible on the return sheets, but it appeared the company crooks had not even taken the trouble to alter the poll books to agree with the changed return sheets. The poll books still showed the returns favorable to Dunn, as originally counted by the judges.

Further, the judges who served in the contested precincts testified that the poll book returns were the correct returns, and that the return sheets had been altered, and the figures favorable to Dunn's opponent were not the judge's figures at all. In spite of the "stop thief" mouthings of the copper trust press, charging T. W. Wism and bolshevism against

all who refuse to serve the company politically, the country is coming to learn that the real anarchists are those who hypocritically preach democracy, the while robbing citizens of their franchise at the point of bullets and bayonets in the hands of company gunmen and thugs.—Yakima Valley Farmer.

The prestige of Paris diminishes as the masses on the continent realize that behind the curtain of secrecy there is a deadlock between selfish interest and feeble good will. Peace can be made at Paris only if the revolutionary peoples of Europe are convinced quickly by demonstration that the high pretensions of the war were not the usual hypocrisy of statement. Instead of earnest conviction. In these last four months they have been given every reason to doubt and small reason to trust. They have seen the statesmen at Paris unwilling, unable and afraid to look the facts in the face. They have seen them the victims of selfish propaganda, wallowing in regard to their imperialistic claims. Above all, they have seen them blunder in regard to central Europe in precisely the same fashion and for precisely the same reasons as they blundered with regard to Kerenski. It is no wonder that, having nothing to lose but their faith, they should be losing that.—The New Republic.

OPEN FORUM

This column is conducted for and by Bulletin readers. If you have any suggestions to offer for the betterment of conditions in which the public is interested, the Bulletin offers you this opportunity for their expression and interchange of comment with your neighbors and friends. Properly to protect this Open Forum, all communications must be signed with the name and address of the writer, but anonymous signatures will be used in the column if requested. Address all communications to the editor of the Bulletin and please be brief and to the point.

Editor Bulletin:

The Law and Enforcement league met in the parlors of the Presbyterian church last evening. This meeting was attended by nearly all of the Protestant ministers of the city. The organization is to be sort of a layman's auxiliary of the Church Federation and the Silver Bow County Ministerial association.

The members have outlined plans for a law enforcement better and cleaner amusement as suggested by the Y. M. C. A. speakers and operatives and for a larger inter-church movement.

The great work of aiding the county and city law enforcing officers will require heavy expenditures for office, operatives, salary of manager and assistant manager, etc., as was suggested by the Rev. Mr. Carter of the South Butte Methodist church, a recent arrival in our city and keenly interested in civic business. As much as \$8,000 a month will be required for the work of the league, for in January and February Rev. Carter stated he had expended \$2,145 in aiding the county attorney's office to secure evidence against 53 soft-drink parlors. A committee will shortly visit the churches and business houses with subscription lists. This large sum of money already expended in aiding the county attorney was secured from the Anaconda Copper Mining company and a few business men, and now the other people interested in law enforcement must shoulder the burden of expense.

Some members present suggested that law enforcement begin with the "higher-ups" instead of concentrating all their energies on the unprotected law breaker of small capacity, but this matter not being presented in the form of a resolution was not discussed.

The leaders in this movement are Charles Jattner, O. C. Colton, of the Y. M. C. A., William Lutey, E. S. Shields, Geo. F. Cartee, the new manager for the Hennessy Mercantile company, and Theodore McCabe.

Rev. Carter reported that the Protestant ministers and officers had been so busy with school election that they had no report to make at this meeting.

The Rev. G. D. Wolfe presented a resolution which received the unanimous approval of all present, to the effect that a telegram be sent Carter Glass, secretary of the treasury, asking him not to desecrate the Sabbath day in Butte by allowing the flying machine exhibition on Sunday advertising the Liberty loan. He stated that the good people of Lewistown had sent a similar message.

Wm. Lutey reported that many grocers were selling raisins, prunes and hops, from which was being made home-made wine and beer. His clerks have been instructed to use their best efforts in cancelling orders for such goods if they think same are to be used for breaking the prohibition law. Mr. Lutey received the hearty thanks of the Law Enforcement league for his stand in this matter.

The meeting adjourned feeling their time well spent in law enforcement in their action against Sunday desecration. Mr. Colton of the Y. M. C. A. thought it might be possible to have the mines work Sunday and allow the men to view the flying machine exhibition Monday, providing the same could be secured for that day or any other week day. A business man said the stores could close for a half day for their help to join the miners in a holiday, as there was very little business anyway.

CITIZEN.

Subscribe to The Daily Bulletin