

SENATOR MITCHELL'S SPEECH

Full Text of the Speech in the Senate

Following is the full text of Senator Mitchell's speech which he delivered in the United States senate on Tuesday afternoon. The speech was made in self-defense and for three-quarters of an hour he held his colleagues spell-bound in their eager attention to hear the aged senator's story of his connection with the charges by the Oregon grand jury, which, as he says, if proven would disqualify him for further membership in the United States senate. Nearly every senator was present and he was given the most courteous hearing possible.

Senator Mitchell will not return to the Senate until his case has been passed upon by the courts. He said: "I assert in the most positive and unqualified manner that each and every one of the charges, insofar as they relate to or involve me, are absolutely unqualifiedly and atrociously false, and defiantly denounce their authors, and each and everyone of them, and brand them publicly as malicious and atrocious liars."

Following this general denial with one more specific, the senator spoke substantially as follows:

"But I desire to be more specific, and therefore I further deny, in terms the most absolute and unqualified which I am capable of using, that I ever, either in the month of January, 1902, in the state of Oregon or at any other time or place, unlawfully or feloniously, or otherwise, conspired with Binger Hermann, then commissioner of the land office, and S. A. D. Puter, Horace G. McKinley, D. W. Tarpley, Emma L. Watson, Salmon B. Ormsby, Clark E. Loomis and William H. Davis, or with either or any of them, or with any person or persons, to defraud the United States out of any part of its public lands located either in township 11 south, range 7 east, in the state of Oregon, or any other public lands either in the state of Oregon or elsewhere.

Denies Puter's Charge.

"I assert, furthermore, in the most absolute and unqualified manner, that any and all statements by any person or persons to the effect that I ever at any time or place entered into a conspiracy with all or any of said persons, or they or any of them, with me, to defraud the United States out of any part of its public lands in the state of Oregon or elsewhere, either by false or forced homestead applications, affidavits or proofs are absolutely, unqualifiedly and atrociously false, and I defy my defamers and challenge them to produce any evidence other than that of condemned thieves, forgers and perjurers to sustain any such charges.

"I further deny in the most absolute and unqualified terms that S. A. D. Puter did, either in the City of Washington on March 9, 1902, or at any other time or place, offer me or pay to me, or give me, nor did I on March 9, 1902, in Washington, D. C., or at any other time or place, accept or receive from said S. A. D. Puter the sum of \$2000 or any other amount whatever, either in two \$1000 bills or any other denomination or amount whatever as an inducement to use my influence with Binger Hermann, then commissioner of the general land office, to induce him, as such commissioner, to pass to patent 12 certain homestead entries, or any homestead entries whatever, or for any other purpose.

"And I here indignantly, with all the force I can command, denounce the public statement of S. A. D. Puter that he, on March 9, 1902, at Washington, D. C., paid me \$2000 in two \$1000 bills, and wilfully, maliciously, unqualifiedly and atrociously false."

Story Puter Told Him.

The senator then said he thought it proper he should state precisely what connections he ever had with Puter and the lands in question and some of the circumstances connected with the actions of the grand jury and the publication in the press regarding the charges.

He said that about March 1 or 2, 1902, Puter called on him in Washington with a letter of introduction from Hon. F. P. Mays, a prominent attorney of Portland, Oregon, and for many years the district attorney for the Oregon district. Puter had with him a woman, whom he introduced as Mrs. E. L. Watson, a widow and a citizen of Oregon, who had invested something

over \$8000 in 12 homesteads after the entrymen had received their certificates. The woman had obtained the greater part of this money by mortgaging other lands, secured by notes coming due. She could not raise the money to meet these notes until she had received patents for the 12 homesteads she had purchased.

Puter had acted as agent for this woman, and she was blaming him, Puter said, as he had assured her when she made the purchases that the patents to the lands would be issued in the regular course of business, certainly before the notes she had given for the borrowed money became due. Puter said it would be several months before the cases would be reached in the regular order in the land office, and that his purpose in calling on him (the senator) was to know if he could aid him in getting them advanced for early consideration. The senator said he told Puter certainly he would help him in the event, he found the cases in a condition to be taken up. Puter, the senator said, replied that he thought the cases had been thoroughly investigated by agents in the field and reported on favorably. He continued:

Took Puter to Land Office.

"I had not, of course, the slightest suspicion that there was anything wrong about the homestead entries or any of them, and I told Puter I would go up to the land office at once and ascertain the status of the cases, and asked him to go along with me. He went with me, first giving me an abstract of a paper containing a statement of the 12 different entries, the names of the respective entrymen and description of the land in each, and the dates of the alleged sales by each to Mrs. Watson, together with the amount alleged to have been paid by her for each claim."

At the land office, the senator continued, they were told that the field reports in the cases were all in, and the cases were ready for examination in the general land office as soon as reached in their regular order, but that it would be some considerable time before they would be reached. Senator Mitchell said he was further told at that time that there had been three reports, all favorable, made on all the 12 entries, one by the register and the receiver, C. B. Moores and William Galloway, at Oregon City, Ore.—one a Republican, the other a Democrat, both men of the very best character—and two reports of special agents in the field, and that these reports were all favorable. This information was obtained from some of the subordinate officials.

Hermann Asked for Affidavit.

The situation was then presented to Commissioner Hermann. The commissioner explained to (the senator) that the cases could not be made special unless some good reason was shown by affidavit why they should be advanced. Puter, who was present, the senator continued, told the sympathetic story about the woman, and Hermann suggested that he (Puter) put his reasons for making the cases special in the form of an affidavit, and he would consider if it was proper to advance them. Puter and Mrs. Watson then went to the senator's office at the latter's suggestion, where two affidavits were prepared without cost to them.

Senator Mitchell then read to the senate the two affidavits, both of them detailing the facts in the case as they already have been briefly stated. Puter, in his affidavit declared he had acted as Mrs. Watson's agent in making the purchases of the land, and said before doing so he had made a thorough investigation with a view of ascertaining the bona fides of the various homesteaders and becoming fully convinced they all had been made in good faith. On the strength of this conclusion, he had advised Mrs. Watson to invest her money, telling her that the title to the homesteads was perfect, except that patents had not yet been issued, but he had no doubt they would issue at an early date.

Relying on these affidavits, the senator in a letter to Commissioner Hermann, dated March 3, asked that the cases referred to be made special. Three days later he received a letter from Mr. Hermann, which said in part:

Unfavorable Reports Made.

Action on these entries has been suspended awaiting reports from a special agent as to certain charges which have been made to the effect that the entrymen had not complied with the requirements of the homestead law. These reports have recently been received and will be acted upon at once.

Several days later, the senator says, Puter came to him and expressed fear that, although the cases had been made special, it would be a long time before they were considered, and that Mrs. Watson was very much worried, as she

was being pressed for the money secured by mortgage. If they could be satisfied that the cases would be considered soon and without any great delay, they would remain here until action had been taken; otherwise, they would return home at once.

The senator replied in substance that he thought they were giving themselves unnecessary worry; that as the cases had been made special he had no doubt they would be taken up, considered and acted upon at an early date. As he was going to the capitol, he volunteered to stop at the land office with Puter and find out if possible how long before the cases would be considered. When he spoke to Mr. Hermann about them, the latter expressed the opinion that the consideration of the cases would not take a long time, but that as he was very busy he thought he would turn them over to Assistant Commissioner Richards for consideration. This he did, in his (the senator's) presence. The senator then introduced Puter to Richards as a respectable citizen of Oregon—"which," he continued, "I had then every reason to believe him to be—and the man interested in the case, who was anxious for as early consideration as possible. This is my connection with Puter and with these lands."

Had No Suspicion, Took No Pay.

"I had not the slightest idea in doing what I did that there was anything wrong about the entries or any of them. I did understand that some one had made some objections to some of the entries at one time months before, but the same had been thoroughly examined and reported on favorably by the register and receiver at Oregon City and by two special agents in the field.

"For what I did before the land office in connection with these 12 entries, as I heretofore stated, I was not offered, neither did I receive at any time, either \$2000 or any other amount of money, or any other thing of value, from S. A. D. Puter or any other person.

"I further state that not until more than two years after the consideration of these cases in the land office, as above mentioned, had I any knowledge or information to the effect that there was any claim upon the part of any agent of the government or anyone else, that any of these 12 homesteads had been acquired wrongfully or fraudulently.

The speaker then recalled that in the past three years he had been overwhelmed with letters from all over the state of Oregon requesting him to ascertain the status of entries and seeking his aid in getting the consideration of cases expedited in the general land office. He had invariably responded to these requests, both by personal visits and by letters to the officials here, and frequently urged the expedition of their consideration. He had done this, "invariably without making any charge or accepting any compensation of any kind or character, and so long as I shall remain one of Oregon's senators I shall continue to do these things for my constituents, so help me God, even at the risk of 100 indictments."

Says Heney Sought to Involve Him.

Then the senator attacked Francis J. Heney, United States district attorney at Portland, in the prosecution of the land fraud cases, accusing him of unprofessional conduct in the jury-room and asserting that subsequent to the conviction in the land fraud cases, early in December, and before sentence had been imposed Heney, "engaged with United States District Attorney John H. Hall in representing the government in prosecution of said case, entered into an agreement with the said S. A. D. Puter, Emma L. Watson and others included in said conspiracy, by which they offered clemency or leniency of some kind or character, provided they would, by their evidence, involve myself, Mr. Hermann and others in these frauds."

The senator referred to his long career in the senate and said that not until this time had any charge ever been made against his integrity, either as a man, member of the bar or member of the senate. It may be thought, he said, by some that he had violated precedent in coming to the senate at this time, but he declared: "I am an innocent man and I have at this stage of the proceedings the same right as any other senator to come here in defense of my character which is as dear to me as that of any other senator on this floor."

Will Demand Investigation.

He trusted and believed the time would come when he could with propriety demand of the senate a thorough investigation of every one of the charges against him. The senator said in conclusion:

"I have been declared by unproved charges to be unworthy to remain longer as your associates and being conscious of the absolute rectitude of my actions and of my innocence of all wrong, I have deemed it not only my right but my duty to myself and to the members of this senate that I should come here and thus publicly deny all charges which I know to be absolutely

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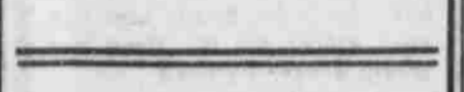
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