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PORTLAND, OREGON, SUNDAY MORNING, JANUARY 5, 1908.

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## HENEY IS READY TO PROVE CHARGE

Defies Fulton to Sue Him for Libel.

OFFERS TO PROVE CORRUPTION

Senator Again Gives His Accuser the Lie.

DENIES HE HAS EVIDENCE

Prosecutor of Land Thieves Quotes Magazine Article as Proof—Says He Can Convict Fulton, as He Has Other Men.

### HENEY-FULTON CONTROVERSY.

Henev's Reply to Fulton's Letter.—I will stand for every statement regarding Senator Fulton I have made for publication and will support my charges when the proper time and opportunity arrive. If my statements are not true, the accuracy of similar charges published in articles in the American Magazine and Collier's Weekly can be tested by Senator Fulton by a libel suit.

Senator Fulton's Rejoinder.—I called for facts from Mr. Henev, but he has none to substantiate his vile insinuations. I denounced him as a liar and he has now written himself down as one by failing to submit any statement of facts.

TUCSON, Ariz., Jan. 4.—(To the Oregonian.)—It is not easy to answer a letter which I have not read and I will not attempt to do so. Lincoln Steffens' articles on Oregon land frauds, published in the American Magazine, and several articles in Collier's Weekly make statements about Senator Fulton which are libelous, if not true, and which charge him with acts which would be construed as corrupt. If he denies their truth, I suggest that he test their accuracy by a libel suit.

Any and every statement which I may have made about Senator Fulton for publication I am prepared to substantiate with legal evidence when the proper time and opportunity arrive.

In the meantime I call attention to the fact that Mitchell, Williamson, Jones, Mays, and even Pater, of Oregon, and Abe Ruef, Eugene Schmitz and Louis Glass, of San Francisco, each vehemently denied that he had committed any wrong and challenged me to produce any evidence thereof. I have made good on each of them and I will just as conclusively make good on Senator Fulton as to any statement which I have heretofore given out against him for publication.

FRANCIS J. HENEY.

DENOUNCES HENEY AS A LIAR

Fulton Says His Accuser Has Not Substantiated Charges.

When shown the foregoing dispatch last night, Senator Fulton said:

"I called on Mr. Henev for facts; of course, I knew he had none to substantiate his vile insinuations. I denounced him as a liar and he now writes himself down as one, as he fails and refuses even to attempt to submit any statement of facts."

BASIS OF HENEY'S CHARGES

Fulton's Agreement With Mitchell to Protect Brownell and Campbell.

By a signed statement, published in The Oregonian yesterday, in which Senator Fulton demands that Francis J. Henev substantiate the aspersions cast upon him, the Senator has renewed public interest in the controversy between him and Mr. Henev and the charges that the latter has been unable to prove. While there are undoubtedly matters of

longer standing that have caused the resentment of Mr. Fulton against Mr. Henev, the direct reason, and that to which the Senator refers in his statement, was an interview with the distinguished prosecutor that appeared in The Oregonian December 17.

The assertion to which Mr. Fulton took objection was contained in a lengthy interview. In this Mr. Henev was quoted in regard to the present status of the land fraud cases and a brief review of his work in connection with the prosecution. In speaking of conditions at the time he had Mr. Bristol appointed United States District Attorney, Mr. Henev was quoted as saying:

"It should be remembered that at that time one of Oregon's Senators was convicted; also one of its Representatives was under two indictments, and that I had evidence to prove the other Senator corrupt and engaged with a corrupt deal with John H. Hall, United States Attorney, to shield land crooks from indictment. Under these circumstances, Oregon



Dr. David Starr Jordan, whose attitude on modern Greece is bitterly resented.

was without creditable representation in Washington."

As Mr. Fulton was "the other Senator" referred to in this interview, it is this that has brought a challenge for direct proof. Mr. Fulton has branded it as "a malicious lie," and Mr. Henev, in the above dispatch, declares he is ready to prove the truth of his assertions in regard to Senator Fulton.

In connection with this clash between Mr. Henev and Mr. Fulton, reference has been made to several articles on the Oregon land fraud situation that were published in Eastern magazines. One of these was a serial in the American Magazine, by Lincoln Steffens, under the title, "The Taming of the West." The other appeared in Collier's Weekly for December 8, 1906, and was unsigned. It was entitled, "Fulton, of Oregon," with a sub-heading, "The Story of the Senator's Attempt to Protect Two Political Friends Who Were Involved in the Land Frauds." There is a general impression that the material for both articles was furnished largely by Mr. Henev, and the statements of Mr. Henev indicate that he is ready to stand behind the references made to Mr. Fulton.

Lincoln Steffens' article in the American Magazine is a detailed review of the Oregon land fraud trials and the circumstances leading up to them. The first installment was published September, 1907, and the remainder in the following issue. The first conspicuous reference to Mr. Fulton in the publication of a portion of the now famous letter from Senator Mitchell to George C. Brownell, under date of January 18, 1904. This letter, in the American's reproduction, was signed by Senator Mitchell, with an added line saying: "I have read the above and fully concur in it."

(Signed) "C. W. FULTON."

In the reproduction of this letter, reference is made to the then District Attorney, John H. Hall, and a portion of the letter is as follows:

"I have received your several dispatches since Hall left Portland and both Senator Fulton and myself have done everything in our power to protect you, and also Campbell—who is also under the ban of Oregon and other States. Both Fulton and I have for the purpose of protecting your interest gone very much farther in a certain direction than we ever supposed we would."

Towards the conclusion of the article Mr. Steffens says:

"But Henev is about through with Oregon; his successor, is not well backed up, and the system stands. Only the Senator Fulton demands that Francis J. Henev substantiate the aspersions cast upon him, the Senator has renewed public interest in the controversy between him and Mr. Henev and the charges that the latter has been unable to prove. While there are undoubtedly matters of

## PETTIBONE GOES FORTH FREE MAN

Jury Acquits After Ballooning 14 Hours.

MOYER ALSO GIVEN LIBERTY

State Will Drop Prosecution of Federation Officials.

ORCHARD YET TO BE TRIED

Charge Against Simpkins Will Also Stand—Four Jurors Vote to Convict—Two Hold Out to End. Verdict Is No Surprise.

### HOW THE JURY STOOD.

BOISE, Idaho, Jan. 4.—Although the Pettibone jurors agreed that their deliberations should be kept secret, it has been learned that on the first ballot the vote was 8 to 4, the majority being for acquittal. The second ballot resulted in a vote of 9 to 3. The third 10 to 2 and so it remained all through the night. The two holding out for a conviction were finally won over.

BOISE, Idaho, Jan. 4.—The end of the prosecution of the men charged with the murder of ex-Governor Frank Steunenberg, with the exception of the cases of Harry Orchard and Jack Simpkins, came today with the acquittal of George Pettibone. Charles H. Moyer, president of the Western Federation of Miners, was formally released this afternoon at four o'clock, and will return with Pettibone in a few days to Denver.

The case of Orchard, the self-confessed assassin of Steunenberg, is in the hands of Prosecuting Attorney Van Dusen, of Canyon County. No statement as to the future procedure in that case has been made, but it will be called during the next term of court at Caldwell, when it will probably be finally disposed of.

Simpkins' Charge to Stand.

Simpkins, a member of the executive board of the Western Federation of Miners, who is charged with complicity in the crime, is a fugitive from justice and the charge against him will stand. When the Moyer case was called by Judge Wood this afternoon, James H. Hawley, representing Prosecuting Attorney Van Dusen, signified the desire of the state to have an order of dismissal entered.

Evidence Is Insufficient.

"I am satisfied," said Judge Wood, "that the course taken by the district attorney and decided upon by attorneys for the state is the proper course to be taken in the matter. I have watched the evidence carefully, so far as the connecting and corroborating evidence under the statute was concerned in its application to this defendant, and there has certainly nothing been developed in the cases that would justify the court in submitting the case against him to a jury, unless there was considerable additional connecting testimony than that which has been shown in the two cases already tried. For that reason the case will be dismissed and an order exonerating the bail of the defendant."

Perjury Cases Dropped.

At the request of the state the case against Dr. McGee and C. W. Ailer, charged with perjury by reason of testimony given by them in the Haywood case, was also dismissed. Pettibone and Moyer received many telegrams of congratulation chiefly from Colorado friends. Pettibone, although very ill for the past two weeks, walked to the local headquarters of the Western Federation this afternoon.

The verdict was returned by the jury at 11:15 this morning, after 14 hours of deliberation. No demonstration of any

kind marked the reading of the verdict which made Pettibone a free man. After two years' imprisonment, awaiting trial, the defendant, pale and emaciated because of his long illness, merely smiled as he heard of his freedom, and a moment later he was surrounded by his attorneys and friends. His wife, who has been by his side at every session of the court during the trial, wept for joy.

Pettibone will return at once to Denver. His health is in a very precarious condition and his physicians fear that his malady is of such a nature that he will never recover.

VINDICATION, SAYS HAYWOOD

Reassures Charge of Mineowners' Conspiracy Against Federation.

DENVER, Jan. 4.—William D. Haywood, secretary of the Western Federation of Miners, who is on a six months' leave of absence, today expressed his feelings of vindication in a speech at San Francisco. (Continued on Page 6.)

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T. T. Gear announces candidacy for Congressman from Second District. Section 1, page 10. Plans for Rose Festival will be discussed at meeting Tuesday. Section 1, page 11. Harmony restored among Oregon Trust & Savings Bank reorganizers. Section 2, page 10.

Mayor Lane submits his annual message. Section 1, page 8. S. A. D. Pater faces arrest on warrant from Marion County in perjury case. Section 6, page 10.

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Fulton and Ellis leave tomorrow for Washington confident of re-election. Section 1, page 10.

## DECLARES BRYAN YET FORMIDABLE

Wellman Warns Public Against Underestimating.

WILL BE SURE ENOUGH FIGHT

Nebraskan Is Stronger Than Ever With People.

TWO HIGHLY POPULAR MEN

These Are Roosevelt and Bryan and Whoever Advocates Roosevelt Policies Will Be Elected, Whether a Republican or Democrat.

BY WALTER WELLMAN.

WASHINGTON, Jan. 4.—(Special.)—Looking over the Presidential field as it has developed up to this time, we find Colonel Bryan almost sure to be the Democratic candidate and Judge Taft not quite sure of the Republican nomination. Of the nomination of Mr. Bryan at Denver there is very little doubt in the minds of the best informed observers here. There is talk of Judge Gray and Governor Johnson and ex-Attorney-General Harmon, but the masses of the Democracy seem bent upon giving Mr. Bryan a chance to wage his third and last battle for the seat of the mighty in the White House.

Those who favor Mr. Bryan may be fairly divided into three classes: Those who sincerely want him, because they believe in him and love him; those who somewhat indifferently look upon his nomination as inevitable and therefore not worth bothering about; and those who consider a third nomination as the only way to get rid of him.

"If we don't name him now," say these last named, "we shall have him on our hands four years hence. For heaven's sake let's get through with him."

May Be Underestimating Bryan.

How surprised these Democrats would be if Mr. Bryan were to win out and carry the country at the polls. Not only they would be astonished, but many in the Republican camp as well. It has become the fashion, especially in the East, to look upon Mr. Bryan as a sort of perennial candidate for the Presidency, as one who always aspires and never arrives. It is very easy to underestimate Mr. Bryan's strength. It is underrated by many men who see only the surface of things and who have not the knack of getting into touch with the real heart of the people.

It is my opinion that Mr. Bryan is this time a formidable bidder for the White House chair. This does not mean that he is to be elected. In fact, the chances are probably a little in favor of the Republican ticket, but men who talk of Mr. Bryan as a sure loser, as already defeated, as a bit of dead timber to be disposed of, do not know what they are talking about. It is going to be a sure enough fight for the Presidency this year, and no mistake.

Plain People Believe in Him.

Disregard the professional politicians and get down among the people—the plain people. Mr. Bryan himself loves to call them—and you will find that the Nebraskan is stronger than ever before. He has worn well, in his honesty and sincerity the people have full confidence. He is the only Democrat who stands in a class with President Roosevelt in the affections of the masses. Roosevelt and Bryan are the only universally popular public men we have today, and logically, from the standpoint of thought and hope of the vast majority of the people, they should be the rival candidates. The point I wish to make is that the men or the party who proceed upon the theory that Bryan is not dangerous as a vote-getter are likely to wake up some time and find themselves sadly mistaken.

What are known as the Roosevelt poli-

cies have won the support of a great majority of the people of all political parties. These policies are so well known, have been so much discussed, they need not here be described. It is perfectly safe to say that, if one of the great political parties were to name a candidate who stood in the minds of the masses for perpetuation of Rooseveltism and the other great political party were to name a candidate who in the opinion of the people stood for dropping those policies, the first would surely be elected President, and it would not matter which party named which.

There are four representatives of Rooseveltism before the American people as judged by the people themselves, and only four, just four, who have taken high places in the estimation of the people as satisfactory agents for carrying on the work which Roosevelt began.

Why Bryan Survives Defeat.

How is it that Bryan has survived two defeats and one eclipse, and yet has grown stronger in the affections of



Frank H. Hitchcock, who will manage Taft's campaign for nomination.

the people who have the votes to cast? To my mind, there are three principal reasons, and I shall state them in the illogical reverse order of their seeming importance.

First, his character as an earnest, sincere, patriotic man.

Second, his keeping close to the people through his lectures before Chautauquas and other gatherings.

Third, his championship of the Roosevelt policies—the policies which have brought on a new era in our public affairs.

Men who gain their political impressions chiefly from the newspapers or from other men they meet and talk with in business contact or in hotels do not seem to understand what a tremendous factor in the popularization of a public man the lecture platform is.

RALLY MINNESOTA FOR BRYAN

Leading Democrats Say He Is Chief Exponent of Reform.

DELUATH, Minn., Jan. 4.—Democrats of Minnesota, who favor the nomination of W. J. Bryan for President tonight gave out an address to the Democrats of Minnesota, setting forth their reasons for supporting Mr. Bryan. The address is signed by T. T. Hudson, Democratic National committee man from Minnesota, and more than 100 other prominent Democrats of the state. The address in part says:

Believing that it is essential in the contest of 1908 that the Democracy of the Nation shall continue on advanced ground, that there shall be no retreat, that what has been already so dearly won shall not be lost, it is our firm conviction that the best interests of the American people demand the nomination and election of William J. Bryan, who stands for the chief exponent of the reforms needed in our Nation, and to that end we ask the co-operation of the Democracy of Minnesota.

The contest is between reaction and progress. The influence of selfish interests holding them, which always have been inimical to pure democracy, are still at work. Let no true Democrat be deceived. In the present situation no man can be seriously considered in place of Mr. Bryan, if these influences are belied him. We know what Bryan stands for; he is no experiment. If we win with him, it will be a victory worth winning, a triumph of the principle we hold dear.

Entirely Misunderstands Bryan.

The Athenian professor then states that Dr. Jordan has completely misunderstood Bryan's attitude toward the Greeks. He adds that Dr. Jordan failed to understand one of Bryan's finest passages and gave it a meaning entirely at variance and contradictory to the accepted version. Here is a passage from Dr. Jordan's article which Professor Lestakos deals an especially effective smash. Dr. Jordan wrote:

"For the Greek of today for the most part never came from the loins of Leonidas or Miltiades. He is the son of the stable boys and scullions and slaves of the day of her glory, those of whom imperial Greece could make no use in her conquest of Asia. Most of the old Greek race, says W. H. Ireland, has been swept away, and the country is now inhabited by persons of Slavonic descent."

Professor Lestakos quotes a long list of authorities to disprove Dr. Jordan's statement, including Dr. Horton, the American Consul at Athens. In conclusion Professor Lestakos says:

"In view of these statements as given above, I shall ask you either to strike out what you wrote about Greece in the next edition of your book, or insert this letter in it as an answer to your gratuitous attacks upon the Greek race."

Will Organize South and East in Support of Secretary.

WASHINGTON, D. C., Jan. 4.—(Special.)—It has been settled definitely that First Assistant Postmaster-General Frank H. Hitchcock is to become a part of the Taft campaign management. (Continued on Page 2.)

## CALLS DR. JORDAN GRASSLY IGNORANT

Professor Lestakos' Bitter Attack.

FAILS TO UNDERSTAND GREECE

Criticises Statements Made in "The Human Harvest."

CALLS ATTITUDE WRONG

In Open Letter Takes Author to Task for Maligning Modern Greeks and Distorting Historical Facts.

SAN FRANCISCO, Jan. 4.—(Special.)

—A scholastic battle of the first magnitude broke the vacation stillness that has held away over the grass-covered campuses at the University of California and at Stanford, when Professor J. P. Lestakos, of the University of Athens, in an open letter today denounced President Jordan as ignorant, prejudiced and unlettered in the simplest English poetry. Professor Lestakos has been in California on a lecturing tour and is now sojourning in San Francisco before his departure for his home in Greece. His wrath has been aroused by a recent article by President Jordan on modern Greece, and when the Stanford executive failed to make public correction of what the Athenian regards as absolute misstatements of fact, he took it upon himself to address an open letter to Dr. Jordan.

Dr. Jordan, with his almost Rooseveltian versatility, found time recently to write disparagingly of the modern Greek in "The Human Harvest," and now the head of Stanford University finds himself smote justly by his Grecian contemporary.

Makes Forceful Reply.

In regular order, Lestakos takes up the points raised by Dr. Jordan and answers them with fervor. President Jordan did not speak gently nor favorably of the moderns who dwell in the land of Xenophon and Homer. His remarks were suitable for an obituary, so far as they described death, but they were cast in another mold from the obituary form. He quotes Bryan, and Lestakos lashes back with annotations. Jordan said in unconventional obituary language:

"Greece died because the men who made her glory had all passed away, and left none of their kind, and therefore, none of their kind."

To this Professor Lestakos replied: "I was amazed to read your tirade against modern Greeks, a tirade prompted by prejudice and ignorance. And not only this, but you distort offensively and maliciously historical facts."

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## HARRY MURPHY'S PEN IMMORTALIZES A FEW OF THE INTERESTING EVENTS OF THE WEEK

