

Record on the streets, I received a summons to appear before the commission charged with the duty of winding up the affairs of the late State dispensary. I promptly answered the summons and found the commission in session. I also found present Mr. W. P. Stevenson the attorney for the commission, whom I had no small part in keeping from being elected attorney general at the time the Democrats bestowed that honor upon the late lamented U. X. Gunter, than whom a whiter man never lived; Mr. J. Fraser Lyon, for whom I had earnestly striven to procure the same fate which had attended Mr. Stevenson; and Mr. T. B. Felber, the Atlanta lawyer whose retention in the graft cases I have contended was an insult to the bar of South Carolina.

I found these three lawyers, none of whom had any especial reason to be friendly to me, and the business men composing the commission. I had no idea why I had been sent for until the questioning started—and then I knew the commission had absolutely no right to ask a single one of the questions put to me. And, unless the three lawyers present also knew that, two of them are bigger fools than I take the mite be.

The only excuse for bringing me before the commission is that the commission is a court, and that I had been guilty of contempt of court in writing the above editorial. But, in that editorial is not a word about the commission, neither directly nor by implication. There was no way in the world for the commission to apply that editorial to itself, so the commission had no more right to question me as to that editorial than it had to ask me what I ate for breakfast yesterday nor how many hours I slept the night before. I knew that and knew I could laugh at an attempt to question me as to the above editorial, for the commission could not rule me for contempt in so doing. But, I did not raise that point, because I am never afraid to answer questions and because I wanted to prove that Fraser Lyon was not above using the commission for his purpose without the commission being able to see it. The whole editorial was aimed at him in his individual official capacity, and nowhere, directly nor indirectly, mentioned the commission. And yet the commission could not see that; it was unaware that it was being used to give Fraser Lyon a chance to say things under cover of a court.

Personally, I have the highest respect for the members of the commission, one of whom I have for many years regarded as one of my best friends. I would be incapable of saying anything that could be construed as a reflection upon his personal honor and integrity. While I have not a similar friendship with the others, I have either known them or of them for years and unhesitatingly assert my belief that they would not knowingly and intentionally do anything that they considered wrong. I say this again because, in playing their lawyer yesterday for the purpose of making clear the power political lawyers have when plain, practical, unsuspecting business men entrust themselves to their guidance, I may have not made explicit my feeling as to them.

As far as the editorial quoted above, and which was the casus belli, is concerned, I reiterate and reassert every single word, syllable, letter and punctuation point in it, having nothing to retract. By "bought testimony," however, I do not mean testimony directly paid for with so much purchase money. In the use of that expression, without explanation, I was unfortunate. I have always had an abhorrence for the man who turned State's evidence and freely admit if I were on a jury I would sit there until I voted before I would vote to convict a man upon the testimony of "State's evidence." I would put no credence in the word of a man who told on others to escape punishment. I regard convictions procured with such testimony as outrages. I know other men think otherwise. I would mean no reflection upon a solicitor's personal character if I said he secured a conviction with "bought testimony" because the conviction rested upon the evidence of a man or men, self-confessedly equally guilty, but who testified as State's evidence either to avoid punishment altogether or to have a lightening of their sentence. Personally I regard such testimony as just as much "bought" as if the solicitor had paid much money to have it given. I know honorable men who think otherwise, but such is my own feeling on the matter.

The editorial is nothing more nor less than a perfectly justifiable criticism of what I have reason to believe is the attorney general's policy of conducting the "graft" prosecutions. I admit he has the legal right to so

conduct them and that a host of men will applaud convictions secured by that policy. That does not, however, deprive me of my right to criticism. I can and do say the policy is wrong and the end can not justify the means. The whole tempest in a teapot is over a matter of public policy and the question of personal honesty and integrity of any official connected therewith is not in issue.

Now, I am often asked why I do not let Lyon go and drop this whole matter editorially. I have had many good friends tell me most earnestly that I was a fool for trying to defend officials of the late State dispensary; that I was only hurting myself and my paper by such a policy; that they were down and out and could never help me and that it was simply idiotic on my part to stand alone and say a good word for them; that I could not stem the tide of public prejudice against them resulting from the unceasing attacks of practically all the other papers and a majority of the politicians. If I consider my selfish interest, that is good advice, and I am a fool not to take it. But, I am not built that way. I have no ambition greater than the desire to so live that when I die it can be truthfully graven on my tombstone that beneath are the remains of a man who never failed a friend. When a man needs friends is when he is in trouble. To hell with such as are friends only in fair weather.

It so happens that a number of men openly charged or under suspicion of graft have been my friends for years, some of them long before they became connected with the disarray. If any such has been guilty of graft I want it proved and him punished; but I would be little worthy of the name of friend if I failed to stand by him until his guilt be proved. If everybody else in the State believed my friends guilty of graft, I would not until their guilt is shown and shown by honorable means. Quisite, possibly, but so I construe the obligation upon one who would prove his right to the title friend.

Now to the case in hand. I believe Fraser Lyon is a monomaniac. His one idea in life is to secure conviction of alleged grafters, some of whom have given him personal offense. When a man subordinates all else to one aim, he usually is not choice about the methods he employs to accomplish it.

As an editor of a public journal I have a right to draw conclusions. It is a fact that the Lyon-Christensen investigating committee passed a rule that payment of all whiskey and beer claims by the State dispensary should be stopped. They were stopped. Shortly afterward two claims were paid, one an account due to John McSmyrl, a distiller of Camden, and the other to the Augusta Brewing company. I wanted to know why an exception had been made as to those two. I found that Senator Hay, the chairman of the committee, had been John McSmyrl's friend and attorney and so could vouch for his honesty. I found that the Augusta Brewing company's account was ordered paid when its president gave testimony admitting he had given rebates on beer. Immediately thereafter his account was paid, and I do not remember that it was sealed, as is the policy of the present commission.

Intentionally or unintentionally that was virtually notice to every other claimant against the dispensary as to how he should proceed to get his bills paid.

It is notable that though the other claims were still held up for a long time by the Lyon-Christensen committee, no more such testimony was given, even with the bait hung out by that Augusta precedent.

Then came the present winding up commission, men of high character and integrity and absolutely unacquainted with the whiskey business and probably equally unfamiliar with the ways and wiles of politician lawyers. They also held up claims. Yesterday morning's State contained a report of the action of the commission that one claim was ordered paid, immediately upon the giving of testimony by the agent of that concern which seemed a confession of graft. Believing Mr. Lyon directly or indirectly responsible for the trend of the commission's work, I thought I recognized in that action a repetition of the Augusta Brewing company incident above cited.

I do not charge nor believe that it is to purchase testimony to blacken my friends, but I ask in all candor is not that the way in which whiskey houses will construe their action, taking it as notice that if they will come and give similar testimony their claims will also be paid?

The situation is different now from what it was when the Lyon-Christensen committee held up dispensary claims and paid one just as soon as the claimant turned State's evidence,

so to speak. Then the State dispensary was still in existence and its officers were still making purchases of beers, wines and whiskies.

Now those officers are down and out. They will do no more buying of whiskey except for their own personal use. Liquor houses have no further favors to expect from them and no selfish reason to refrain from taking steps which hold out promise of getting either all or part of their money for them. There are, as everybody knows, unscrupulous houses in the liquor business. Some of them would stoop to any methods to make money. If a firm will make a concoction of chemicals and sell it as whiskey, poisoning men with the vile stuff, will it be above swearing falsely to get its accounts paid? What harm can result? "Oh, but the commission is sealing the claims." True, but in the present stringency high prices are being paid for the use of money. Many a house might consider it good business to surrender all hope of 10, 20 or more per cent. of its claim in order to get the balance. Possibly they have heard the old saw, "Better a half loaf than none at all."

I freely absolve each and every member of the commission of any intent to do wrong. They have a hard and disagreeable duty to perform. They are trying to do it as they best see their way. But, can not even a good deed done with right intent have evil effect?

As to J. Fraser Lyon's success in getting a chance to vent his spleen on me under court protection, I want to compliment him. It was one of the few smart things he has ever done. But, there was no need for him to have thrown his hand behind his back when he was talking under court pro-

tection. I have no desire to kill him and do not go armed. He is theatrical always, but his supreme contempt for me, his unwillingness to notice me, is amusing in view of the fact that I have said nothing recently about him any worse than I have often said before, especially during the last campaign, and yet only a few short months ago he was willing to do and did sit down and eat with me and drink my whiskey with me and that afterward, when I had occasion to go to his office with a delegation on business, he came up and offered his hand to me to shake.

In conclusion I want to thank the genial Atlanta lawyer for his ingenious little lecture upon the practice of law and his citation of a notable instance where a State had employed a great lawyer from another State to conduct a prosecution for it. I am not obtuse. I got his argument and am willing to admit that Col. Felber of Georgia is a great lawyer. But, we have the same kind in South Carolina.

Geo. R. Keoster.
Columbia, Feb. 14, 1908.

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