

Action of Western Town Council Indicates that Moist Sections of Town are to be Made Dry

The monthly meeting of the Western town council was called to order on Monday morning by President William E. Clarke, with these conclusions in attendance: Albert H. Langworthy, C. Clarence Maxson, Horace E. Burdick, Charles W. Sweeney, John P. Kingsley, and Wayne Saunders. The records of the December meetings were approved and signed by Clark Everett, town clerk. Frank Cordner announced his intention to remove the bridge about half a mile from the Atlantic station, and the road from Atlantic to Clark's mill. He stated that the railroad company had purchased the Ashway farm to get rid of this bridge, and closed a public driveway, which now has been being used by the public. He maintained that the railroad company had no right to close the driveway, and it should be permitted to exist. He asked for his privilege. The matter was referred to a committee composed of the highway committee and town solicitor.

Petition was received from residents of the street asking that a police man be stationed in that street from 6 a. m. until 2 a. m., in order to prevent drinking, shooting and stone throwing during the night. The committee on the petition reported that the condition as it was understood it, and said that the police were ready to call at any time and put an end to the disorder. In the discussion it was strongly intimated that many residents were ready to call at any time and put an end to the disorder. The petition was referred to the police committee for their consideration. Chief Engineer Cottrell presented a bill of \$7.13 received from the Western Automatic Telephone company for the moving of the telephone pole, fire alarm, and believed the bill should be paid by the town rather than by the fire district. The bill was ordered paid.

Town Solicitor Kingsley of the committee appointed to procure signs for the sidewalks, made report. He said the cost would be 40 cents for each sign, and the committee was authorized to purchase fifty of these signs. Councilman Scanlon made report on the sidewalk signs, and stated that they were ready to be put in place. They will be placed in position under the direction of the highway committee. Charles Chas. presented a bill for a change of roads in the Weepapa section, which had been before the council several times, but without reaching definite conclusion. The matter was referred to the town solicitor for examination and report.

Angelo Aolmar, an employee of the street department, whose right eye was injured while at work on the stone bridge, and who had been unable to get relief from the town. He said he had been out of work for two months, and that he was not in condition to return to work. He asked for relief from the town. The matter was referred to the town solicitor for examination and report.

The town council on Monday appointed three constables to serve civil writs, and clothed with more power than regular police officers. The new appointees are Joseph Grillo, an Italian, and two others. The appointment of Mr. Grillo was of considerable assistance to the police. This is the first time in the history of the town that a constable has been appointed to assist the police.

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MESSAGE OF THE SECRET SERVICE

President Replies to Congressional Resolution.

SAYS HE DID NOT HIT AT HOUSE

Language in Annual Communication Called Objectionable by Representatives Will Stand Analysis, Declares Executive—He Renews His Argument For Repeal of Law Limiting Activities of Treasury Agents—Cites Cases in Which They Have Aided in Punishment of Violators of Federal Laws.

Washington, Jan. 4.—In a special message to the house of representatives today President Roosevelt says: I have received the resolution of the house of representatives of Dec. 17, 1908, running as follows:

Whereas, There was contained in the sundry civil appropriation bill which passed congress at its last session and became a law a provision in reference to the employment of the secret service in the treasury department; and whereas, in the last annual message of the president of the United States to the congress, it was stated in reference to that provision, "It is not too much to say that this amendment has been of benefit only and could be of benefit to the treasury department," and whereas, the chief argument in favor of the provision was that the secret service did not themselves wish to be investigated by congress, and no one holds the authority and dignity of the congress of the United States in higher respect than I do, I have not the slightest sympathy with the practice of judging men for good or for ill not on their several merits, but in a mass, as members of one particular body or office, to put together all men holding or who have held a particular office, whether it be the office of president or judge or senator or member of the house of representatives, and to class them all, without regard to their individual differences, as good or bad seems to me utterly indefensible, and it is equally indefensible whether the good are confounded with the bad in a letter, and the bad are confounded with the good in a heated and unwarranted assault upon all. I would not defend all executive officers in a mass, whether presidents, governors, cabinet officers or officials of lower rank, nor would I attack or defend all legislative officers in a mass. The safety of free government rests very largely in the ability of the plain, everyday citizen to discriminate between those public servants who serve him well and those public servants who serve him ill. He cannot thus discriminate if he is persuaded to pass judgment upon a man not with reference to whether he is a fit or unfit public servant, but with reference to whether he is an executive or legislative officer, whether he belongs to one branch or the other of the government.

Says Message is Misunderstood. This allegation in the resolution, therefore, must certainly be due to an entire failure to understand my message. The resolution continues, "That the president be requested to transmit to the house any evidence upon which he based his statements that the chief argument in favor of the provision was that the secret service did not themselves wish to be investigated by congress, and no one holds the authority and dignity of the congress of the United States in higher respect than I do, I have not the slightest sympathy with the practice of judging men for good or for ill not on their several merits, but in a mass, as members of one particular body or office, to put together all men holding or who have held a particular office, whether it be the office of president or judge or senator or member of the house of representatives, and to class them all, without regard to their individual differences, as good or bad seems to me utterly indefensible, and it is equally indefensible whether the good are confounded with the bad in a letter, and the bad are confounded with the good in a heated and unwarranted assault upon all. I would not defend all executive officers in a mass, whether presidents, governors, cabinet officers or officials of lower rank, nor would I attack or defend all legislative officers in a mass. The safety of free government rests very largely in the ability of the plain, everyday citizen to discriminate between those public servants who serve him well and those public servants who serve him ill. He cannot thus discriminate if he is persuaded to pass judgment upon a man not with reference to whether he is a fit or unfit public servant, but with reference to whether he is an executive or legislative officer, whether he belongs to one branch or the other of the government."

I am wholly at a loss to understand the concluding portion of the resolution. I have made no charges of corruption against congress nor against any member of the present house. If I had proof of such corruption affecting any member of the house in any manner as to which the federal government has jurisdiction, action would at once be brought, as was done in the cases of Senators Mitchell and Burton and Representatives Williamson, Herrmann and Briggs at different times since I have been president. This would simply be doing my duty in the execution and enforcement of the laws without respect to persons. But I do not regard it as within the province or the duties of the president to report to the house "alleged delinquencies" of members or the supposed "corrupt action" of a member "in his official capacity." The membership of the house is by the constitution placed within the power of the house alone. In the prosecution of criminals and the enforcement of the laws of the United States.

Portion of Message Quoted. In the third and fourth clauses of the preamble it is stated that the meaning of my words is that "the majority of the congressmen are in fear of being investigated by secret service men," and that "congress as a whole was actuated by this motive in enacting the provision in question."

Let me say at once that I have no particular knowledge of the motives of the congressmen who voted for the provision, and I have no doubt that many members of the house simply followed the lead of Messrs. Tawney and Smith without having had the opportunity to know very much as to the rights and wrongs of the question. I would not ordinarily attempt in this way to discriminate between members of the house, but as objection has been taken to my language, in which I simply spoke of the action of the house as a whole, and as apparently there is a desire that I should thus discriminate I will state that I think the responsibility rested on the committee on appropriations under the lead of the members whom I have mentioned.

Replies to Request For Evidence. Now as to the request of the congress that I give the evidence for my statement that the chief argument in favor of the provision was that the secret service did not themselves wish to be investigated by secret service men.

The part of the Congressional Record to which I have referred have already appeared in this statement. Two distinct lines of argument were followed in the debate. One concerned the question whether the law warranted the employment of the secret service in departments other than the treasury, and this did not touch the merits of the service in the least. The other line of argument went to the merits of the service, whether in wholly or unlawfully employed, and here the chief if not the only argument used was that the service should be cut down and restricted because its members had "shadowed" or investigated members of congress and other officers of the government. If we examine the debate in detail it appears that most of what was urged in favor of the amendment took the form of the simple statement that the committee held that there had been a "violation of law" by the use of the secret service for other purposes than suppressing counterfeiting (and one or two other matters which are disregarded) and that such language was now to be used as would effectually prevent all such "violation of law" hereafter. Mr. Tawney, for instance, says, "It was for the purpose of stopping the use of this service in every possible way by the departments of the government that this provision was inserted," and Mr. Smith says, "Now, that was the only way in which limitation could be put upon the activities of the secret service." Mr. Fitzgerald followed in the same vein, and by far the largest part of the argument against the employment of the secret service was confined to the statement that it was in "violation of law." Of course such a statement is not in any way an argument in favor of the justice of the provision. It is not an argument for the provision at all. It is simply a statement of what the gentlemen making it wished to have the secretary of the treasury do. It was both implicative and direct statement of the assertion that it was the law and ought to be the law, that the secret service should only be used to suppress counterfeiting and that the law should be made more rigid than ever in this respect.

No Restrictions on Service. Incidentally I may say that in my judgment there is ample legal authority for the statement that this appropriation law to which reference was made imposes no restrictions whatever upon the use of the secret service men, but relates solely to the expenditure of money appropriated. Mr. Tawney in the debate stated that he had in his possession "a letter from the secretary of the treasury received a few days ago" in which the secretary of the treasury "himself admits that the provisions under which the appropriation has been made have been violated year after year for a number of years in his own department." I append herewith a copy of the letter referred to. [Appendix A is a letter from the secretary of the treasury to the chairman of the committee on appropriations, dated April 29, 1908, protesting against the proposed law abridging the right of the secretary of the treasury to detail secret service men to any other division of his department. Such abridgement, he declared, would be "distinctly to the advantage of violators of criminal statutes of the United States."] It makes no such admission as that which Mr. Tawney alleges. It contains, on the contrary, as you will see by reading it, an "emphatic protest against any such abridgement of the rights delegated to the secretary of the treasury by existing law" and concludes by asserting that he "is quite within his rights in thus employing the service of these men."

Private Conduct of Members. A careful reading of the Congressional Record will also show that practically the only argument advanced in favor of the limitation proposed by Mr. Tawney's committee beyond what may be supposed to be contained by implication in certain sentences as to "abuses" which were not specified there, was that contained in the repeated statements of Mr. Sherley. Mr. Sherley stated that there had been "prolonged abuses growing out of the use of the secret service for purposes other than those intended," putting his statement in the form of a question, and in the same form further stated that the "private conduct" of "members of congress, senators and others" ought not to be investigated by the secret service and that they should not investigate a "member of congress" who had been accused of "conduct unbecoming a gentleman and a member of congress." In addition to these assertions, couched as questions, he made one positive declaration that "this secret service at one time was used for the purpose of looking into the personal conduct of a member of congress." This argument of Mr. Sherley, the only real argument as to the merits of the question made on behalf of the committee on appropriations, will be found in columns 1 and 2 of page 5556 and column 1 of page 5557 of the Congressional Record. In column 1 of page 5556 Mr. Sherley refers to the propriety of permitting the secret service men to investigate men in the departments, officers of the army and navy and senators and congressmen. In column 2 he refers to the effect of the limitation proposed by the committee on appropriations. In column 1, page 5557, he refers only to members of congress. His speech puts most weight on the investigation of members of congress.

Newspaper Article Reproduced. What appears in the record is filled out and explained by an article which appeared in the Chicago Inter Ocean of Jan. 3, 1904, under a Washington headline and which marked the beginning of this agitation against the secret service. It was a special article of about 3,000 words, written, as I was then informed and now understand, by Mr. L. W. Busbey, at that time private secretary to the speaker of the house. I enclose a copy of certain extracts from the article, marked Appendix B. [Appendix B is a newspaper article reproduced from the Chicago Inter Ocean of Jan. 3, 1904. In this John E. White, chief

further discourages good effort. In his present position the speaker operates only to the advantage of the criminal, of the wrongdoer. The chief argument in favor of the provision was that the congressmen did not themselves wish to be investigated by secret service men. Very little of such investigation has been done in the past. But it is true that the work of the secret service agents was partly responsible for the indictment and conviction of a senator and a congressman for land frauds in Oregon. I do not believe that it is in the public interest to protect criminals in any branch of the public service, much less in the executive branch, and during the past seven years prosecuted and convicted such criminals who were in the executive branch of the government, so in my belief we should by ample means to prosecute them if found in the legislative branch. But if this is not considered desirable, the prohibition could be made in the law prohibiting the use of the secret service force in investigating members of the congress. It would be far better to do this than to do what actually was done and strive to prevent or at least to hamper effective action against criminals by the executive branch of the government.

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of the secret service of the treasury department, is described as ambitious of becoming "the Fouche of the United States," in imitation of Fouche, chief of the secret police of Napoleon. The article declares that the secret service bureau exists without warrant of congressional action and that congress has always been antagonistic to the bureau. It contained an utterly unwarranted attack on the secret service division of the treasury department and its chief. The opening paragraph incites, for instance, statements like the following:

He (the chief of the division) and his men are desirous of doing the secret detective work for the whole government and are not particular about drawing the line between the lawmakers and the law-breakers. They are ready to shadow the former as well as the latter.

Then, after saying that congress will insist that the men shall only be used to stop counterfeiting, the article goes on:

Congress does not intend to have a Fouche or any other kind of minister of police to be used by the executive departments against the legislative branch of the government. It has been so used, and it is suspected that it has been so used recently. The legislative branch of the government will not tolerate the meddling of detectives, whether they represent the president, cabinet officers, or the house and senate. The congressmen resented the secret interference of the secret service men who, for weeks shadowed some of the most respected members of the house and senate. When it was discovered that the secret service men were shadowing congressmen, there was a storm of indignation in the capital, and the bureau came near being abolished, and the appropriation for the suppression of counterfeiting was cut off. The secret service had its men shadow congressmen with a view to involving them in scandals that would enable the bureau to dictate to them as the price of silence. The secret service men have shown an indication again to shadow members of congress, knowing them to be lawmakers, and this is no joke. Several of the congressmen have asked congress for secret funds for investigation, and the treasury department wants the limitation removed from the appropriation for suppressing counterfeiting. This shows a tendency toward Foucheism and a watch on other officials than themselves.

At the time of this publication the work of the secret service which was thus assailed included especially the investigation of great land frauds in the west and the securing of evidence to help the department of justice in the beef trust investigations at Chicago, which resulted in successful prosecutions.

In view of Mr. Busbey's position I have accepted the above quoted statements as fairly expressing the real meaning and animus of the attacks made in general terms on the use of the secret service for the punishment of criminals. Furthermore, in the performance of my duty to endeavor to find the feelings of congressmen on public questions of note I have frequently discussed this particular matter with members of congress, and on such occasions the reasons alleged to me for the hostility of congress to the secret service, both by those who did and by those who did not share this hostility, were almost invariably the same as those set forth in Mr. Busbey's article. I may add, by the way, that these allegations as to the secret service are wholly without foundation in fact.