

DEFENDANTY WIFE IS NO TWEEDER

Indictments Are Expected to Follow Upon Report.

LACK OF SYSTEM DEPLORED

Methods Praisd in Keeping Books at Prison Said to Be Unbusinesslike; Change Is Urged.

(Continued from First Page.)

Years past have been largely responsible for all the turmoil, strife, and agitation in prison matters.

Here the report goes at length into the bad conditions of the buildings at the prison, its unsanitary makeup and its general foul sanitation, as a detriment to the prisoners, and in a general way condemning the prison buildings.

Generally the management of the farm and dairy has been slovenly and careless and inefficient, says the report. The penitentiary farmer has been retained at the request of the Governor, and the warden has not been able to dictate to the farmer the employment of a successful farmer is recommended in this department.

Referring to the bookkeeping, the report says, in part:

"The bookkeeping methods, with the exception of those employed in commissary, are antiquated and grossly inadequate, inefficient and costly in the affairs of the penitentiary generally. The financial matters of the inmates, as well as of the penitentiary at large, are kept in good order only by the constant vigilance kept for each department. Articles of expense are charged to accounts, the heading of which, in many cases, do not indicate their contents. Expenses items of widely different natures are at times placed under one heading; likewise, in some instances, there is an unnecessary classification and division into small accounts of items that logically might be classed together. On the whole, it is practically impossible to learn the cost of any department."

Keller Is Seized.

Turning his attention to Parole Officer Keller, the report says: "The active disturbing element at the Oregon State Penitentiary since the administration of B. K. Lawson is the present parole officer. He is the active head of a system of espionage, clandestinely reporting to the Governor on prison matters without the knowledge of the various wardens and in such a way as improperly to reflect on and to undermine the authority of the warden."

"His active influence over the Governor has had a demoralizing effect on the administration of the penitentiary during his incumbency."

"His pernicious intermeddling in prison affairs has resulted, not only in an increased expense of maintenance, friction, strife and dissension among employes and disloyalty to the warden among guards, but also frequently injurious to convicts."

"In his efforts to discredit the warden, he has caused certain convicts to be informed and to believe that they would never be paroled while he was in office, thus creating a state of mind causing them to violate their trust and to escape."

"Men who incurred his personal hostility by their loyalty to the warden were vigorously opposed before the parole board."

Alleged Methods Bared.

"Although the present law limits his duties to looking after the parole, the parole board has permitted him to use up the powers of warden as looks to him for advice. He writes up each case for the parole board, giving his personal recommendations on each man, which are generally followed. Not only are his recommendations in regard to revocations of paroles and conditional pardon final and unchangeable, but the Governor, but it is in his power to stop the issuance of a parole even after the same is recommended by the parole board."

"Model prisoners, with insignificant crimes, have been unable to receive consideration by the board for apparently no other reason than being too friendly with the warden, while those who have made no effort at being model prisoners and have served only a short time on grave offenses get by if they are on good terms with the parole officer."

"His nearly arbitrary power wielded through the innocent agency of the Parole Board at executive offices are now, and long have been, a menace to prison discipline. Employees at the Penitentiary friendly to him have had their pay raised by the Governor, and some of them several times, even in spite of objections of the warden, while those unfriendly to him have been dismissed by request of the Governor, or have been forced to leave the service by reason of being compelled to work for the old scale of pay, while others were raised several times."

Secret Reports Alleged.

"Some of those who still remained and were loyal to the warden have been misrepresented in secret reports which he carried to the Governor's office."

"Warden B. K. Lawson was dismissed by the Governor for refusing to appoint him as parole officer. Wardens H. C. Minto informed several of his friends that either he or the parole officer would have to leave the prison, and that there would soon be a change before the Governor, or whether he or the parole officer was running the Penitentiary, but this warden's untimely death prevented the administration of Warden J. W. Minto practically the same as he has the present warden. Although his official duties have no connection with secret reports, with the prisoners at the Penitentiary, it is common knowledge among both inmates and employes that in matters of difference, secret reports are made and the various wardens, the parole officer has invariably been supported by the Governor, thus virtually constituting the Governor's office at the Penitentiary and making a figurehead of the warden."

After pointing out that Parole Officer Keller has failed to report to the Governor the prisoners' loan fund by paroled men, stating that at least \$10 was not accounted for, the grand jury strongly condemns any solicitor or money for the Governor or employes of the Penitentiary from any convict, whether in the prison or on parole. "This practice," continues the report, "is particularly vicious where no method is available of checking up the correctness of accounts and is conducive to creating a feeling of doubt among the prisoners as to the integrity of the officials."

"It is apparent that the Parole Board has adopted the present parole officer as its official advisor. Wardens H. C. Minto in every such case, and his personal views are invariably injected into it; in spite of the law dictating his duties as pertaining to convicts after they have been paroled. Because that time prisoners legally are and

morally should be entirely in the care and charge of the warden.

"It is common knowledge at the Penitentiary among paroled men that the parole board has little to do with one's getting out. In fact, it is the belief of most prisoners that recommendations by the warden, based on good conduct, is a detriment when it comes to getting out, as it is almost impossible to get a parole over the wishes of the parole officer. In fact, he freely boasts of this arbitrary power to the prisoners, and they know from experience that he has and can make his threats good. They know that even if they get the recommendation of the Parole Board that he can still go to the Governor and stop the parole, as has actually been done."

Parole Officers' Views.

"Then, even after they are signed by the Governor, he has the power of recommending a revocation, which recommendations are usually followed. This power in the hands of one not responsible to the warden is vicious and has already undermined the administration of three good wardens."

"Several cases have come to the attention of the grand jury where prisoners have no personal friends to intercede for them, or for perhaps other reasons, have not been able to secure consideration by the Parole Board in some of these cases, the offenses have been insignificant and the terms they have served have been grossly out of proportion to the time served by other prisoners. It is urgently recommended that these cases be brought to the attention of the Governor by the Parole Board."

Parole Methods Secured.

"At the present time, most of the parole violators who have left the state are returned by the parole officer personally. In some instances these men have lived in other states, for a considerable period of time as useful citizens and in some instances, have done no more than to leave the state without permission of the parole officer."

"It has been contended by some prisoners that their paroles had been revoked at the recommendation of the parole officer, principally in order to furnish a trip for the parole officer at the state's expense. No evidence is available that such is the case. However, the practice is bad and it is recommended that these people be returned by others than those directly having it in their power to order their return. The expense account of the parole officer for returning a man frequently amounts to several hundred dollars, and such a practice leads to suspicion on the part of the inmates, the penitentiary and leads them to distrust the officials of the state, even though their actions are based on proper motives."

State Is Suggested.

"To insure future harmony at the Penitentiary and to prevent needless turmoil and strife in regard to who is the active head of the institution, the grand jury recommends that the warden or thewarden should appoint the parole officer, so that there can be no question in regard to who is the superior authority. This grand jury recommends legislation providing that the warden hereafter shall appoint a parole officer and that he shall be responsible to the warden."

"It is with regret on the part of the individual members of the jury that we report some of the matters contained herein, particularly as they pertain to the Governor of the state and to the parole officer. Individually, it is our profound belief that the Governor of Oregon has acted in prison matters acted in good faith and with the best motives, but relying implicitly on the advice of the present parole officer, who is frequently being misled to the detriment of the state and to the parole officer. This grand jury, in making this report, is prompted only by the mandate of the state law mandating the official duty of the grand jury, and by their oath to public justice, and by their oath of office and by the seriousness of conditions. We have reported facts plainly and frankly as we found them. The Oregon State Penitentiary and the parole system are directly connected with the administration of justice to those convicted of crime. Justice cannot be done unless the system is free from the devious byways of friction and turmoil that have existed at the Penitentiary and in the parole system."

District Attorney Gehlar of this county has been in charge of the investigation, and members of the grand jury are George W. Gibbons, foreman; J. M. Hollingsworth, James P. Cooper, N. J. Galien, B. S. Drake, J. H. Small and E. M. Lafora.

Warden Murphy, of the State Penitentiary, has been the key of the prison today to Deputy Warden Burns. Murphy stated he will locate in Portland, but did not say what he will do there.

GOVERNOR IS NOT SURPRISED

Grand Jury Report as He Expected.

Declares Executive.

SALEM, Or., Dec. 3.—(Special.)—The report of the grand jury is just what I expected. The impressions which I gathered when the questions asked and the attitude of the jurors was that the report would result in a whitewash for Murphy," said Governor Withycombe tonight after making a strong examination of a copy of the report of the jury.

"Murphy has had the fullest control of the prison. Not a single man has been requested to be kept at the prison without his fullest consent. When he peremptorily discharged the deputy warden for what I considered insufficient cause and when he called his attention to the fact he readily agreed to retain him in the service."

Hood River Burglars Expert.

HOOD RIVER, Or., Dec. 3.—(Special.)—While he has no clue, Sheriff Johnson believes the Saturday burglary of the safe at the Pine Grove store, owned by A. P. Bickford, former Portland merchant, to have been the work of experienced thieves. Several weeks ago the safe at McIsaac's store at Parkdale was burglarized. The burglars secured approximately \$600 at Pine Grove, about \$150 being in Liberty bonds, war savings stamps and cash, and the rest in checks.

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Heavily Timbered Section in Siletz Reservation Alleged to Have Been Fraudulently Obtained.

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The United States Judge Wolverson in the Federal Court yesterday. The land involved in the litigation is heavily timbered, is located in the Siletz reservation in Lincoln County, and figured conspicuously in Oregon's celebrated land-fraud trials a dozen years ago.

John L. Waseron, of this city, ex-state commander of the G. A. R., was the chief witness for the Government yesterday, although the prosecution of the suit against Jones was held with a lengthy deposition from Thaddeus S. Potter, a former business associate of Jones, in support of its contention of a conspiracy between Jones and several old soldiers whom he induced to file upon the lands to some of which he afterward acquired title.

Old Soldiers Aided in Filings.

Mr. Wells testified that in 1906 for a consideration of \$5 each, paid by Jones, he induced a number of old soldiers to file upon quarter sections of land in the Siletz Reservation. Jones, he explained, was that under the terms of a contract entered into between Jones and the entryman, Jones agreed to pay the filing fee, the expense of visiting the land, constructing a cabin and making all improvements, and upon the completion of final proof to secure for the entryman an additional advance of \$200 and to accept in return a mortgage covering the land as of all such advances.

On cross-examination by John H. Hall, who, with Jay Bowerman, appears to be the attorney for Jones, it was nothing in the terms of the contract between Jones and the entryman that obligated the applicant to dispose of his land to Jones and to give him the privilege of visiting the land, said Wells, to make such other disposition of his land as he pleased, subject to the mortgage held by Jones. In fact, Wells declared that five of the nine entrymen whose claims are involved in the pending suit actually sold their land to other parties because they were offered a better figure.

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