

# KEELER CHARGE NOT SUSTAINED

## President Disapproves Verdict of Acquittal on Army Officer.

### STANDS BY GENERAL WOOD

Court-Martial in Philippines Held Koehler Not Disrespectful to General, but Roosevelt Approves Taft's Judgment.

WASHINGTON, March 22.—President Roosevelt tonight announced his disapproval of the findings of acquittal in the case of Captain Lewis M. Koehler, Fourth Cavalry, U. S. A., cavalry commander at Jolo, Philippine Islands. Captain Koehler was charged with using disrespectful language in an appeal from the action of General Wood, who reprimanded Captain Koehler for charges against Major Scott, commanding officer at the Jolo military post and Civil Governor of Jolo, and Captain Koehler was charged with conduct unbecoming an officer and a gentleman in making unfounded and malicious statements regarding his commanding officer and with insubordination. The first court-martial sentenced him to be reprimanded, and then a second court-martial, on which today's action was based, acquitted him. The president's order follows:

The proceedings, findings and acquittal in the case of Captain Lewis M. Koehler, Fourth Cavalry, U. S. A., as disapproved by me, I entirely concur in all that the Secretary of War says of Captain Koehler and of General Wood and of the poor showing made by the court which acquitted him in the case.

#### Each Accuses the Other.

Secretary Taft in his letter says: Captain Koehler is an officer with an excellent record for courageous service in the field and for attention to duty. He distinguished himself at the battle of Mount Dajo. Captain Koehler made himself very annoying to Major Scott by insisting that Major Scott should be in his office at certain times and should discharge his duties as a military officer with the same degree of promptness that he would have done had he not the additional duties of civil governor. The friction became so great that Captain Koehler filed charges against Major Scott. Major Scott later filed charges against Captain Koehler. A court-martial found Koehler guilty of preferring unnecessary charges against his commanding officer. In reprimanding Koehler under the sentence of the court-martial, General Wood was in the standard of conduct and upright as they exist in the Army were distorted and made to seem unfair and unjust. He is a man of true soldierly spirit and of high character. In the case he showed him to lack.

Captain Koehler appealed to the Secretary of War, alleging he was practically denied counsel that he was unfairly treated and that the court acted in an unjust manner. He stated that the reprimand was harsh and excessive, and that an application for a court-martial was denied, and characterizing the Department Commander's act as unfair, unjust and illegal. Referring to the reprimand, he said that "the severity, even harshness, of the reprimand shows a prejudice, bias, unfairness and a preconceived conviction that I was guilty as originally charged. He raised and he emphasized at the trial by the feeling that I was helpless and at the mercy of a superior, and that he used every unfair advantage to harm me and to protect his own personal friend, Major Scott."

General Wood called the attention of the War Department to the appeal and submitted the question of disciplinary proceedings. A court-martial was then appointed, which acquitted Captain Koehler. Mr. Taft's letter continues:

#### Koehler's Charges Captious.

I have no hesitation in saying, after a full examination of the matter, that Koehler was guilty of filing captious and unnecessary charges against his commanding officer, and was fully sustained. His appeal in his appeal that he was practically denied counsel cannot be supported. He might have had counsel had he been willing to take any but two separate attorneys otherwise engaged in public business. The charge that the Department Commander was the accuser and prosecutor in the first trial was unfounded or founded only on the evidence. He was directed a court-martial on the charge of Major Scott after an inspector had reported that the charges of Captain Koehler made against Major Scott were unfounded.

#### No Evidence of Favoritism.

I have gone over these matters carefully, for they constitute the whole foundation for the charge made by Captain Koehler that General Wood was unfair and unjust and would renege as to the evidence. Captain Koehler and protect Major Scott. No evidence, other than as stated above in substance, was submitted by the accused in support of the assertions contained in this appeal, except the fact that Major Scott and General Wood had previous friendly associations, in that Major Scott had been upon General Wood's staff and that General Wood had recommended him for the position of Brigadier-General. The mere fact that a commanding officer is a friend of a prosecuting witness does not prove that his action ordering a court-martial or sustaining its findings was prejudicial or malicious. It was in evidence that General Wood had only the slightest acquaintance with Captain Koehler and no occasion for personal feeling against him.

#### Would Have to Condemn.

After much consideration I am convinced that this finding of the court involves affirmative inferences and conclusions of fact that cannot be supported by the evidence. You, as the reviewing authority, are put in this position—that, if you approve the findings, you necessarily affirm or approve the statements derogatory to General Wood contained in the appeal and, if you do not approve those statements, then it would become your duty as Commander-in-Chief to order General Wood before a court-martial for perverting his power as Department Commander to accomplish an unjust and unfair purpose against his subordinate officer. You cannot, in justice to General Wood, find any evidence in the record to sustain the bringing of such proceedings or the finding of a court against him.

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To cure your cold in 24 hours, take Laxative Quinine Tablets according to directions; 25c at trust drug stores; here, **15c**

Trommer's Malt with Cod Liver Oil, 79c  
Phillips' Emulsion of Cod Liver Oil, 79c  
Same, 50c size for, 40c  
Warner's Safe Rheumatic Cure, 25c  
Beveridge's Citrate Lichia, bottle, 15c  
Henderson's Pile Ointment, box, 15c  
Saban's Rheumatic Cure, 50c size, 25c  
Aspetine Catarrh Cure, 50c size, 25c  
Sloan's Liniment, 100c size for, 75c  
25c Baby Soothing Syrup, 15c

**25c ESPEY'S CREAM FOR 16c**  
25c Shaving Brush, special, 12c  
Borated Baby Talcum Powder, 4c  
Liquor Tooth Wash, special, 4c  
25c Rosewood Hair Brushes, hand-drawn bristles, extra value, 50c

### Children's New Coats for Spring; \$10.00 to \$20.00

The School of Style displays today the new high-class tailored Coats for Spring wear for misses from 8 to 16 years; made of plain and fancy materials, in styles as jaunty and girlish as they are smart and stylish.

20c SCHOOL HOSIERY AT 12 1/2c  
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### TOILET NEEDS—SPECIAL

25c Imported Tooth Brushes, 15c  
25c Woodbury's Soap, 16c  
25c Sheffield's Tooth Powder, 12 1/2c  
15c Zlocet Toilet Paper, dozen, 45c

**LARGE BATH SPONGES, 7c**  
White Rose, Glycerine, Oatmeal and Violet Soap, 45c  
dozen, cake, 5c  
50c Shoe Brushes, large, 25c  
50c Cloth Brushes, large, 25c  
25c Japanese Nail Brushes, 18c  
50c French Perfumes, all odors, oz., 25c

### TELLS HOW HE WAS BRIBED

(Continued From First Page.)

sey's money. I tell you, it seemed a big pile for a poor man and, as I know everybody else was in the same boat with me, I couldn't see any reason why I should give any of it back. But, as I was a member of the administration, I immediately determined to vote as the administration wanted.

#### Fire Burns Up Gift Money.

"So, when the time came, we all voted for the Home franchise. And a few days later 'Big Jim' Gallagher came to me and said: 'Tom, this is yours,' as he handed me an envelope containing \$3500 in currency.

"You see, I had a lot of paper money in my house down south of Market street at that time, and, like an act of God, the fire came along while I was in San Jose attending a convention with Abe Ruef. When I got back my house was gone and so was most of my money. It was a hard blow and it seemed like fate.

#### That Trolley Franchise.

"We were all very much depressed for a week or so and then everybody seemed to have Indian information about the overhead trolley franchise. Now, let me tell you that not a member of the board ever spoke about the trolley franchise to me up to that time. Finally the matter was publicly announced by some one, I can't remember who, and there was a great deal of talk and argument about it. But there never was a word said about money or a bribe fund. Every one of us took it for granted that the administration wanted to give Calhoun everything he desired.

"Of course, in our hearts, we knew that somebody was going to get a lot of money for the granting of that franchise. But, as we had always been given our bit by 'Big Jim' Gallagher in the past, we felt certain that the same method would be continued after the fire as before the fire. And while a number of people may imagine that there were a lot of arguments pro and con bearing upon the matter, let me tell you that there wasn't a word spoken upon what we were to get at the Sunday caucus preceding our vote.

"Of course, there was a terrible rumpus about the thing, but nobody seemed to care. We all felt that we would be protected and that there wasn't an earthly chance of anybody getting the goods on us. When the storm subsided, 'Big Jim' Gallagher again came around with the bribe money.

"Subsequent holdups were small affairs. Of course, you know about the unfortunate affair over the skating rink, in which the scoundrel Ruef betrayed us. Then there was the oil-burner ordinance and a few other things that don't amount to much. That is, they didn't amount to much in a financial way.

"But now the jig is up, and I know that I'm in a mighty bad way. I've lost my reputation, I've ruined my family, my health is shattered and I haven't long to live. It's the old story of blood money and God knows as I'm telling you this, I wish I were back on the bakery wagon.

"I don't like to be put down as an informer, because in the country I came from informers are despised. To tell of a crime there—I mean a political crime—is worse than its commission. They have tried to make it appear that I was the first to let the cat out of the bag, but that isn't so. Others informed before I did. What I told and am telling was to save my liberty.

"Neither Ruef nor 'Big Jim' Gallagher would go to jail for me or mine, so why should I go to jail for them?"

#### Bribers Worse Than Receivers.

"God knows I have brought enough disgrace on my family, and my poor old father, who is over 80 years of age, is prostrated. All I ask is to be free for the little while I am to be with my people and I hope that God will forgive me for what I have done. But there is one thing you can set down as coming from me, and that is, that the people who give bribes are worse than the people who take them. I was poor and never fully realized the enormity of my crime until the last few days. Back home they used to say:

"It's a fine thing to be poor and honest and proud."  
"I guess they were right."

### Ruef Preparing Statement.

To the Associated Press, Abraham Ruef said today that he is considering the preparation of a statement to the public and he declared that when he tells his story, it will contain sensations equal to the disclosures made by the alleged confessions of the Supervisors. He expressed the opinion that the investigation now going on was in furtherance of an organized attempt to seize the municipal government and asserted that it was "government by indictment" instead of "government by judgment."

The 65 charges of bribery against Ruef were today assigned by Presiding Judge Coffey to Judge Dunne's department of the Superior Court. They will be placed on the calendar tomorrow and arraignment set for some day early next week. To avoid possible conflict between the Chief of Police or Sheriff and Elisor Biggy, no bench warrants will be issued on these indictments.

It may be the irony of fate that the former residence of Mayor Schmitz, in which he resided when elected an often entertained and dined Ruef, and where the Mayor and the political boss laid many of their political campaign plans, may become Ruef's prison for some months. The present owner is attempting to rent it to Mr. Biggy as a place of detention for Ruef when he takes the latter away from the St. Francis Hotel.

#### Why Supervisors Are Not Removed.

The true reason for the determination of the prosecution to take no immediate steps towards removing from office the Supervisors was disclosed this afternoon. District Attorney Langdon stated that, in order to remove them, it would be necessary to prove the charge made against them. This would compel the prosecution to bring forward all its evidence and thereby disclose its entire hand before the trials of those who are or will be indicted. Assistant District Attorney Heney declared that the Mayor, having the appointive power to fill the vacancies created by the removal of the Supervisors, might fill them with men on whom the investigators had no hold. To overcome this obstacle it would be necessary first to remove the Mayor, and this, Mr. Heney admitted, the prosecution was in no position as yet to do.

It also developed that the District Attorney's office would run counter to the same law that defeated the attempt of Ruef and Acting Mayor Gallagher last fall to remove Mr. Langdon and put Ruef in his place. While summary proceed-

### Care in Guarding Jury.

The same care and watchfulness that has marked the custody of Ruef will be exercised in guarding the jury against any possible outside influences when his trial begins. Instead of a bailiff, or the Sheriff having charge of the jury, Mr. Langdon stated today that the jury will be placed in charge of Mr. Biggy.

This is said to be the first time in the legal history of the United States that an elisor has been appointed by a court to apprehend a defendant and given such power to keep him in custody during the trial. Up to the present time the ordinary function of an elisor has been perfunctory and his appointment was usually for the purpose of drawing, returning and taking charge of juries when the Sheriff or other proper officers were disqualified. The present appointment of an elisor extends only to the charge of extortion for which Ruef is on trial, and does not apply to the other indictments. In order to reapportion the elisor to take charge of Ruef during the trial of the other charges, it will be necessary for the prosecution to show again that the Sheriff and other regular officers are disqualified.

#### Diffension Among Ruef's Lawyers.

The report that there is diffension among Ruef's attorneys seems to be borne out by the fact that they no longer confer with him together, but visit him singly. Ruef was in much better spirits this afternoon. He submits gracefully to the restraint placed upon him and expressed his appreciation of the courtesies extended to him by Mr. Biggy and his guards. When told that Mayor Schmitz's former residence may become his temporary prison, Ruef jokingly said:

"Why not take my house. I offer the elisor my home for the purpose."

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## CALHOUN TO TELL HIS STORY

### Ruef Preparing Statement—Why Supervisors Still Hold Office.

SAN FRANCISCO, March 22.—It was stated today at the Prosecuting Attorney's office that P. A. Calhoun, president of the United Railroads Company, would upon his arrival here from New York be given an opportunity to appear before the Grand Jury in connection with that body's investigation of the alleged bribery of the Board of Supervisors in the matter of an overhead trolley franchise granted the United Railroads Company last May. From the same source it was also learned that a number of secret indictments which have not even been trusted to the secret file for fear that their contents

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