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ARRY C. ROBERTSON IS A STRONG WITNESS FOR PROSECU

(Continued From First Page.) the Government tried to show by Judge Tanner that the firm received each month a large fee as a salary from a corpora-tion. It was argued by Mr. Heney that if this testimony was allowed it would be possible to show that there was a steady income. Reasoning from inference there-fore it could be argued that when large monthly dividends came in to Senator Mitchell it would be natural for him to inquire concerning the increase in the trm business. The court, however, refused o allow the Government to have the evito anow the obvernment to have use ver-dence. Arthur Orton, a bookkeeper at the Merchants National Bank, identified a certified copy of the bank accounts of Mitchell & Tanner and of John H Mitchell, truster, as found on the books of the bank. The exhibits were admitted

J. T. Bridges, formerly of the Roseburg Land Office, was called for a minpure to testify concerning the Kribe claims at the time they were filed upon, and then Harry C. Robertson, the ex-private secretary to Semator Mitchell, was called upon the stand by the Government. Robupon the stand by the Government. Rob-ertson was a strong witness for the prose-cution, and did not spare his former pa-tron and friend in telling the story he had to tell. All efforts upon the part of the defense to break him down in cross-examination failed, though it was able to set out in the testimony of T. O. Ab-bott, of Seattle, that Robertson had gated it as his belief that Senator Mitch-ell was innocent of crime, though upon cli was innocent of crime, though upon the stand Robertson denied ever having made the remark. The winness after telling of his early connection with the firm of Mitchell &

connection with the hirm of Milcheil & Tanner and of his employment by Sen-ator Milchell, sold that he had written the original partnership agreement of 1901 at the dictation of A. H. Tanner. The witness had also seen Kribs in the firm

office time and again. Continuing, Mr. Robertson identified the receipt which he had given for the copy receipt which he had given for the copy of the firm brokes sent to the Senator at his request, and also identified the copy as the one he had received. After the Senator had looked over the books, the witness said, he wanted a copy

books, the witness said, he wanted a copy of the partnership agreement. About this time the witness had received a sub-pena to appear before the grand jury, and he asked the Senator why they should want him as a witness. He had taken the summons to Mitchell and asked him why he had been subpensed, and the Senator had said he supposed it was about the firm hooks. The Senator told the witness that Tanner had been before the jury and had testified that the agreement of 1501 gave all of the fees earned before and not testined that the generation of gave all of the fees eartied before departments to himself and not to chell. The Senator said that he and Tenner had taked the matter over and that be thought any means justifiable in defeating the assaults of the unnamable people who were persecuting him. The witness did not want to go to Port-

land, but Mitchell told him to go and to be sure and see Tanner the first thing, get a look at the amended agreement and have Tanner tell him how to testify so that their stories would hitch.

as that their stories would hitch. One day, after Robertson had been sub-pensed. Mitchell had read him a telegram-saying that Tanner and his son wers-threatened with indiciment and wanting to know what Harry said. The witness teld the Senator that Tanner was a blamed fool to send such a measage over the wire. February 10 Robertson had reached Pertinni to appear before the grand jury. He had gone direct from the train to the Hotel Portland, enten his breakfast and reported at once to the office of the United States District Attorney. He had brought the letter to Tanner with blin, but had left it at the Tanner with him, but had left it at the botel in his grip. Knowing that Tanner would try to influence him to perjure himself and fearing that he would not be strong enough to resist. The witness had put off the delivery of the lefter until after he had given his testimony.

How Heney Got the Letter.

Heney, however, had, after the session with the jury, asked him if he had seen Tanner, and he had replied that he was about to go up to deliver a letter he had brought. Upon this Heney said he would allow the witness to go to the notel for dinner, but that he would have form and would take the burycom by an officer and would take the letter away from him. That was the way the Gov-ernment had secured possession of the letter, not through his voluntary surren-



The Merchants National Bank of Porthand, and an identified copies of the accounts of the firm of Mitchell & Tamer and John H. Mitchell, as kept in the defendant, the copies were admitted in evidence over the objection of the defendant, the copies were admitted in evidence over the objection of the defendant, the copies were admitted in evidence over the objection of the defendant, and those checks were readed in evidence heretotore, but the wither the asked me to make a sypewritten copy: that he had miniated bits. That was in Mitchell & Tamer's copy of the saked me to make a typewritten to the state totilled bet and initial bits. That is the time and after hooking it were the state the stiffed that he grand jury before he pleaded guilits in the indictment of perjury.

A. I saw that taken from this envelope | thing in relation to what was wrong in when it was opened in the grand jury the first paper. Objections and Rulings. call your attention to Govern-Exhibit 39. When did you first

Objections and Kullings. Mr. Thurston: 1 am not objecting to what was said there. Q. Was anything said as to what it was in the first paper that was wrong? A. Why, the statement was made in the first paper. Mr. Thurston: No, not what state-ment was made; what was said there. Q. What became of the first paper? A. 1 presume it was thrown in the waste-basket, after 1 had made a new copy making the change. Q. Well, now, what was said in the first paper about this matter that you, were taking of? Mr. Thurston: We renew the same ob-jection.

opened in the grand jury room in Febru-ary, 194 Q. Taken from those envelopes? A. Yes, sir. Q. By whom? A. By yourself (Mr. Heney). Mr. Heney: We will offer the two en-velopes in evidence. The same were received as Govern-ment's Exhibits 38 and 107. Q. You came to Portland, did you, im-mediately after having these conversa-tions with Senator Mitchell? Before the Grand Jury.

Before the Grand Jury.
A. I left Washington on the night of the 5th of February and arrived here on the morning of the 18th.
G. And while here, you appeared be fore the grand jury.
A. Yee, siz.
Q. Did you talk with any flowern-ment officer before going before the grand jury on your arrival here?
A. On my arrival here, I went dimy breakfast. I then reported to the District Attorney's office. I went in the with him, just about my trip and if I was there to report. It would the to be axamined that a little talk with him just about my trip and if I was to be axamined that a little talk of be axamined at once; if mot. I would the to be examined that day I would like to be examined that to here with a little rest.
Q. No. I only want to know what to the adding the subject and in a little bit he came back and in a little bit he came back and at the difference.
What did you do?
A. He told me they wanted me in the. All relations we renew the same op-jection. The objection is overruled. Defendant excepts. A. The first paper was to the effect that he did not know Kribs, that he had never seen him and has never had any conversa-tion with him, and also denying specifi-cally having received the sum of money as published in the morning's paper. The second one that I wrote was to the effect that he had never had any conversa-tion with Mr. Kribs in regard to any land or business matters, and leaving in the same clause denying the receipt of the money.

Cross-Examination of Robertson.

Questions by Mr. Thurston: G. When did you first meet Senator Mitchell? A. I think I met him first in the Spring of 1882

Where, In his office here in Pertland. Was he a Senstor of the United ies at that time? Yes, sir. Ans continued to be so up to March Q.A.Q.

Sighteen ninety-seven. When were you employed in the of-

A. I was first employed in the office of Mitchell & Tanner ph the 18th of August, 191. Q. That was before you had seen Sen-

A. He told me they what he told you. there, Q. Never mind what did you do? A. I went into the grand Jury room. Q. When did you return to Wash-ington, if at all? A. I got back to Washington, I think, the night of the 15th of Febru-

Q. That was before you had seen Senator Mitchell?
A. Yes, sit:
Q. And in what expacity?
A. Stenographer.
Q. How long did you remain as an employe in the office?
A. I was with them continuously up until some time in November, 186. Then I was with them continuously up until some time in November, 186. Then I was to Washington.
Q. How old were you at the time of your first employment in the office in 1891?
A. I was B years old.
Q. What change was made in your relation to the office in your first employment in the time you first went to Washington with Semator Mitchell? Did you leave the office force?

Q. 1

A. I shar that after the envelopes were agened in the grand jury room in Febru-

ary. Q. Did you have any conversation with Senator Mitchell with reference

Robertson had returned to Washington about February 15 and had met the Senator. He had remarked upon the meet-ing that there seemed to be more trouble, upon which Mitchell became angry and swore at him, saying that Robertson and Tenner had entered into a conspiracy to ruin him, and that they were helping the prosecution. Robertson tendered his resignation and the Senator sold he would think of it. Then he asked the witness If he had seen a copy of the genuine agreement, and if it contained the clause about the departmental practice. Rob-ertson said the document contained the clause, and the Senator swore at him again, shook his fast in his face and maid it was a mass of lies. The Senator broke down in discussing the agreement and cried, saying they ought not to prosscute him, as he only got some small checks out of the transactions.

The witness said the Senator made a statement to the press, but that he had told him it was too strong and ought changed. Mitchell sent every one not of the room and nsked why the state-ment was wrong. Robertson advised him-not to make any statement at all, as both knew Kribs to have been a client of the firm. The Senator shook his fist at his private secretary again and told him he was a lisr, that it was all a lie, and he would swear to it on a stack of a thousand Bibles. Afterwards he admitted that he had known Kribs and changed

Cross-Examination Is Severe.

Senator Thurston cross-examined the sitness and handled him severely. He He dwelt upon his service for the Senator and tried to make the witness admit that he had lied to Mitchell about the delivery of the letter into the hands of the Gov-ernment, and in other things, but he was unsuccessful. The witness denied having been met by any Government officials upon his arrival in Portland to go before the jury, and said he had done every-

thing of his own volition. Senator Mitchell and Representative Williamson, the witness declared, had tried to make him give them a written statement of his actions while in Por-land, of those whom he had seen and the conversations held, but he had refused to violate his oath.

to violate his oath. The Government closed its case at 2:45 o clock and the defense was commenced. T. O. Abbott, a inwyer of Seattle; W. H. Odell, of Ssiem; J. P. Fullerton, of Rose-burg; A. D. Stillman, of Pendleton; Will-iam D. Wheelwright and T. B. Wilcox, of Portland, were called as witnesses to show that the Senator did not charge for bla mericas heffers the departments and his agrices before the departments and that he had repeatedly refused fees when offered. Each of the witnesses had at one time or another received valuable ald from the Senator in advancing claims before the departments for them and in each case when liberal fees had been of-fered the defendant had refused them with show of impatience. It is thought that the Senator will be

placed upon the stand this morning, or before the defense is ended, thrugh no statement will be made by the stiorneys. It is expected that the case will go to the Wednesday night at the latest gary hy

FULL STENOGRAPHIC REPORT

June 25, 1995, 10 o'clock A. M. Court met pursuant to adjournment. Artinur W. Orton was called as a itness for the Government and sworn. Is testified that he was employed in

In the indictment of perjury.
Sure Regarding Entries.
On cross-examination, Mr. Tanoer the difference between the proceedings at the date of mail proc. 1994, in ewas register of the Government and institled that from 1941 to Novem the proceedings at the date of the specifier of the proceedings at the date of the marks of the firmerace between the proceedings at the date of the specifier of the proceedings at the date of the specifier Robertson a Witness. Harry C. Robertson, sworn on part f the Government, testified as fol-ows: Direct examination by Mr. Heney: Q. How old are you, Mr. Robert son? Q. How old are you, Mr. Robertson?
A. 1 am 23.
G. Where were you bora?
A. Missouri.
Q. Did you ever live in Oregon?
A. I anve lived here most of the time since 1890.
G. Were you in the employ of the firm of Mitchell & Tanner at any time?
A. I was in the employ of Mitchell & Tanner from some time in August, 1891, almost continually up until 1990.
G. Al what time in 1990 did you cease to be in the employ of the firm?
A. I consed to be in the employ of Mirchell & Tanner from time in August, 1891, almost continually up until 1990.
G. Al what time in 1990 did you cease to be in the employ of the firm?
A. I consed to be in the employ of firm. I think about the §th of March, 1901, although i continued to do their work until the time I went to Washington in November, 1991.
G. Have you been employed in any capacity with the defendant here. John H. Mitchell: If so, what, with him individually?
A. Of course, J was in his employ while I was in the firm, and I anve also been his private secretary from March, 1901.

A. Yes, sir. Q. Did you at that time meet Fred-crick A. Kriha? A. Yes, sir: I have seen him in the office at that time, in the month of Octo-ber, 1961 Saw Kribs With Mitchell.

Q. Did you ever see him in the private filtee, or did you at that time see him in he private affice of John H. Mitchell? A. 1 did yes. Q. Was Senator Mitchell in there at he time? A. He was, yes. Q. Did you see Kribs there on any ther occasion? A. I have seen Mr. Kribs a great many imes in Mitchell & Tanner's office, yes,

times in Milichell & Tanner's office, yes, sir. Q. After October, 100, did you come to Portland at any other time other than when Senator Mitchell came? A. Well, I did not always come with him, but I came out each Summer during the vacation. Q. Did he come each Summer, also? A. Yes, sir. Q. Did you see Senator Milchell here in the Summer of 1902? A. Yes, sir. Q. On that occasion did you see the books of the firm, and I refer particularly to the day book which is here in evi-dence? A. Yes, sir; I have seen the books of

re? Yes, sir: I have seen the books of firm every year we have been out also been his private secretary from March, 1901, up to the 19th of March

here. Q. Do you know whether or not that day book was at any time in the year 1960 or in the Sommer of 1960 when you were here in the hands of the defendant. John H. Mitchell? A. I do. I know that I have brought the books to the Senator for his inspec-tion. of this year. Q. Are you a shorthand reporter? A. I write shorthand, but I do not

 A. 1 write shorthand, but 1 do not claim to be an expert reporter.
 Q. What were your duties while you were with Senator Mitchell?
 A. 1 did his work as private secre-tary, handling his correspondence, do-ing shorthand and typewriting.
 Q. Do you remember the day, the time of nis election to the Senate in March, 1991? the books to the Senator for his inspection.
Q. State what he said in reference to the book and what you saw him do.
A. Well, he made various remarks at the time he was looking them over to the effect that he wanted to look over and see how much business the firm was doing and whether he was getting his proper share, etc. And sometimes he would, in looking over the month, ask me how they arrived at certain figures are would in start, and I have taken my pencil and figured it out for him and showed him.
Q. I hand you Government's exhibit 64. Who signed the name John H. Mitchell there, if you know?
A. 1 did.

That Partnership Agreement.

That Partmership Agreement. A. Yen'sir; I was present at the time. Q. About that time did you have any-thing to do with the preparation of a partnership agreement? I will show you Government's Exhibit I for inspection. Did you have anything to do with the preparation of that particular paper? A. I typewrote that, yes, str. Q. In what way did you get the mate-rial from which you typewrote it? A. Distated to use hy Judge Tanner. Q. Where was that? A. In Milchell & Tanner's office in this city.

Signed at Mitchell's Order.

State under what circumstances you ted that-at whose request. If any-

A. In Mitchell & Tanner's office in this drawn in the signed has a constrained by the second of the secon

Showed Him Subpens. A. I showed him the subpens and asked him what he supposed they wanted me for? He told me he presumed they would want to question me in regard to the firm's business. And I was somewhat surprised at the time. He then stated to me that Judge Tanner had been before with a copy of their agreement of 1901, and told me that the agreement that Judge Tanner had sworn to showed that all fees earned in the departments at Washington belonged to Tanner. I knew there was something wrong when he told me that, and I was perfectly shocked— Mr. Bennett: That is objected to. Let him state what he said and not what he thought. And we ask that that be strick. a. Weit, when he told me that—

thought. And we ask that that be strick-en out? A. Well, when he told me that— The Court: Did you have any conver-sation with him after that? Was that the last thing that occurred? A. No. siz. The Court: Well, go on and tell just what took place, but not what you thought or anything about that. Tell what he said and what you said. Mr. Bennett: The other matter will be stricken out, will it, your honor? The Court: Let it go out, if you think it is material. Q. Confine your attement to what was said by him and by you. Talk With Mitchell.

Talk With Mitchell.

Tak With Mitcheil. A. Well, after he told me that Tanner had been there with the agreement, to the the told me that the told me the told me the departments. I hold to the told me had a tak when he had othere in December, and that the tot here in December, and that the tot here in December, and that the had othere to the conclusion that the had the told me had the the head had the said the said there. I have to him on easked him, what in the world him do. He said the said there is a the head the told me that the had swort to head the told me that the had swort to head the said the said the the had the head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me that the had swort to head the told me the agreement the would tell head the told me the told the told tell head the told me the told tell head the told tell head tell head

Q. Uid he say anything to you about their contract off any other occasion there, prior to that one you have just been tea-tifying about?

Tanker and his son were threatened with indictment by the grand jury in refer-ence. Observed to as incompetent. Overruled, defendant excepts. A -in reference to the firm business, and esking what Harry says. And he timed to me and says. "What do you say?" or words to that effect. I replied for sending any such message over the wire and that I would not answer it. I the dictated an answer to me to the effect that Harry had been subpensed. M. Bennett: We make the same objec-tion to this. M. A -and would leave the next day, and for him to see me immediately on my arrive. That is as near as I can re-mement. We make the sext day. A for him to see me immediately on my arrive. That is as near as I can re-mement. M. Bennet: We make the sext day. M. A wrote if out and sent it. On the and he spoke of sending the letter, he wind it left, when I saw him at his house, and a spoke of sending the letter, he were the work distance. A four the set of sending the letter, he wind it left, when I saw him at his house, and he apoke of sending the letter, he were the work distance. M. Bounet is the same objection to all M. Thener, and read something like the area the telegram; he simply read in the me. M. Bennett: The same objection to all Q. Don't state snything while Sena-tor Mitchell was not present. A. After a bit the Senator came down, and he asked for the statement and I mays it to him. I told him at that time that I thought there ought to be some corrections or changes in it. I wanted to talk to him before he sent it out. He asked me what was the matter with it and i started in to tell him. He then stopped me. Q. What had you said up to that point?

Mr. Bennett: The same objection to all

Mr. recurrence of the anti-this. -Objection overruled, defendant excepts. A. He asked me then if I did remem-ber it; I said I did. That was about all the conversation I remember in reference to the telegram.

Identifies Envelope.

Q. I hand you paper marked for identi-duction, June 22. Eva bearing the printed betterhead "United States Senate," When did you first see that papers. A. That is the envelope that was de-livered to me by Max Pracht shortly be-fore I took the train to come out here in Pebruary to appear before the grand jury.

9 Was anything inside of it to your knowledge, at the time it was delivered? A. I did not know what was in it. It was scaled. Q. Did you subsequently see it opened? A. I did sit, in the grand jury roam. Q. I call your attention to a letter marked "Fersonal and Couldential" in a smalley envelope.

Q. About what was the extent of his correspondence after be returned to the Senate in 1981? A. Well, his correspondence would run quite heavy; some days we would have 96 100 letters; some days we would have 96 1 suppose it would average, perhage 30 letters a day.

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