

The Watchman and Southron.

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THE SOUTHERN WATCHMAN, Established April, 1850.

"Be Just and Fear not—Let all the ends Thou Aims't at be thy Country's, Thy God's and Truth's."

THE TRUE SOUTHRON, Established June, 1860.

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SENATOR TILLMAN'S DEFENSE.

REPLY TO THE CHARGES MADE BY PRESIDENT ROOSEVELT.

Washington, Jan. 11.—Senator Tillman today replied to charges made against him by the president of the United States of having exerted his official influence as a senator, and for his own benefit, to bring suit against railroads of the Northwest in order that he might be able to purchase land held by the Southern Oregon Company and granted to the State of Oregon in 1868 for the construction of a military road.

The appearance of Senator Tillman in the senate chamber a few minutes before 12 o'clock, gave the galleries an opportunity for a demonstration of hand-clapping and a round of applause was given the South Carolina senator.

Mr. President, I rise to a question of personal privilege.

For the first time in the history of this government, as far as I have been able to learn, a member of this body has been brought to the bar of public opinion, before the senate itself, to be judged under indictment by no less a person than the president of the United States. The manner of the doing of it and the animus and zeal displayed by the chief executive are worthy of consideration.

The papers in the case were sent to Senator Hale as acting chairman of the committee on appropriations late on Tuesday last. I had no intimation in regard to it until after the senate met on Thursday. By that time the air was thick with rumors, evidently coming from the White House, directly or indirectly, that a Southern senator was in the toils of the secret service; and soon it was understood that Senator Tillman was the man.

Having been informed by Senator Hale of the character of the charges Thursday afternoon, and that he would call a meeting of the appropriations committee on Saturday to consider the papers relating to the secret service sent him by the president, I expected to have opportunity to examine fully into the case and make such defense or explanation in the senate itself as I thought proper. I understand the president had notified Senator Hale that there was no need for hurry, and that he would not give the papers to the press before Monday; but on Friday morning he changed his mind notified Senator Hale that he had determined to give all the facts to the newspapers that evening, and they appeared Saturday morning. It is well to remember that the universal custom heretofore, and the courtesy due by any executive to a legislative body demanded that having sent the papers to the most important committee of the senate, they were in the possession of that body, and it was a gross breach of propriety to make them public. This well illustrates the executive attitude towards this body. He gave the communication to the press before the committee had seen the papers and examined into the matter.

It is well understood that the president is an adept at advertising and that he has used the press with more skill than any man in American politics. He realizes the importance of "getting in the first blow," though it was below the belt and might well convict him of cowardice. But he cared nothing for either courtesy, cus-

tom, or decency, thus treating the committee and the senate with that contempt which has been his wont.

Another probable reason for his great haste was that he sought to distract attention from the action of the house of representatives on Friday in laying part of his message on the table by the sensational accusations against a man who has had long service in the senate. I could have made my statement to the senate and to the country just as easily on Saturday as I make it now, for I have nothing to conceal and there was no great need for delay or preparation; but realizing that the great influence and power of the chief executive was being exerted to the limit of his ability to blacken my name and destroy my character, and that his words and the exhibits which he sent would be given the widest publicity, while my own statement would probably be optimized on account of the pressure on the wires, I decided to wait until today, with the hope that my defense, without being unavoidably mutilated, would reach the people in good time. This, the newspaper men tell me, would not have been possible on Saturday. This is sufficient explanation, I trust, for the delay.

An examination of the president's letter to Mr. Hale, which might just as well have been a special message of the type with which we are so familiar, will show that the president's charges, boiled down, amount to two in number.

First. He promotes me to membership in the "Ananias Club," and charges, in effect, that I have deliberately lied to the senate.

Second. He charges that I have exerted my official influence and worked as a senator for my personal benefit alone to secure the passage of a resolution and to press the department of justice to bring suit against the corporations which hold so much of the public domain the West and will not sell it to settlers under the terms of their grants from the government.

He has prepared his indictment with consummate ability and skill. He is even cunning in the apparently innocent pretense that in making a search through the secret service for one kind of malefactor he had run down another, and the case of that one of such serious importance that his sense of official obligation compelled him to prompt action. Mark you, he has been in the possession of all the facts in this case since July last, and men will be curious to know why, if his zeal was honest, he did not make them known then.

The president announced in his special message to the house on January 4:

I have made no charges of corruption against congress nor against any member of the present house. If I had proof of such corruption affecting any member of the house in any matter as to which the federal government has jurisdiction, action would at once be brought.

This would simply be doing my duty in the execution and enforcement of the laws without respect to persons. But I do not regard it as within the province or the duties of the president to report to the house "alleged delinquencies" of members, or the supposed "corrupt action" of a member "in his official capacity."

It therefore follows that he has found no grounds for indicting me in the courts, which, no doubt, would have rejoiced him overmuch, and all this fuss, fury, and fustian about the seriousness of the case and the gravity of the offense with which he charges me can be attributed to personal malice alone.

On January 4 the president declared what he conceived to be his relationship to the house and that he would not do certain things. On January 5 he wrote a letter to Senator Hale, doing the very thing in regard to a senator which he had declined to do toward a member of the house. Why this difference? In my public work here I have not hesitated to criticize and comment on the official actions and utterances of President Roosevelt, and I have doubtless given him good cause to seek revenge. I have at various times arraigned him in the senate for tyrannical invasion of the rights of congress, for usurpation of authority not given him by the constitution, for disobedience of the law and neglect of duty, and particularly in the case of Mrs. Morris, for brutal and cruel conduct toward a helpless woman. I was not aware that these darts of mine had quivered in the executive hide and stung him so, but the eagerness and intensity with which he has presented his case against me, his making a precedent where none has existed heretofore, his taking from the committee to which he had forwarded them the papers

and giving them to the press before that committee had considered them, indicate that Theodore Roosevelt enjoys to the limit the feeling of getting even with Ben Tillman, and lays on the big stick with the keenest relish, doubtless believing that the pitchfork has gone out of business.

In his letter to Senator Hale I find on page 3 the following:

But a case has just arisen of a different kind, which it seems to me I should put before you as illustrating in striking fashion the way in which investigations begun by any of these various agents in the strict line of their duty may develop facts of high importance, which the investigators would not in the first instance have sought to discover, which, when discovered, ought not to be hidden or suppressed, but the development of which may tend to create an erroneous impression that the agents in question were being used for purposes not within the line of their lawful duty.

It is well to note that the president recognizes the extraordinary character of his action as well as the unlawful use he has made of the secret service. He pretends that his case against me has been worked up by accident, by reason of the discoveries of the inspectors in investigating the fraudulent transactions of one Bryan R. Dorr, and that the facts "ought not to be hidden or suppressed." The president says:

Senator Tillman denied the statements of this circular, and expressed a wish for an investigation; and upon his request the post office department, through its inspectors, made such an investigation. He stated in reference to this circular:

"I have not bought any land anywhere in the West nor undertaken to buy any. I have made some inquiries, as one naturally would, in roaming through the West. I simply want the people of the country to be put on notice that this swindler at Portland has no warrant whatever for endeavoring to inveigle others into his game."

The president then goes to state:

This is a confidential report of a type usually not furnished, but in this case the matter is so serious that I feel I should put it before you. I inclose you also as exhibits D1, D2, D3, D4, and D5, photographic facsimiles of letters and envelopes and telegram from Senator Tillman and his agent, William E. Lee.

I do not deny the authenticity of the letter or the telegram, of which photographs were made. I presume the letter from William E. Lee is also a correct copy, but I was not aware of its existence until now, and I am not in anywise responsible for Mr. Lee's ideas expressed in it. The president says:

On October 20, 1907, Senator Tillman wrote a letter (Exhibit D 3) to Messrs. Reeder & Watkins, of Marshfield, Ore., who were attorneys representing people who were applicants for the purchase of certain wagon-road and grant land; Dorr was a land agent making his filings through Reeder & Watkins. Senator Tillman's letter runs, in part, as follows:

"I wired you from Wausau, Wis., as follows, and write to confirm it: 'William E. Lee, my agent, will see you about land. I want nine quarters reserved. Will forward signed applications and money at once. Members of my family are entrymen. Letter follows. (Signed) B. R. T. I write now to say I wired Mr. Lee, who resides at Moscow, Idaho, to go at once to Marshfield and see you about the land, to locate quarters for the seven members of my family who are of age, and one for my private secretary, J. B. Knight, whom I desire to let into the deal, and, of course, he wants a quarter for himself.'"

The letter continued, stating in detail what was to be done, in order to enable the senator to get the land.

It will be noted that I accused Dorr in the senate of being a swindler, and asked the post office department to issue a fraud order against him. Dorr declared in his circular:

So sure is Senator Tillman of our success that he has subscribed and paid the necessary fees for a quarter section for himself and 10 other quarter sections for 10 of his nearest relatives.

It was this bold and outrageous falsehood, mainly, that caused me to denounce Dorr as a swindler, as well as to declare in the senate that he had no warrant for the assertion. The sleuths which the president put upon my trail have made their report, and a perusal of it will show to any fair mind that so far from endeavoring to justify the fraud order against Dorr, they were really put to work to investigate me, and endeavor, if possible, to discover something to my discredit, while the president directed the investigation. I say this because it is hardly possible that a post office inspector would set about getting photographic copies of the letters of a United States senator and trying to convict him of lying if the orders did not come from a high source.

Let us suppose for a moment that I was guilty of a falsehood in declaring that I had not undertaken to purchase any land. What did that have to do with Dorr's transparent and open use of the mails to induce men to send him money to purchase land? Dorr's declaration that I had paid the fees is an absolute falsehood, and the post office inspectors, while they searched the records for entries at Coquille and noted that Reeder & Watkins had filed "several hundred applications," nowhere mentioned that any had been filed in my name or for me. Therefore the falsehood is proven on Dorr, and yet the president declared:

The assault which Senator Tillman made upon Mr. Dorr was, according to the report of the inspector, a wanton assault made to cover up Senator Tillman's own transactions.

No such statement was made by the inspector. In fact, so earnestly intent on convicting Senator Tillman is the president, he actually commits himself to this proposition, to wit: Tillman voluntarily and without any compulsion from any source and with nothing to conceal brought up a matter in the senate which he need not have done to cover up transactions which were absolutely unknown to anyone except himself and his correspondents, Reeder & Watkins, and were entirely honorable and clean. My exposure closed out the swindlers. Dorr, when his mail was not delivered, retired from the land business and became a fruit grower, as reported by the inspectors.

The swindlers had secured a good many thousands of dollars before the exposure in the senate stopped people from being duped, and yet Theodore Roosevelt, who poses as the only remaining honest man in public life, in the face of these facts has felt called upon to attack the character of a man whose integrity has never before been questioned, and whose official position is second only to his own.

In doing this he makes false declaration for the inspectors nowhere say any such thing as above quoted, which can be proven by an examination of their report.

Now, about the lying: My letter of February 15, of which the president secured a photographic copy, antedates by four days my statement in the senate that I had not bought any land, or undertaken to buy any, and the president considers this positive proof of falsehood. I did not say I had not considered the purchase of land; I did not say I had not contemplated the purchase of land, because I had done both. In my conversation with the attorney-general in regard to the resolution which I introduced, and which he himself prepared after we had talked over the whole land situation, I distinctly remember telling him that my interest in the matter had been first aroused by my desire to purchase some of the timber land, and that my coming to him was due to the fact that I discovered upon investigation that I could not buy it through any agency whatsoever; that I could not buy it even by a lawsuit, because I was advised by very able lawyers in the West, among them the Hon. George Turner, of Washington, that in attacking the holders of those land grants no one would have any standing in the court except the grantor, the government itself. (See Nichols v. Southern Oregon Co., Federal Reporter, vol. 135, p. 234.)

I was perhaps disingenuous; but a moment's thought will convince any honest-minded man that—as I had not signed any papers, had not paid any money, had taken nobody's receipt, the usual processes by which one "undertakes" to buy land—I was speaking accurately and not falsely. Everything hinges on the meaning of the word "undertaken" and my use of it. Did I mean to conceal the fact that I was anxious to buy some of this land? Not at all. Did I mean to attack Dorr as a swindler when I myself was engaged in a dishonest and dishonorable transaction? That is what the president would have the people believe. Can I be justly charged with falsehood when if I had told the senate of the entire transaction it would have made no difference whatever, while I would have been charged with intruding my private affairs into a public discussion? Just what law did I break? What wrong did I do or contemplate. According to the report of the attorney-general, in answer to the resolution which I intro-

duced and which passed the senate, Harriman, the president's dear friend, still holds in defiance of law upward of 2,000,000 acres of the best lands of Oregon and California and refuses to sell them at any price. I never expected, and could not under the terms of the law as I construed it, get more than seven quarter sections for myself and family, one for my private secretary, and one for Mr. Lee, making nine in all. This, in the aggregate, would mean that I would obtain through my activity here, as the president's charge is, nine quarter sections, or fourteen hundred and forty acres, at a cost of \$4,500. Will the president undertake to say that I have lost my right to buy land because I am a senator? Can the president deny that my activity secured the passage of the resolution instructing the attorney-general to bring suit for the recovery of this land for the use of actual settlers? If Harriman and others like him are made to disgorge by reason of these suits, shall the fact that I was endeavoring to buy a little pittance of the land be used as the basis of a charge of being a liar and a corrupt senator—to be disgraced?

To sum up, this is a brief resume of the entire transaction: While in Spokane, Wash., in October, 1907, I first heard that there were timber lands in Oregon which were being bought through Reeder & Watkins, of Marshfield. On October 5 I wrote to Reeder & Watkins, asking for information, telling them of my desire to purchase some of the land if possible. Desiring to find out if the conditions of the grant to the State of Oregon made it possible for "purchasers" and not "actual settlers" to buy at \$2.50 per acre, I wired the librarian of the senate for a copy of the act. Finding that that part of the statement received from a gentleman in Spokane was correct, I notified Reeder & Watkins on October 20 that Mr. Lee, whom I had seen at Moscow, Idaho, in the meantime and talked with on the subject, would go to Marshfield and investigate in person. I authorized Lee to draw on me if he found that the lands were what they were represented to be. Lee's authority as my agent never went beyond an examination of the land and, if the application was filed, to see that I would get good timbered lands instead of rocks and marshes. He wired me not to be in a hurry, as there were obstacles in the way. In the meantime I had talked with lawyers who were familiar with the military road land grants, and they informed me that under a decision of the circuit court private parties were not permitted to sue for these lands. Still doubting whether I could purchase the lands with any hope of successful litigation, I wrote to Senator George Turner, of Washington, to get his opinion and incidentally to make inquiry about lands on the Columbia River, in that State. He gave the same opinion that I had already received from the other lawyers.

Realizing after I got to Washington, D. C., in December that it was a very doubtful proposition, I let the matter drop until Mr. Lee showed me a letter from Reeder & Watkins, which has been stolen from my desk in my committee room along with other papers in this case, probably by some of the secret service sleuths, and when they indicated their desire that I should exert my influence in the senate, I wrote the letter of February 15, of which the president obtained a photographic copy. In the meantime and before that letter was written, from my investigations and after a conference with the attorney-general, I introduced the two resolutions of January 31, one calling on the attorney-general for information, and the other (the joint resolution), which became a law, instructing him to institute suits. My official activity then is shown to have taken form in the senate before I knew anything about Reeder & Watkins' attitude or expectations and I was in no way influenced by them.

I was still anxious to obtain some of the land if it could be done legally, and wrote Reeder & Watkins to that effect, but my faith in them in the whole scheme died when I received the circulars of Dorr, which came to me on February 17 and 18 from three different directions, showing the widespread distribution made of them. Also Mr. Lee's report to me had led me to believe that Reeder & Watkins were not of the caliber and character to be employed in a matter of such magnitude, except possibly as to their familiarity with the local conditions and their ability to locate quarter sections which were well timbered, as they were in the possession of a cruiser's map. Dorr, of whom I had never heard before, was evidently pushing his scheme of getting suckers to invest and using my name, as I have in-

dictated, without authority, because I had not paid any fees to him or written to him or filed any applications. I therefore felt it incumbent on me to expose the swindle in the senate, which I did on the 19th of February, and asked the post office authorities to issue a fraud order.

I pressed the passage of the joint resolution in the senate, and on April 30 it became a law. March 18 I was taken ill, and on May 16, after a partial recuperation, I sailed for Europe returning October 31.

The president's sleuths, set to do the dirty work of spying on a senator when that senator had exposed a fraud which was being perpetrated on the public, reported to him on July 27. I had nothing whatever to do with the change in the law of which the president complains in regard to the secret service.

So the president's animus is not against me on the same ground for which he has attacked Messrs. Tawney, Smith and others in the house, but one of personal malice engendered by hatred because of my course in the senate during the last seven years.

I have not attempted to deceive anybody; I have not told any falsehoods; I have not broken any law; I have not been guilty of any immoral conduct. I had the right to purchase the land if I could, but my judgment told me it was unsafe as an investment. I would like to get some of it yet, and if the attorney-general and his successors shall not die of old age before anything is done it may be possible that I will have the opportunity to purchase some of those timber lands of which he made mention in his report. (S. Doc. No. 279, 60th Cong., 1st sess.) Through my action attention has been directed in a compelling way to the need of prompt action by the department of justice. Whether I ever get any of the land or not does not matter if Harriman and others of that ilk are made to disgorge the large holdings which they have stolen and are attempting to hold.

The president says:

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Further, Reeder & Watkins, by circulating a shrewdly worded circular long before Dorr appeared on the scene, sought to make money by having persons pay them \$21 in cash for filing an application with the clerk of the court and tendering to the company \$400 per quarter section, which the law originally contemplated as the price of the land. They were to receive \$100 additional whenever the Southern Oregon Company should convey the title, and they knew that no one could compel this conveyance except the United States government, because a similar case had been decided in the United States court so declaring. (See Nichols vs. Southern Oregon Co., Federal Reporter, vol. 135, p. 234.)

I commenced to investigate on the 5th of October, and I made direct application to Reeder & Watkins, by telegram and by letter, on the 20th of October. Dorr did not appear until early in 1908, as shown by the report of the post office inspectors, and his career as a swindler was brief, as I exposed the whole thing in the senate on February 19. The president had the papers and knew all this. Reeder & Watkins were receiving \$21 for the insignificant work of making a tender to the holding company and filing a notice with the clerk of the court. Dorr was to share in this commission, or whatever you term it, for whatever business he brought, and yet the president would convey the impression that these filings were merely such as are usual in purchasing government land, when he knew, or could have easily found out from the attorney-general, that all such proposed purchasers could not thus bring any suit. In the light of the evidence as presented to the president himself, the scheme was a swindle to obtain \$21 in cash, as must be apparent to all. But the president acquitted Dorr and convicted me. By this time I had found out the legal status, and decid-

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The president's sleuths, set to do the dirty work of spying on a senator when that senator had exposed a fraud which was being perpetrated on the public, reported to him on July 27. I had nothing whatever to do with the change in the law of which the president complains in regard to the secret service.

So the president's animus is not against me on the same ground for which he has attacked Messrs. Tawney, Smith and others in the house, but one of personal malice engendered by hatred because of my course in the senate during the last seven years.

I have not attempted to deceive anybody; I have not told any falsehoods; I have not broken any law; I have not been guilty of any immoral conduct. I had the right to purchase the land if I could, but my judgment told me it was unsafe as an investment. I would like to get some of it yet, and if the attorney-general and his successors shall not die of old age before anything is done it may be possible that I will have the opportunity to purchase some of those timber lands of which he made mention in his report. (S. Doc. No. 279, 60th Cong., 1st sess.) Through my action attention has been directed in a compelling way to the need of prompt action by the department of justice. Whether I ever get any of the land or not does not matter if Harriman and others of that ilk are made to disgorge the large holdings which they have stolen and are attempting to hold.

The president says:

On October 20, 1907, Senator Tillman wrote a letter to Messrs. Reeder & Watkins, of Marshfield, Ore., who were attorneys representing people who were applicants for the purchase of certain land grant land. Dorr was a land agent making his filings through Reeder & Watkins.

This statement is misleading and calculated to deceive. The report of the post office inspectors gives the actual truth. It says:

Among the most active agents in this matter is the firm of Reeder & Watkins, of Marshfield, Ore. Mr. Reeder is a real-estate agent and Mr. Watkins an attorney. They have associated themselves together in locating applicants on these lands.

Further, Reeder & Watkins, by circulating a shrewdly worded circular long before Dorr appeared on the scene, sought to make money by having persons pay them \$21 in cash for filing an application with the clerk of the court and tendering to the company \$400 per quarter section, which the law originally contemplated as the price of the land. They were to receive \$100 additional whenever the Southern Oregon Company should convey the title, and they knew that no one could compel this conveyance except the United States government, because a similar case had been decided in the United States court so declaring. (See Nichols vs. Southern Oregon Co., Federal Reporter, vol. 135, p. 234.)

I commenced to investigate on the 5th of October, and I made direct application to Reeder & Watkins, by telegram and by letter, on the 20th of October. Dorr did not appear until early in 1908, as shown by the report of the post office inspectors, and his career as a swindler was brief, as I exposed the whole thing in the senate on February 19. The president had the papers and knew all this. Reeder & Watkins were receiving \$21 for the insignificant work of making a tender to the holding company and filing a notice with the clerk of the court. Dorr was to share in this commission, or whatever you term it, for whatever business he brought, and yet the president would convey the impression that these filings were merely such as are usual in purchasing government land, when he knew, or could have easily found out from the attorney-general, that all such proposed purchasers could not thus bring any suit. In the light of the evidence as presented to the president himself, the scheme was a swindle to obtain \$21 in cash, as must be apparent to all. But the president acquitted Dorr and convicted me. By this time I had found out the legal status, and decid-

ed, without authority, because I had not paid any fees to him or written to him or filed any applications. I therefore felt it incumbent on me to expose the swindle in the senate, which I did on the 19th of February, and asked the post office authorities to issue a fraud order.

I pressed