

EXTRA SESSION OF CONGRESS LIKELY

House Recovers To-morrow With Remote Chance of Completing Task in 9 Weeks.

FACE SIX MONTHS WORK

President Is Anxious for Early Passage of Railroad Legislation.

WASHINGTON, Dec. 31.—Congress will reconvene Tuesday after the holiday recess. The lawmakers will be sorely tested in a session limited by law to a little less than nine weeks and it is the general opinion that the work planned for the session will require six months of work.

Leaders believe that if Congress does not act before the end of the year, the necessary appropriations will not be made in time to meet the needs of the army and navy. The important appropriation bills are yet to be considered and many of them will be contested.

The army bill will carry the preparedness program. It is likely to be passed in the next few days. The important appropriation bills are yet to be considered and many of them will be contested.

National Guard Problem. The admitted failure of the National guard to meet expectations on the border has suggested the necessity of reorganizing to take its place. It is expected that a lively debate will be heard in both houses over the twin proposals to reorganize the National guard.

They will meet with determined opposition. The President made up his mind long ago that he would not sign any bill unless he passed these measures early in the session there would be no chance to get them through in the closing weeks. Some of the Senate leaders say there is no hope for the bill, and all the President is deemed to do is to wait until he expects to leave in his session. The hearings begin the day after tomorrow.

Pat Breckinridge in Charge. At the outset of the long statement Mr. Swann comments that he found a letter from Pat Breckinridge, then the District Attorney's office when he began his term a year ago, and that the cases growing out of the garment workers' strike were being handled by the People vs. Joseph Miller, et al., were among the great number.

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DELEHANTY PAID BY BAILEY, SAYS SWANN

Continued from First Page.

Attorney. Well, they were mistaken in their man, that's all!

Deal Made Before Election. "I'm not afraid to say what I think. The deal between the garment workers' leaders and Tammany Hall to get the indictments quashed was made before the election for District Attorney. That was why these labor leaders fought Charles Perkins so hard and fairly tore their shirts off working for Swann. They knew what they would be paid. It's a rotten, dirty business, a disgrace to the community, and the Governor has got to act."

There seemed to be no doubt last night that the Governor is going to act. All night a pretty well concerned over the inauguration ceremonies and festivities to take place to-day, but nevertheless Gov. Whitman made it plain to his friends that the investigation called for by Judge Delehanty will be held without delay. As a matter of fact, it is taken for granted that the Governor knew what was in the wind—may have known of the deal of things for some months, since he and Judge Delehanty are warm friends and because Mr. Breckinridge was recently in Albany for a conference with Gov. Whitman.

Following the publication yesterday morning of Judge Delehanty's action in filing with the clerk of General Sessions a fifteen page memorandum accusing Mr. Swann of dereliction of duty, his chief assistant, John T. Dooling, to set free the labor leaders indicted for assault and battery on December 14, 1916, and including the letter written by Mr. Breckinridge, who so severely criticized the District Attorney, it was certain that the development of the case would be rapid and interesting.

Forest Meet in Conference. On Saturday night Mr. Swann was at his country place in Park Ridge, N. J. Informed of the accusations made by Delehanty and Breckinridge, Swann gave out a brief statement, a statement which admitted the facts of the case and which called Breckinridge a "tax eater." However, there was a gathering of the Swann forces in Manhattan yesterday evening, and the telephone wires were overworked and there was a story in the Criminal Courts Building that one of the phones was broken down, which Charles Francis Murphy attaches his ear on occasion.

So far as the Swann people were concerned the gathering started with a conference at Swann's office, in which Assistant District Attorney John T. Dooling, a well known Tammany figure, who is a very conspicuous figure in the city, and several other prominent figures, who have been one of the lawyers for the indicted labor leaders; Aaron J. Levy, who is strong in Tammany and is a member of the board of directors of the W. Foster, Mr. Swann's private secretary.

Alfred J. Talley, a close personal friend of Swann, who is in charge of the campaign for District Attorney, hurried into the office and was followed by Assistant District Attorney Leslie J. Tompkins, who is also a prominent figure in the city, and several other prominent figures, who have been one of the lawyers for the indicted labor leaders; Aaron J. Levy, who is strong in Tammany and is a member of the board of directors of the W. Foster, Mr. Swann's private secretary.

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This memorandum suggesting that I had deceived the court in this man most cordially insisted that I should sit on the bench with him while I discussed a question regarding the administration of justice. If he had really thought that I had intentionally committed a fraud upon the bench would he have insisted upon my occupying it with him when I started to address him on the bar?"

"On a question of veracity or professional ethics is Mr. Delehanty a competent person to speak? This is the question which I was familiar with. Delehanty, who while he was a full Assistant District Attorney at \$7,500 per annum, and for four months or more was acting District Attorney, was receiving \$500 a month private retainer for legal advice from Tom Devine, who was all this time going on so many bail bonds from persons who were about to be prosecuted by Mr. Delehanty himself as Acting District Attorney or New York county, that Devine is known in the court house as a professional bondsman. I have before me a list of more than 150 of his bail bonds.

"I Wish I Had More." "Devine was then in the habit of giving bail bonds or putting up cash bail for members of the notorious wireless wiretapping gang, which it was part of Mr. Delehanty's duty to prosecute, and all this time the Acting District Attorney for New York county was receiving a retainer of \$500 a month from Devine. Having been detected in this alliance he brazenly said, 'Well, what if I wish I had more.'"

"On December 14, 1916, Mr. Delehanty indicated his desire that I discontinue my assistance and that he should take over the case. I was not at all suspicious, though I chafed under the delay. "Swann had kept saying that he expected to get pleas from the defendants such as would make trials unnecessary, and I believe him then, and kept in touch with the case, and kept in touch with myself that they were ready to testify in accordance with the statements they had made in the District Attorney's office. The evidence had been taken by Mr. Breckinridge, to whom Mr. Swann returns for a final shot.

"He abandoned the case on the day before the trial, with a handsome retainer in his pocket, which he failed to return." "Finally in the latter part of January I appealed to Assistant District Attorney O'Malley to try the case. He was much too busy. One day John T. Dooling, whom I frequently heard referred to as the District Attorney, called on me and said that he had been assigned to the case. I had heard that he was Sam Levine, one of the labor people interested, but I cannot say positively as to that. Dooling accepted the case and terminated to accept pleas from seven of these defendants.

"Breckinridge, Judge Swann has designated to accept pleas from seven of these defendants. "I replied, 'They are underlings. To take pleas from them would be to admit tacitly that their leaders had done nothing.' "Well, what's your plan?" asked Dooling.

"I replied that my plan was to take a plea from the men who were underlings, and see what could be done with that. I was sure of convictions and that if the case fell down then I myself would recommend the dismissal of all of the other cases, since if a jury failed to believe the witnesses in a case I would scarcely believe the witnesses in the other cases. "But why," persisted Dooling, "is this disposition of Swann's a good one to make?"

"Wanted Leaders Reached." "Simply because the men admitted to pleas are small fish. If you are willing to take pleas you will take them from the leaders. If they are not willing to take pleas and admit that they have done wrong it will be a big step ahead, because it will mean that in future labor troubles they won't have any more of slugging by pickets and other crimes of violence, and at the same time it will be serving notice on the leaders that they cannot do as they please. Please remember that they couldn't do under another. Otherwise you will be notifying them to go ahead with their killings and slugging. I have heard that they are doing that. They can do under you what they couldn't do under Whitman."

"Well, said Dooling, 'Mr. Swann has designated to accept pleas from seven of these defendants. "I did so, and while I was doing so I got to thinking things over. I made up my mind that I was being used as a cloak for a disreputable political deal; that I was the 'fall guy,' the respectable Republican figurehead used in a characteristic Tammany way to cover up the deal. I added that Thomas Devine is an independent Democrat who has stirred up many primary fights against certain West Side Tammany district leaders."

"It Was a Rotten Business." "And then I wrote my letter. I did not make it public at the time for two reasons. One was that I believed the private letter would stop the rotten business and the other was that I did not want to be the man who was called upon to make the letter public. I did not show it to Judge Delehanty, but the Judge was familiar with my ideas about the whole matter. I had been in touch with him and with Charles A. Perkins. "It was a rotten business. It has

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