BIG CROWD CHEERS FLINGS AT FULTON

(Continued from Page One.)

McLaughlin and Noyes then saw they were up against it. They happened to be stopping at the Palace hotel and there they happened to meet a gentleman by the name of Judge Humphreys from Honolulu; they had also met him in Washington; and they told their troubles to him. He happened to have been living in Arizona when I was there, and he said: "I know a younger lawyer whom I think you might induce to take this case," and he brought them up to my office, and I told them I could not take the case because I had to go to Washington, D. C., to argue a case in the supreme court of the United States and expected to leave in a week, but they insisted, and finally McLaughlin said: "It looks to me as if every attorney in San Francisco is afraid to go up against the circuit court of appeals." Well, that caught me. (Laughter). In fact, if Senator Fulton had not said so many times in the last couple of weeks that I did not dare meet him face to face before an Oregon audience, I would not be here tonight. (Laughter and applause). Now, I have been called everything in my life except a quitter, (laughter); and I do not mind anything else that Senator Fulton said about me, but I do not purpose to let him call me a quitter, and be able to point back hereafter with pride, as they say, to the fact that I dared not show up here.

Gets His Fee.

Now, on the same theory I accepted that case, and I got a $500 fee, which Noyes had to wait until he got his month's salary to pay me, and I put in 30 days before the circuit court of appeals, over which Judge Gilbert was presiding, Judge Morrow and Judge Ross sitting with him, and when I finished the case I made a magnificent argument to the court, as I believed, and they promptly found my man guilty. (Laughter and applause).

Now, there was another man on trial at the same time, a little fellow by the name of Frost, a young fellow who had gone to Washington and had sought employment there without any friends to help him; he had taken the civil service examination and had secured employment and finally was assigned to the attorney-general's department and who had been in the attorney-general's department, the department of justice, for five years, and he was then some 23 or 24 years of age, and he had studied law at a night school and was supporting his aged grandmother on $100 a month and he had married a young lady and was working in Washington, and he was sent up to Alaska to instruct the clerk and marshal in their duties.

Speaks of Grafter Powell.

They collected most of the revenue there that passed through the clerk's hands and the marshal's hands. I wonder if that is the reason Fulton had T. Cader Powell sent up there as marshal. We will come to that presently. (Laughter). And so, Frost went up there, and he was a man with no experience in the world in rubbing up against men, but like most young fellows he thought he knew it all. I knew more at his age than I know now, except about Fulton (laughter); and Frost met Vawter, the United States marshal of Alaska, going up and he says, "here is the man that the attorney-general had the president appoint marshal; he must be all right;" and he listened to Vawter and became quite well acquainted with him. Now it happens that Vawter was one of the men whom Tom Carter of Montana had had appointed.

I do not know whether any of you know much about Tom Carter of Montana, or not, but in Montana they can tell you more about Tom Carter and what he has done that he ought not to do than I can tell you now about Binger Hermann, John N. Williamson and John H. Mitchell combined. Tom Carter had Vawter appointed and Vawter was a disreputable sort of a fellow. Now, I won't go into his history, although if it becomes necessary I can go into it.

On Water Wagon.

In about a week after Vawter was up there with Frost he went to Judge Noyes. Noyes was a man who had been a hard drinker and had sworn off for a year with the intention of running for judgeship in Minneapolis and he swore on again as soon as he was appointed in Alaska, and it was on good (laughter) at the time Vawter went to him, took him around the corner and says: "Judge, there is $25,000 in it for you if you dismiss the receiver in the Discovery claim." The judge became indignant and sent for Frost and told him about it and Frost went down to see Vawter and Vawter at first strenuously denied it and said: "Come right up and confront Judge Noyes with me." On the way up Vawter broke down, and cried and said he had not meant it the way Noyes took it; that he did not mean he was going to pay him the $25,000; I do not know just exactly what he did mean, and wanted Frost not to report it.

Now, Frost talked it out with Noyes, and Frost said to himself, "I can't afford not to report this"; and he sent in the report, but no action was taken upon it until some six months later, when Carter wanted Wawter removed for some purpose and then he raked up this report.

In the meantime this thing went on up there and the writ came up from the circuit court of appeals and here is what Frost was charged with doing:

Vawter said that Frost came to him and said, "You ought to recognize the orders of this court up here and pay no attention to the orders of the circuit court of appeals"; and that he, Vawter, should fight it out and that is all there is to it—that is the beginning and the end of the charge.

Frost Was Guilty.

But the circuit court of appeals, my friend Judge Gilbert presiding, a man for whom no one has more respect than I have, decided that Frost was guilty and sentenced him to one year's imprisonment in the county jail. Nobody had defended Frost; he was a young fellow with a wife on his hands and no money; broke. I then volunteered in his behalf, and when I went to Washington to argue this case I took up the Frost matter with the attorney general and I filed a brief in which I urged the pardon of Frost upon the ground that he was innocent, and that if they did not think he was innocent I did not want him pardoned and he did not want to be pardoned. And he was pardoned; pardoned upon that ground. He had been in jail two months. He was there with his wife and broke, and I gave him a job in my office at $75 a month. And about a month after that Attorney General Knox wired me and offered me a position as assistant attorney general of the United States at Washington, a regular assistant and offered to put me in charge of the most important cases in the department. I was to take the place of James M. Beck, who had just resigned and who had tried the Northern Securities case for the government. I declined the appointment. I was making from forty to fifty thousand dollars a year and I could not afford to take it and I did not want any political job. I had had my political appendix removed in Arizona ten years ago (applause. Then they wanted somebody to prosecute a man by the name of Dillard in San Francisco who had stolen $30,000 from the mint, and Knox wanted the superintendent of the mint to accept me. He was urging Peter F. Dunn, who is now the second leading attorney of the Southern Pacific Railroad company in San Francisco.

Knox Wires Heney.

Leach said he did not know me but he did know Dunn and he would like to have Dunn because his bondsmen had to pay the $30,000 if Dillard was not convicted and Dunn was appointed and I heard of the fact that the attorney general had tried to have Leach accept me. And about on November 7, just about one month after he had asked me to accept the assistant attorney generalship, Knox wired me and urged me to come to Oregon and try just one land fraud case, the case in which Puter, McKinley and others had just been indicted in October, 1903, and said that it would not take me more than a couple of weeks to try the case and that the government considered it the first of a series of extensive land frauds and that it was vitally important to the government to win. Now under the circumstances as he had offered me the assistant attorney generalship and had tried to have me take this other thing, and was showing a desire to be my friend and to help me in some way, I felt that I could not afford to refuse him (applause) and believing it would only take a couple of weeks away from my home in San Francisco I accepted that job.

And believing it would only take a couple of weeks of my time away from my business in San Francisco I accepted that job. Now it is not a public office. You don't hold office; you do take an oath of office, but you are appointed and employed for the one case, and have nothing to do with any other gentleman's business. That is the way I was employed in that Puter case. Now I came out here in November, and I found that Mr. Hall intended to try that case himself, and let me look on. I had not understood that was what I was expected to do, and went back and wired the attorney general that I thought we had better have a conference; and I went to Washington then and had a conference, and thereupon he wrote and telegraphed Mr. Hall and said: "While in Oregon Mr. Heney is my personal representative, and stands in my place, and I will have you act accordingly." Now, what was happening in Oregon at that time, my friends, and what had been happening here for years?

Controlled by Gang.

It will all unfold, and when you study it you can reach no other conclusion than that Oregon was being controlled by a gang of as bad criminals as ever got control of any state in the Union at any time in its history. (Great applause). But I came up here knowing no one and knowing nothing about any of these men, prepared to believe that Mitchell and Fulton were great men and great senators—more than willing to believe it.

Now what happens? As soon as that telegram came to Mr. Hall in November, 1903, something began to move, and there was a protest went out from Portland. Not until then, my friends, not until after Mr. Hall was instructed that I was to have control of the case was there any protest, and then the protest, and it went from Mr. Fulton and Mr. Mitchell to the attorney general; and Fulton says that is the reason I have malice in my heart against him. Now Mr. Fulton did not make any charges against me in that letter because they knew nothing about me that they could say, but they had read the circuit court of appeals opinion in regard to poor little Frost, and I had made one mistake. When the telegrams came asking me to come up here I showed it to Frost and asked him if he thought that meant that I would be in control, and he said certainly; he was familiar with the department affairs and methods.

The next day Frost said to me, "Mr. Heney, you know that my reputation has has been badly scarred by this conviction of the contempt by the circuit court of appeals; you can do me a great favor. Won't you have me appointed an assistant to help you up there, and the fact that the department of justice had appointed me an assistant will wipe out the stain and disgrace of that contempt proceeding. I do not believe that Judge Gilbert or any of these federal judges will mind it if you do," and in a moment of that sort of kind heartedness that Fulton tells you he is so full of, I telegraphed the attorney general and asked him if he would not appoint Frost to assist me, and he wired back the appointment.

Promise to Brownell.

When I had come to Washington and the attorney-general had instructed Mr. Hall, that was to have control—mark you, at that time George C. Brownell had been promised in the early part of 1903 the appointment of United States attorney, and at the time that happened, and Fulton and Mitchell sent that letter to the attorney-general, it was on December 6, 1903, they knew—they knew that there was danger if I took hold there, that Mitchell and Hermann and Williamson and Mays and all the crowd might be convicted. (Great applause.)

And that is the reason and the sole reason that the letter sent by Fulton and Mitchell to the attorney-general protesting against my appointment; and in that letter they did not say one word against me. They took up poor little Frost, and they say "In sending this man to Oregon—and they ignore me as if I had not been appointed at all, where Frost was to do nothing except to work on the outside on the books, and look up law points for us, and so forth; I was to do the court work; they knew that perfectly well, and knew it from the character of the appointment. I was appointed as special assistant to the attorney-general, and Frost was appointed merely as an assistant attorney.

Now they know perfectly well the situation, because I had been up here and talked with Hall before going east, and I went east on the 17th of November, and it was the 6th of December, and it was on the 24th of November that Mr. Knox wired and wrote Mr. Hall and told Mr. Hall I was in control. Mr. Hall had at that time, a month before that, promised George C. Brownell he would protect him from indictment, if Brownell would go and release Fulton from his pledge to him to have him appointed United States attorney, and secured the support of Fulton and Mitchell for Hall, a month before Fulton and Mitchell made protest, Brownell and Hall had made that deal. I was utterly without any knowledge of it, as a matter of course, and all that came more than a year later to me.

"Malice Talk Nonsense."

Now they abused Frost individually, and Frost only, as I say. Fulton says I carry malice on account of that. It did not hurt me; it did not hurt me any; it did not have but one effect. The president suggested to Mr. Knox, the president did not know me, never had seen me, and never had heard of me. He suggested to Mr. Knox that perhaps it might be an act of policy to put some one else in. Mr. Knox said "No, Mr. President." "Why?" says the president. "Because," says the attorney-general, "no two United States senators ever wrote such an insulting letter as that to a cabinet officer unless there was some motive behind it. I know Mr. Heney and I believe in him and I prefer to have him remain there and prosecute those cases," and I remained there and never heard of that until years later.

Now all that time, undermining and attempting to undermine me was going on I harbor no resentment on that account. All these matters, these prosecutions, they are absolutely impersonal with me. I don't know Binger Hermann as Binger Hermann, nor John Williamson as John Williamson, nor John H. Mitchell; I see nothing before me except the fact that my country's laws are being violated by men who hold positions of honor and trust, and I as a thinking American citizen believe that the very foundations of this government are being undermined, and that we must do something to save it. (Great applause.)

Trial of Puter.

And so the thing ran along, and in April, 1904, I came up here again, or in May rather, to try the Puter case; and in the meantime, in March 1904 Puter had again been indicted. Now Green had been instructed as special agent to report everything to me and he reported nothing to me; and they had found another case against Puter and McKinley in which the evidence was 10 times as strong as it was in this first case, the only one in which I was employed; and Green instead of reporting it to me reported it to Hall and they got this indictment and didn't let me know about it; and then in April, 1904, April or May, when I was busy with the removal of the cases of Hyde and Benson in San Francisco, Hall insisted that he could not get the case postponed, the first Puter case, and I must try it; and the principal witness, Hobson, had skipped out of the country and was in hiding somewhere up in Idaho. What was the program at the time? It was to have me come up here and try that Puter case in which the evidence was not so strong, and in which, by the way, Pierce Mays ought to have been indicted, and Hall had enough evidence to do it, he sought to protect him; the program was to have me come up here and try that case with a jury which Hall would select for the purpose of having me lose it, and when I had tried the case and lost it and gone back to San Francisco, an utter failure, then Mr. Hall was to try the other cases against Puter and McKinley in which two or three men including Heidke and some man named Montague, a county clerk who had been in on the frauds and had confessed, and which is the case we did finally try in October, 1904, in which the evidence was so overwhelming that the state of Oregon was absolutely convinced of the guilt of Puter and McKinley; that was the case Hall was to try when I went home defeated and in the one case and the only one I was employed in. Why was the job put up?

Enters Agreement.

It was put up, my friends, in the middle of 1904, because in January, 1904, Hall had gone to Washington, and sat down with Mitchell and Fulton and had entered into a corrupt agreement with them that he would protect them, Mitchell, Hermann, Williamson, Pierce Mays, the whole gang, from indictment, and Brownell and Campbell from indictment, in consideration of their supporting him for reappointment of United States attorney. That was done in January, 1904, and in March, 1904, Hall indicted Henry Meldrum, and thereby demonstrated to Fulton and Mitchell that he was keeping his word and protecting Brownell—he indicted Meldrum and did not indict Brownell. Why did he indict Meldrum, who was one of the crowd? He indicted Meldrum because O. R. Greene, who was out here as a special agent, and was trying to make good, had investigated at the surveyor general's office in 1902, and in December, 1902, had reported a lot of forgeries and fraudulent surveys which had taken place, and Greene and Secretary Hitchcock were clamoring for action to be taken against the surveyor general's office, and Meldrum was suspended, and Meldrum in March was indicted before I got up here; and in April I was to go and try and close this case, and then Puter and McKinley were to be made scape-goats, and the balance of the men higher up, more responsible, more intelligent, owing a greater duty to society than these fellows like Puter and McKinley, were to be allowed to go without punishment in order to continue to fasten upon the people of Oregon the corrupt government which they had had for these preceding years.

Now, in October, 1904, I went east, and I did not know about this arrangement, and I went to the president, or rather I went to the secretary of the interior and then to the attorney general and arranged that Hall be reappointed. I said, "Hall is out there and has indicted Henry Meldrum; he has indicted others, Puter and McKinley, who were friends of Pierce Mays, and is making enemies." How little I knew the inside, what was going on behind the scenes. And I said, "It is only fair to Hall that he should be reappointed, and I want to ask you or the president to reappoint him before election, because I suppose a great many are after the president for appointment, and perhaps he does not want to act until after election; but I would like to be able to give Mr. Hall the assurance that he will be appointed after election." And the attorney general or the solicitor general went over to see the president, and came back and authorized me to tell Hall he would be reappointed after election regardless of how the Oregon delegation might stand on the matter.

That was October 16, 1904. Now Mr. Fulton says that he never promised to support Hall for reappointment, straight out, in 1904, but said he would do so if the majority of the delegation would do so, and also says they never did do so; and why didn't they, if this agreement was made in January, 1904; I say "Why didn't they?" My friends, they did. Binger Hermann testified before the grand jury after the Oregon delegation had met in June, 1904, in Portland and gone through the farce of fooling the politicians and particularly fooling Hall by having Fulton vote for Brownell and Mitchell and Williamson and Mitchell vote for Moreland, and Hermann vote for some one else and after they had met again in August and had given out to the press the result of their meeting, and that they had not agreed on anybody, in September before leaving here for the east, Mr. Hermann testified before the grand jury, "we all four agreed to have Hall reappointed."

Now Mr. Senator Fulton tell the public of Oregon whether Binger Hermann lied under oath before the grand jury or whether your recent statements are untrue on that subject. I confess I would have about as much regard for one as the other.

Hall and Delegation.

So in October when I was getting Hall reappointed out of the spirit of fairness he already had the pledges of the four members of the delegation, all of them, for his reappointment.

Now mark you, Williamson was not indicted yet then, Pierce Mays was not indicted yet then and Charles H. Carey, Pierce Mays' partner, was known then as the political representative of Mitchell while Mitchell was out of the city and he was then programed to be the next United States judge in Oregon when a vacancy occurred or a new judge was created and Mays, as shown by the testimony of Puter, was just as big a rascal in land frauds as Puter and McKinley, and as Puter puts it, "I would talk with Mays as I would talk with McKinley." Puter is a disreputable rascal; heh as been in all sorts of fraud in Oregon. That is admitted, but he is somewhat like—I am reminded of the story which illustrates the character of Puter in this respect:

An Irishman had come over to New York and was appointed on the police force and the first week he was down on Broadway he saw a man in the doorway of a jewelry shop fooling with the door he stopped and said, "What are you doing tnere, my friend," and the man looked up at him and he saw he was green and he said, "opening a jewelry store." "Oh, all right," said Pat, and walked on. The next morning Pat was rounded up by the captain, who said, "look here, where were you at such and such a time?" "Down on my beat, at such a place." "No, you were not," says the captain, "there was a jewelry store broken into and robbed." Says Pat, "Where?" The captain told him where it was. He scratched his head a moment and said, "be jabbers, that fellow may be a robber, but, be jabbers, he is no liar." (Laughter.)

Now, Puter was unquestionably a timber thief; but be jabbers, he is no liar, and he has told so much, told so much, my friends, on the witness stand that if he was falsifying it would be the easiest thing in the world to convict him of perjury. He has no influential friends around here to protect him; he has no money back of him to protect him; and Puter could be convicted tomorrow if he testified falsely in any of those things which he has told, and how much there is of it. No man could manufacture that much and remember it all.

You know old Dog Tray got in bad company, but my friend Fulton is not old Dog Tray, he knew considerably more than Tray knew about what was going on, and being done by the dogs with whom he was running.

And I do not use the term "dogs." I don't mean to use it—a man in talking, going along with an unprepared speech, uses terms without wanting to have them taken as they might appear in cold print. I am using it as an illustration, merely.

Looks for Sorenson.

So in 1904, in October, when I had Hall reappointed, and he was appointed the day after the presidential election, he already had it fixed. Then when I came here in November to try that case—oh—I came back this way and told about it on October 10, and when I talked with him I said, "Hall, where is George Sorenson, he ought to be made a defendant in this case;" and in the meantime the attorney general appointed me. Hall says, "you are not in this case, Mr. Heney," meaning this Puter case, which I said ought to be tried first; and I said, "Why, don't you understand that I am to take charge of that case, also?" And he said, "No, I have written the attorney general and find that you are not to take charge of this case." So I wired the attorney general and the day I was leaving here, on October 16, the telegram came back from the new attorney general, Mr. Moody, saying that I was to take charge of that case.

"Now," I said to Mr. Hall, "Sorenson ought to be here as a witness, or else as a defendant," and Hall said, "That is all right, I will have Sorenson here; there is no difficulty about that; we will have him as a witness." He did not tell me he was away, but he made me believe he was here; as a matter of fact, he was back in Wisconsin with McKinley and Puter and had been there six months. Hall had been corresponding with him and before he left Sorenson had gone to Hall and told Hall that Puter and McKinley would give him $5,000 if Hall would let them off and Sorenson says that Hall agreed to take it and was to meet them in St. Louis and get his money.

Now I do not vouch for the truth of that, but here is what happened. Hall said to me, "I believe he will be here all right." When I came back here in November, just a month later to try that case, I walked into Hall's office with William J. Burns, and the first thing Hall said to me was, "those fellows have spirited Sorenson out of the country," as if it had just happened between the time I was in here in October and the time I came back a month later, and they had gone to Sorenson and got him away. Now the fact was, that Sorenson had gone six months before and Hall knew it, and the fact was that on October the 7th, Sorenson had written Hall and asked him when the grand jury was going to meet and had told him he was going to St. Louis, and the fact is that on October the 12th, or somewhere along there or the 10th, Mr. Hall had written to Sorenson starting the letter off "Friend George" and told him about things. I have the letters here; I am not going to take them out and read them to you, but everything that I am telling you now I am prepared to prove by documentary evidence. (Applause.)

Spirited Away.

So Hall says they have spirited him away, as if it had just happened, and I issued a subpoena, and all through that trial of Puter and McKinley, Hall kept saying he did not know where Sorenson was. Now, I had the control when we started in, but I told Hall to examine the jurors and told him to make the opening statement to the jury and I told him to examine the witnesses. The press was paying considerable attention to the case, and it was giving a man a reputation; I had no reputation as a prosecutor at that time, and I let Hall have all the credit of that, because to start in with I intended to let him have it, and he might have had it all, my friends, if I had not discovered in the middle of the trial that Hall was deceiving me and that Hall was cheating the government.

I sat back and let Hall do it all for the first three or four or five days; and then what happened? Burns had old man Ormsby in a back room; old man Ormsby was in the Blue Mountain Reserve fraud with Pierce Mays and Binger Hermann. Old man Ormsby—Burns had about broken him down and Hall happened to open the door and look into the back room and saw Ormsby crying there and telling his story to Burns and immediately called him out and took him into his own private room and talked with him for about five minutes without letting Burns in there. When they came out Ormsby braced up and passed by Burns and said, "I am not going to talk to you any more. I am going to see my attorney."

That was done to protect Pierce Mays and Binger Hermann; and Binger Hermann was then pledged to reappointment of John H. Hall. That was the first inkling I had I was being fooled by Hall; that was the first inkling I had that Hall [illegible]s not a second Abraham Lincoln, as [illegible]ne pronounced him; and if you go back to the files of your papers you will discover from that day on I went into the courtroom and told John Hall quietly on the side I was going to examine the rest of the witnesses myself; and from that time on I did examine all the witnesses.

Hall Opened Arguments.

I let Hall make the opening argument to the jury, and I made the final argument to the jury, and the jury convicted; and when they had convicted I went to A. R. Greene on that same day. I said: "Look here, Greene; Hall is protecting Ormsby and Sorenson, and I don't intend to stand for it." I knew that Greene would carry it to Hall. That night Hall came up to the Portland hotel, where Burns was with me in my room, and said: "Mr. Heney, I have made up my mind to call the grand jury to indict Sorenson and Ormsby and Loomis." I had mentioned Loomis also in the talk to Greene. I had supposed those were the big fellows he was protecting—those poor, miserable creatures did not amount to anything. Hall did not give a rap for them. It was the fellows behind them whom they had to tell upon—the men who were convicted in the Blue mountain forest reserve case—and Pierce Mays was convicted largely by the testimony of Ormsby, which Burns came so near getting at that time.

That is where the protection was going to—the partner of Carey, the representative of Mitchell in the state at the time or along about that time. But I am getting ahead of my story; so he says, "I am going to indict these men," and Burns says: "I wonder where Sorenson is? Cn't you give me some sort of a clue to locate him with?" "Yes," said Hall—and this is where his cunning failed him—"I had a letter from him," he says, "some time ago. "How long ago" says Burns. "Oh," he says, "about a month ago." Said Burns: "Where was he then?" Says Hall: "Why, I think it was somewhere in Wisconsin." "Where" says Burns. And then he said, "I think it was"—and he mentioned a town—I forget it now myself.

Got Hold of Letter.

Next morning Burns kept after Hall until he got hold of that letter; then he telephoned to Chicago for a secret service agent to be sent up to the place in Wisconsin and to watch Sorenson, and when we would indict Sorenson we would arrest him; and in the meantime I had been employed to try that next one, and when I discovered what was taking place I said to myself: "I am in a position now where I have to turn my back on a public duty which is facing me, or else I must sacrifice my business at San Francisco and stay here." And, my friends, you all know what I did; I sacrificed that practice of $40,000 to $50,000 a year and gave up all private business in San Francisco and devoted my time and energy to the benefit of the people of the state of Oregon. What do I expect to get out of it? Absolutely nothing. There is not a public office in the United States that I would accept. [A voice: "How much did you win"] Mr. Heney: I got well paid for my services. I got about one quarter of what I was making. If you think I am not entitled to it, I will give you your share of it back. A voice: "You will keep still now."

Puter's Testimony.

Now, when this detective got up there, this secret service agent in Wisconsin, Sorenson had left the day before, and in the meantime when the question of sentencing Puter and McKinley came up, Puter and McKinley came up with Puter's brother, and an attorney came to me and tried to make terms with me and I said to him finally, I will tell you what I will do on these other indictments for forgeries and so forth against Puter, I will agree we will not prosecute him provided he will tell us all he knows about all the land frands in Oregon, and will testify whenever called upon to do so, but as to this case in which he has been convicted I will make no promise whatever; he will have to take his chances in getting the maximum punishment. Lawrence Puter agreed to that and he did not ask to have it put down in black and white and signed up like Abe Ruef did; he took chances, but he came out better than Abe. He came out better than Abe for the reason that Puter, let it be said to his credit, from the time he did turn state's evidence was loyal to the government, and did tell all that he knew and did testify to it whenever called upon to do so.

Now Puter and McKinley came in and told us what they knew, and that happened right after—the next day, two days or three days after conviction; it was right after we had learned where Sorenson was, and when they told us all they knew we then saw for the first time that Pierce Mays was involved and that this reached up to higher men than Sorenson and Ormsby, and then we knew why it was that John H. Hall was keeping them away.

I do not intend to go into this documentary stuff, and I am not now, except just to give one matter, I want to refresh Fulton's memory. (Laughter). This letter, (exhibiting it), is marked "personal" on the outside of the envelope. The letter is not marked personal. I think the gentleman who wrote it to me, and who is one of the most highly respected men in the state of Oregon, would mind my reading it and reading his name, but until I first have an opportunity to ask him, I will omit the name. But I want to give you the facts; he was living in Salem at the time, and this is what he writes me, and if Mr. Fulton's memory is not refreshed already, or thinks there is nothing in this, I am quite sure this gentleman will permit the use of his name. It is dated February 4, 1908, which is a day or two after I made the speech here in the church, that Fulton says I hired. My friends, it did not cost me a cent of that ill-gotten money that our friend here in the gallery objects to my having. (Laughter and applause.)

The "friend in the gallery"—How much did you get, Mr. Heney?

Many voices—Put him out; put him out.

Mr. Heney—No, gentleman, let him alone; that is all right.

A voice—He is an Astoria man. (Laughter).

"Ask Fulton."

Mr. Heney—I really do not remember. I can tell you where you can get the information; ask your friend Fulton; he knows, he has access to all the accounts of the department of justice, and practically all of the reports that go in there. And that reminds me that he says I was writing secret charges against him. Now, the only charge I made against Fulton was a report which I made to the president, Theodore Roosevelt, in November, 1905, and when I made it, which was on November 17, and Fulton was to arrive on November 20, and when Fulton arrived he was to receive this little Thanksgiving present, and he got it directly from the president, and it was written for the purpose of being delivered to him, so there was not much secrecy about it. He replied to it. Now, the letter reads as follows: "Accept my thanks for your courageous and timely speech detailing the crookedness of our Senator Fulton. It has not enlightened me as to his true character, but it will add great weight to what I have been telling the Oregon people from time to time. We lived in Salem at the time of the hold-up legislature, and several of the members boarded with us."

Now he got some information from those members, and he got this information, he tells me, "There was a Populist from Jackson county named Houser, and he was a very verdant specimen of lawmaker. He had a conference with Mitchell and Mitchell's attorney one night, and everybody understood that that was Fulton, and the next day he showed up $3,500 in currency, and stated that he had been paid that for his vote to go in and vote for Mitchell."

Fulton Can Find Houser.

I do not know whether Houser is dead or alive, but I suppose Fulton can dig him up and if he pays him enough he may get an affidavit from him to the contrary. (Laughter and applause.) The letter proceeds: "He went back to Jackson county to show the raise to his wife, and on his return commenced talking of it, so that his Populist brethren knew he had been tampered with, and Mr. Williams of Jackson was sent for to talk him back into line. I had several chats with Williams, and found him a very calm and diplomatic gentleman, who had no difficulty in working from Houser all about the bargain, and in convincing him that he could not comply with his promise and continue to live in Jackson. It was out at that time that Smith refused to return the money that he had received; but Houser was not that kind of stuff and returned the $3,500."

Like Graft Board.

He was something like our supervisors down below. They got paid a little of that $5,000 apiece from the Pacific States Telephone company to defeat the Home Telephone company's franchise, and then Abe told them the franchise had to go through, but that there would be $3,500 apiece for them in it, and then there were four fellows that had not got anything from the Pacific States; and they said that was not fair, that they only got $3,500 and the others got $5,000 from the Pacific States and they would not stand for that; that was discrimination, as bad as the railroads (laughter.) And so Abe said they would fix it up this way: They would give $6,00 0apiece to the four who did not get anything from the They would give $6,000 apiece to the fellows who did, and the fellows that got the $5,000 must rebate to the Pacific States fellows half of it, which would leave them $2,500, and the $3,500 would make $6,000 apiece for them, and $6,000 apiece for the other four men, which would make it even all around. Now, Houser rebated.

Another party named Kruse, from Clackamas county, was offered $3,500, but he said no, without vaunting his virtue, and went his way. The amount was raised. Only a quiet "No." A cousin of his was sent for to work him, and the offer was raised to $5,000, and he still quietly said no. His cousin said, "You should take the money, buy a farm, marry the girl and live with a competence, and you are a damned fool if you don't do it." The quiet answer was "No." He took typhold fever and died before the end of the ssesion.

Applaud La Follette.

Now, my friends, I read in the newspaper the other day that Judge Lowell has said that he is for Charles W. Fulton for senator, because at that period there was no other way to do business, to do politics, that it was necessary to do it, and therefore he should not be blamed. I differ with U'Ren, who has attempted to justify that sort of thing, on the ground that it was necessary. Why, my friends, back in Wisconsin there is a man named Robert L. La Follette. (Applause.) La Follette went to congress for six years. They tried to bribe him to let certain bills go through to help the big corporations, and he would not be bribed. He interfered with some railroad legislation, and the representative of the railroad company told him that the railroads were strong enough to see that he would not go back. La Follette was out of office for ten years, but he fought the fight of the people during those ten long years, until he finally thrashed the railroads of Wisconsin into submission. (Great applause.) He did not preach the doctrine that it is right to bribe, that it is right to corrupt your fellow man, that it is right o become a crook yourself, because there are crooks; he preached the doctrine that this republic can only be maintained if the mass of the people remain virtuous. (Great applause.) I have no patience with that sort of talk. I say to you, my friends, that the man who is tolerant of that sort of corruption is unfit to be a citizen of this great republic. (Tremendous applause and cries of "good," "good.") What is it we are proud of in this country? Why does an American feel that he has the best government and lives in the best country on the face of this earth?

Isn't it because we believe we are a free people, and that we govern ourselves? Don't you know that you do not govern yourselves if your representatives are purchased? A representative government means one in which the men elected to public office represent—whom? They represent the majority who elected them; but if the majority elect a man who, when he is there, the minority can buy, you have not a representative government. You have a debauched tyrannical government (Great applause.)

Avoided Tyranny.

In 1665 people commenced to come to this country from England and populated a narrow strip along the Atlantic coast. What did they come for? To get away from tyranny, and a corrupt, rotten monarchy. They wanted religious freedom; they wanted liberty to worship as they pleased. They did not stop to consider the dirty dollar; they did not ask themselves, "Can I make as much money in America as I am making at home." The only thing they thought of was, "Can I worship God as I please in that great country?" For a hundred years they were learning what freedom and liberty meant, and during those hundred years a quiet revolution was taking place in the minds of the people. In France about 1800 it burst out in all its fury. Men were beheaded by the hundreds. A Napoleon arose who held the mobs and finally got control of the country. In the United States in 1776, or a little while before this in 1764, they had objected in Boston to the tax on tea and had reached the conclusion that taxation without representation is tyranny. And when the ships came over with the tea the argument was made, "Let us not throw that tea overboard, it will hurt business;" but the patriots of Boston went down and threw the tea overboard, and when they were told that the tax was small, they replied that it was the principle they were fighting for: "Taxation without representation is tyranny, and we are willing to hurt business to fight for principle," and so the war was declared in 1776, and for eight long years the half million people scattered along the Atlantic coast fought the mother country.

Direct Primary.

Now then, Spooner stated once that he thought the direct primary law that was before the people and had not been passed yet, was a most radical piece of legislature, and that he was going to vote against it. After LaFollette had been elected by 50,000 majority and after that direct primary law had been passed and had been in operation a year, and the time was coming around when Spooner would have to go before the people on it, he said from the public platform in Wisconsin that he was satisfied that that direct primary law was one of the most beneficent pieces of legislature that had ever been passed in Wisconsin.(Laughter.) What is the point? The point is this. Fulton used to belong to the machine. He said the other night in a speech, "Thank God, those old methods do not prevail any more, when they used to bribe legislators." (Laughter.) "This direct primary law when you go before the people is the very thing I want," says Fulton. And so said Spooner. Of course he wants it when he cannot get away from it. It is there; he cannot help but want it. He is before the people; he has got to convince them that he believes in them, so that they will believe in him. He wants a majority of your votes, and it won't do to tell you that he does not trust you to elect your own senators by popular vote.

But let me tell you something, my friends, the investigations we have made in San Francisco show conclusively that in every large city in the United States the political bosses and the machinery of the parties are kept in working order by the public service corporations contributing the money on the one hand and the houses of prostitution and gambling contributing the money on the other hand. (Applause) That is going on all over these United States in all your large cities. Even in Wisconsin where LaFollette is educating the people to their own rights the other day there was an election in Milwaukee and David Rose was elected mayor of Milwaukee on a ticket for an open town, which means gambling and saloons to your heart's content, and which also means the corruption of the police courts, and that means collecting money from the women of the town and collecting money from the gamblers and from every other man who wants to carry on an illegal business or wants the privilege.

It means the kind of government we had in San Francisco under Abraham Ruef's rule; it means the kind of government they have in New York city under Tammany's rule; it means the kind of government they had in Cincinnati under Cox's rule; it means the kind of government they had in Philadelphia under Quay's rule; it means the kind of government they have all over the United States where the machine has control; it means the kind of government you had in Portland when I first came up here, when the Grant brothers were running their big gambling saloon down in the tenderloin and Jack Matthews was your political boss. (Great applause).

Now, when Sorenson was on the way to Seattle and he wired McKinley to meet him at Seattle, Mr. Burns went up to Seattle with McKinley and came back on the same train with them without Sorenson knowing he was there; and I indicted Sorenson the day he reached Seattle, that is the grand jury indicted him under my direction; I was putting the evidence before them.

Corners Sorenson.

Now they came on over together, and McKinley brought Sorenson up to my room in the hotel and I immediately commenced to question Sorenson and said: "Sorenson, you have been indicted on the testimony of Hall that you offered him $5,000." And Sorenson got mad; I said, "You offered him $5,000 to let Doctor Walgamot go"; he said, "Waldamot nothing; it was you fellows," referring to Puter and McKinley, who were standing in the room, "it was you fellows I offered the $5,000 for"; and Puter and McKinley said, "that is right," and I said, "George, where is the letter which Hall wrote you in reply to the one you wrote him on October the 3d or 7th, whatever it was?" He said "I have it right here in my pocket," and he went into his pocket and brought it out. I said, "Do you mind letting me see it," and he said, "No, I will," and I walked into the other room and handed the letter to Rittenhouse and said to him, "Make me a copy of that," and went back, and Sorenson said he would go off and consult an attorney and let me know whether he would turn state's evidence; but he went away and did not come back; he went off and saw Pierce Mays, and then he went out and had a few drinks and stayed away; and when I found he wasn't coming back I called Hall before the grand jury, and asked him about where Sorenson was at the time I came up here to try that case, and I asked him why he didn't tell me, and he said he wasn't sure where he was; and I asked him to produce the letter he received from Sorenson, and he did so before the grand jury, and I said: "Now, Mr. Hall, did you write Sorenson any reply," and he said, "No, sir."

I had been appointed an assistant district attorney so I could go before the grand jury, appointed at my own request, so I could stay here and do this work. I said, "are you quite sure you didn't write him?" He said, "yes sir, I am absolutely sure I did not write him; I don't see why you ask me these questions."

Shows Copy of Letter.

Then I pulled out the copy of the letter he had written to Sorenson and I passed it over to him and said "isn't that a copy of the letter you wrote to Sorenson." He turned as white as the wall and read it through with his hands trembling. "Yes, that reads like my composition," he said, "yes, I remember now that it is a copy of the letter," and he says, "where did you get it, what do you mean by going into my letter press books"—he thought I had been through his letter press books and found the copy, and he left the room a few minutes after and the grand jury indicted Sorenson for offering the bribe to Hall and Hall in the trial colored the testimony and the jury stood ten to two; George had a couple of friends on the jury; but during the trial just given he became so sure he was perjuring himself he says, "Mr. Heney this man should be indicted for perjury and I call upon you to take the matter before the grand jury," and I did and Sorenson was convicted for that perjury committed on that trial. Now my friends, that was the beginning and from that I started with that grand jury and on that grand jury there were eight men who were proud to call themselves thick and thin Mitchell men and they were unwilling to believe anything against Mitchell; and it was not until after overwhelming evidence had been brought before them that finally that grand jury became a unit, a unit in trying to clean up the state of Oregon, and they could not disbelieve the testimony which was brought in there, and these men had started out friends of Mitchell, who had been, as one of them said, his friend for 20 years. As a thick and thin Mitchell man, he was one of the strongest in desiring to see justice done and so justice, my friends, has been done because the stamp of the citizenship in Oregon has been sufficiently high that 12 jurors have always brought in a verdict of guilty in these cases. (Great applause.)

Fulton and Mitchell.

But, my friends, what has all that to do with Charles W. Fulton? It has this to do with it: Fulton has always been a thick and thin Mitchell man for 20 years. But he had been closer to Mitchell than these men had been. In 1897—and I regret that it is necessary to talk about a man who is dead, but it is impossible to tell this story, and it is important that it should be told, without describing Mitchell's part in it. In 1897, when Mitchell was bribing the legislature, that holdup legislature, Fulton was there as his first lieutenant. Fulton says "prove it." Why, my friends, every man, woman and child in Salem knows it; every man, woman and child who lived in Salem at the time knew it; knew that Fulton was the recognized lieutenant of Mitchell in that fight and was handling the sack. (Applause). He admits himself that there was a sack there. He admits he heard that Smith got money; this man that made the affidavit that the money was paid to him, that Fulton was the man who made the proposition to him to give him $1,500 down and $1,500 after he had voted for Mitchell when the Mitchell house was organized. Fulton admits he heard about it. He heard about it? Why, it was common rumor at Salem at the time; not only was it common rumor that that man had received the money, but let me tell you a little more common rumor now. (Applause).

Who Backs Fulton?

Yes, and who is behind Fulton in this fight? Where is Jack Matthews in this fight? Is he for or against Fulton for United States senator? Don't you know? I will tell you. He is for him, tooth and nail. Who else is for him? Whitney Boise. I will tell you a thing or two about Whitney Boise in a minute. (Laughter.) Who else is for him? Oh, big merchant—heap big merchant, all the samee likee Chinamanee—oh, Mr. Wilcox. (Applause.) My friend Wheelwright is for him. He is a Democrat; I should think Fulton should be suspicious. (Laughter.) I have been called a Democrat, called myself one, have been one. Do you want to know what I am now?

Voice in the audience: Yes.

Mr. Heney: In politics?

Voice in the audience: Yes.

Mr. Heney: I will tell you. I am ashamed to call myself a Republican and I am ashamed to call myself a Democrat, and I am ashamed to call myself by any name that brands me as belonging to something that has no existence. (Applause.) They say, "Be loyal to your party." What is your party? Why, my friends, are you not intelligent, self-governing people? Where do parties come from? What are they? We start in tomorrow without any. Let's say we just got our liberty—it came to us today; we have just created these United tates free and independent. What party do you belong to? Well, I haven't any yet. Well, how do you get parties? Why, there is some question arises of principle, and I say I believe that we ought to have a certain kind of government, and you say you don't believe we ought to have that kind, and I commence to preach to the people or to argue to them that it ought to be my way, and you commence to preach and argue to them that it ought to be your way, and some men believe in my way and some believe in your way, and then we have two parties.

Question of Party.

Now, then, I say to you, what party do you belong to, or what party are you going to belong to? You just came over here, and you would say, "Well, who is running this party?" "Why, Heney is running that one." "Well, what is his nationality?" "Well, he is half Irish and half Dutch." (Laughter.) "Well, that won't do for me, I am French." Is that what you ask? No, my friends; you say, "Let me see what the principles are that this party stands for, that Heney is the representative of," and if you believe in those principles to be put in operation in government, then you work with that party. How long will you work with it? Suppose they change the principles on you; suppose Jack Matthews gets control of it and slips the cut on you (laughter) are you still so much of a Republican that you have to still go that way? Are you a Republican in name and a Republican in principle? (Laughter.)

Now, I commenced to observe when I was old enough to vote that during the campaigns that they were waving the bloody flag in the north and you had an absolutely solid south, and I said to myself, "It would be a good thing in this country if they could forget the civil war and if a Democratic president is once elected the people will learn in the north that there is no real danger of another civil war; that the men of the south are patriotic and believe in the Union, now that the negro question is out of the way, the slave question, and I therefore follow the Democratic party"; and Cleveland was elected president finally and it did actually what I thought it would do. It did convince the north that there was no real danger any more from the south. And the next election a Republican was elected, and the next election Cleveland was elected again; and then I commenced to see that there was growing up in this country something that was a menace to liberty; I commenced to see that wealth was accumulating in a few hands to such an extent that eventually the liberties of the people of this country must be lost, and I wondered which party was most to blame and which party would do the most good to stop that, and about that time a young man loomed upon the political horizon in New York city.

Roosevelt the Man.

This man was a police commissioner, and his name was Theodore Roosevelt. (Loud and prolonged applause.) I had a younger brother who was a Republican; he hadn't lived under the same environment as myself from along about the time he became a voter, and he had become a Republican, and I said to him at that time, "Now, there is a man that if he is ever nominated for the president of the United States, I won't ask the name of his party, but I will support him because I believe in his principles and in his character." (Applause.) And the first time that Roosevelt was nominated, and the only time, I had the pleasure of supporting him and of voting for him. And if I could name what I am at all, I would say that I am a Rooseveltian in principles. (Applause.)

But how many of us know exactly what he is trying to do? He sees more clearly than any man in the United States what is happening to us; he sees with a clearer vision, I think, than any other man in public life, with the exception of Robert M. La Follette, what is happening to the people of the United States, and he sees that the time is rapidly coming when unless we pass laws that will prevent men from being able to accumulate property as rapidly as they are accumulating it in a few hands, inevitably the liberty of this country will be wiped out. (Applause.)

The prime minister of New Zealand was over here not long ago, some six or eight months ago, and in talking to Professor Brooks, Brooks asked him what the policy was that he was pursuing in New Zealand, and he says the main policy is not to do the things which the people of the United States have done. Now a short time after that a friend of Brooks went over to Canada and wanted to put up a mill there and he went to the proper officials and said he wanted to buy sufficient water-power for his plant, and he showed them he was going to put up a very large plant. This man told Professor Brooks that the Canadian official laughed at him when he told him that he wanted to buy water power. "Why," he says, "we don't sell our water power

(Continued on Page Twelve.)