

BALLINGER'S RULE OF LAW DEFENDED

Contrast With "Garfield Policies" Drawn in Closing Argument of Counsel.

POSITION IS FORTIFIED

Revenge Sought by Men Disappointed in Own Ambitions—Pepper and Brandeis Disagree in Their Estimates.

WASHINGTON, May 27.—With the attorneys on one side attacking Secretary Ballinger as a man unfit to be at the head of the Interior Department and with the leading attorney on the other side defending him as denouncing his accusers, whom he termed the "Glavis-Garfield-Pinchot group," the Ballinger-Pinchot investigating committee listened up again today to the case by counsel today. The arguments probably will be concluded tomorrow.

Brandeis and Pepper told the committee they had produced evidence which they said established that Ballinger was not "vigilant" and "resolute" in resisting the aggressiveness of special interests and that his course had been characterized by a lack of fidelity to the public interest.

Ballinger True Conservationist. Vertrees' reply was that Mr. Ballinger was as much of a "conservationist" as anyone, in a proper sense, but he did not belong to the "Pinchot brand of 33d degree conservationists who have gone to seed on conservation."

The lawyers for the "prosecution" finished their speeches, but Vertrees was hardly launched on his argument when the committee adjourned. He will conclude tomorrow. Brandeis and Pepper will make short arguments in rebuttal.

It was his "constant yielding under pressure" that Brandeis thought most unfitted Ballinger to carry forward the broad policies of conservation. Pepper advanced as the reason "Ballinger should be supplanted as Secretary" that during his regime there "had been no administration worthy the name, but a series of acts unwisely and unbecomingly, to no principle of action, and a cause of embarrassment to the President and of injury to the public."

Reign of Law Defended. Vertrees said that Ballinger was to be commended for the so-called "Garfield policies" he had reversed and contrasted ex-Secretary Garfield with Ballinger. He said that the former thought that he had the right to do what he did, while Ballinger always was guided by law in his official acts.

Defending Ballinger's action in restoring waterpower rights withdrawn during the last days of Garfield's administration and in subsequently withdrawing them, Vertrees said that Ballinger merely carried out the wishes of the President and that he was fortified in the construction of the law by the opinion of the law officers of the Government.

When the ambitions of Pinchot and Garfield were shattered, Vertrees said, "then revenge took the place of good intention and they endeavored to drive down the man that was doing the thing he thought was right."

Glavis and Kerby Denounced. Vertrees indulged in a scathing denunciation of Glavis and Kerby, referring to the latter as "that creature Kerby." He said Pinchot had testified that he knew of nothing himself to substantiate charges he preferred against Ballinger.

"It remained for this hireling of the Glavis-Garfield-Pinchot group to insinuate and intimate what they did not dare to charge and could not prove," exclaimed Vertrees, shaking a finger at Brandeis.

"Right or wrong, a Cabinet officer who carries out the policies of his chief is not to be censured before the Nation," said the speaker. "Do not misunderstand me as merely insisting that I should deal with this matter solely because Mr. Ballinger was carrying out the judgment of the President. Not that I say that his construction of the law was correct, he is fortified and protected by the law officers of the Government."

Brandeis Defends Kerby. Brandeis, counsel for Glavis, declared that Ballinger was not a man to be depended on to carry out the policy of conservation. He painted Glavis as "the ideal public servant," and Pinchot as "a man of character so high as to be above suspicion of any wrongdoing."

He vigorously defended the action of Frederick M. Kerby in making public information of the Interior Department, bearing on the preparation of the law memorandum and said:

"To criticize Kerby for this act involves a total misconception of the nature of our Government. The Secretary of the Interior, the trustee of the public domain, should have the ability to stand up against everyone and should be vigilant."

"Would anyone think of dubbing our present Secretary, 'Stonewall Ballinger' instead of being unwavering, he inclines to pressure, inclines to it not only in acts, but also in statement, he is written or spoken?"

Brandeis accused Ballinger of planning to grant patents in the Cunningham cases upon the removal of Glavis. He declared that the Secretary had violated the rules of ethics in "capturing" the knowledge he had obtained when Commissioner of the General Land Office.

Glavis "Victim of Lawler." The speaker said that Glavis was a victim of Lawler, who had a special grudge against him. Up to that time Glavis had uttered no word of criticism of Ballinger or his other superiors. He added, "I have no doubt."

"But for this investigation Glavis—the ideal public servant, competent, faithful, zealous—would have been permanently contented and held up to public disgrace—without a hearing—without even knowledge that charges had been preferred against him. He needed this investigation to give him an opportunity to answer the groundless charges by which the President was misled."

Pepper said that Pinchot had raised no question as to the propriety of his dismissal. He declared that it had established three points—first, that the course pursued in the Interior Department had been characterized by a lack of fidelity to the public interest; second, that Ballinger was not merely officially, but actually, responsible for the entire series of unhappy events, and third, that the President would never have found himself committed

EXPEDITION WANTS FOR RIVER TO OPEN

En Route to Scale Mount McKinley, Explorers Reach Cape Gore on Cutter.

BOAT SET UP AND TESTED

Talkeetna to Be Reached by Steamer June 10, and Party Expects to Begin Ascent by July 1, if Weather Is Favorable.

BY C. E. RUSK, LEADER OF MAZAMA EXPEDITION TO MT. MCKINLEY.

PORT GRAHAM, Alaska, May 8.—Nine miles of heaving, tumbling, billous waters! Such was the path over which the staunch little cutter Tahoma brought us from the North end of Vancouver Island to Cape Gore, Alaska.

The Tahoma spent April 23 at Nanaimo, B. C., coaling. We got away early the 26th and had a delightful run up through the Straits of Georgia. Our boatmen were much interested in the beautiful snow-capped peaks on either side of the strait. Especially one fine mountain on Vancouver Island attracted our attention. It appears to be inaccessible from all sides.

At 2:30 P. M. we passed through Seymour Narrows, a narrow strait only about 400 yards wide, with a dangerous reef in the center. The passage is safe only at "slack water." Several wrecks have been lost, the first Government ship that ever attempted to go through being one. The revenue cutter Bear was badly damaged there several years ago.

We anchored for the night at Port Harvey, B. C., a fine little land-locked haven. We weighed anchor early May 1. The straits along here put us in mind of the scenery of Lake Chelan. The forenoon's voyage was pleasant and thorough smooth waters. Between noon and 1 o'clock we stood out to sea from Triangle Island, and for three and one-half days we sailed through the grand testing seas with low-lying clouds on the horizon.

On the afternoon of May 4 we were interested in seeing several schools of whales. That night we "lay to" about 30 miles off Cape Gore. The wireless got into communication with several vessels along the coast. Captain Quinn decided to turn in to Port Dick and wait for it to be sighted through the grand testing seas of Alaskan mountains with the snow coming right down to the beach. A brisk wind began to blow off shore, but a quiet harbor and felt no effects from it.

Cool and Rojeck could not restrain their enthusiasm and were put ashore. They tramped several miles through the rain and came back thoroughly wet and happy.

Next morning we ran to Port Graham through a driving snow storm and a blustering sea. As we entered Kocok Inlet it cleared sufficiently for us to get a view of the grand testing seas, the snow-capped mountains and Redoubt. From Hiamna we could see small clouds of smoke floating away into the air. Hiamna resembles our Oregon and Washington peaks—Baker, perhaps, most of all. Through our glasses we can see great snow-capped mountains and a great mountain of the great mountain we are seeking.

Port Graham is a fine little harbor with deep water. The Tahoma dropped anchor just before noon. We ate our last lunch with the hospitable officers and at 3 o'clock were put ashore with all of our belongings. Captain Quinn and his crew and every member of the crew have not only done everything in their power to see us and make things as comfortable for us, but have also taken great interest in the success of the expedition.

Ship's Carpenter Helps. The ship's carpenter, Mr. Russell, under direction of the captain, took our river boat in hand and put it into excellent trim for its hard battle with the river. In countless other ways did these men win our gratitude.

J. W. Alley, who keeps a general merchandise store here, has made us comfortable in his large tents and is furnishing us with the best that the land affords. We probably shall be here 10 days.

The river steamer Alice is here and will leave in 10 days or two weeks for the Sushitna River for her summer's run. This boat will take us to Talkeetna, the mouth of Chulitna River. Up the Chulitna we shall proceed with our boat to Ruth Glacier, a distance of perhaps 20 miles. We shall reach Talkeetna possibly about June 10, leaving 20 days in which to cover the remaining 40 miles to the mountain, from where the ascent will begin July 1, if weather conditions favor.

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RELIEF IS NOT OBTAINED

(Continued From First Page.) demands of the section most vitally concerned over the proper use and development of the remaining natural resources.

Land Laws Stumbling Block. But there has never been a time since Congress convened when any serious attempt was made to get the Western delegations together. There are diverse views among these Senators and Representatives as regards the public land laws.

Some hold that the present laws are adequate; others would go the extreme advocated by Pinchot, but the majority would favor various forms of compromise. Yet no compromise was attempted; each man acted for himself, and when the West came forward with a great diversity of opinions, the East felt it could not undertake to follow the West, and determined to follow Pinchot, who, while a theorist, had a plan which he was able to present in a seemingly logical way, and that was more than the West ever attempted.

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Allen's Foot-Ease is antiseptic powder. It cures painful, smarting, nervous feet and instantly takes the itching, burning and burning. It's the greatest comfort and recovery of the feet. Allen's Foot-Ease makes light of new shoes and old shoes. It is a certain cure for sweating, callous, swollen, tired, aching feet. Always use it to break in new shoes. Try it today. Sold everywhere for 25 cents. Use it to break in new shoes. Don't accept any substitute. For FREE literature, address Allen E. Olmsted, Le Roy, N. Y.

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