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Prof O G Libby

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FORAKER OPENS CAMPAIGN TO SECURE OHIO DELEGATION

At Canton Last Night He Discusses Newspaper Reports Relative to President Roosevelt and Himself--Declared He Had Been a Supporter of the President's Policies, Save in Three Instances and Denies He is In Any Combination to Defeat Those Policies in the Future--Scouts the Idea of the President Participating in Ohio Campaign in Support of Taft--He is Listened to by 1200 People and Given a Rousing Reception

Associated Press to Bismarck Tribune.
Canton, Ohio, April 10.—In the presence of 1,200 persons Senator Joseph B. Foraker at the auditorium tonight delivered an address in which he defended his record in the senate and declared his willingness to abide by the public's decision in the future. The occasion of the address was the annual banquet of the Canton board of trade. Senator Foraker was down on the program to deliver an address on "Civic Pride," but his speech was largely directed to a declaration that he means to always do his best in his own way.

He was received with much enthusiasm, as he stepped forward to speak.

Senator Foraker discussed published statements regarding the president's attitude toward the senator's speech at this time, replied to a publication mentioning him as one of an anti-Roosevelt combination, reviewed the investigation of the discharge of the negro soldiers on account of the trouble at Brownsville, Tex., reiterated his views regarding recent railroad legislation, protested against the infringement by one branch of the government of the rights of another branch, declared that the representatives of the people in congress are accountable only to the people and are not "properly subject to any other influence," denied the right of any one except his constituents to call him to account, and sounded a note of warning against increased surveillance of business men who need no "moral regeneration."

He quoted a published report that "President Roosevelt has drawn a dead line for Senator Foraker," and that "if he attacks President Roosevelt, President Roosevelt will be heard from in no uncertain tones." Senator Foraker said: "The wicked flee when no man pursueth. I have not forecasted the character of any speeches. I am intending to make, and if I had it would seem incredible to the average mind that such a story could be anything more than a mischief-making pipe dream of an over-ambitious correspondent."

"That the president of the United States should become personally engaged in a political contest to determine his successor is without precedent, unless it be the bad precedent set by Andrew Jackson as to Martin Van Buren. "That he would enter upon such a struggle with a declaration that he is to set limitations upon the freedom of speech of those who may differ from him, and that they are to disregard those limitations at their peril, is without precedent even in the case of Jackson, and is so inconsistent with the dignity of his high office and the proprieties always to be observed, that I feel it a duty toward the president himself to enter upon him, on my own motion, a disclaimer of all responsibility for such a publication.

"The time has not yet come, and nobody knows that better than the president himself, when 'dead-lines' can be drawn in debate for anybody to observe; nor has the time come when any real man would respect them if they were drawn.

"So far as I am personally concerned, I shall always speak with respect toward none but according to convictions whenever and wherever I may have occasion to speak at

Mr. Foraker characterized as a "port of companion piece" a published statement of the president to his friends that there has been named as members of the combination to do him up for his attitude toward Wall Street, E. H. Harriman, B. Foraker and John D. Rockefeller.

In view of this publication," said Foraker, "I trust I may without propriety say that until it was given out at Washington a few days ago I never heard tell of any combi-

nation, or trust, or conspiracy to oppose the president in anything; much less did I ever hear of the so-called five million dollar conspiracy of which we have heard so much during the last week.

"I trust I may be pardoned for going further and saying I never saw John D. Rockefeller but once in my life, and that was twenty years ago or more while I was governor of Ohio.

"Mr. Harriman I have seen often. I have seen him three times—twice at the White House; the last time as an honored guest at the wedding ceremonies of the president's daughter. On neither of these occasions did I have any conversation with him.

"The only other time I ever saw him was to meet him at a dinner party given by Senator and Mrs. Dewey where Speaker Cannon and his daughter, Senator Spooner and his wife, Senator Elkins and his wife, and many others were present.

"Except only the brief conversation of the evening in the presence of all this company, I never communicated with him directly or indirectly on any subject whatever.

"I call attention to all this with particularity so that at the outset such wild, reckless, crazy stories may be put into the class of campaign literature where they properly belong.

"But these stories are but samples of many others, all of which taken together seem to have for their object the dissemination of the idea that I am at war with the policies of President Roosevelt.

"No man ever occupied the White House who has been identified with so many legislative measures as President Roosevelt. He is a tireless worker. He is constantly doing, or causing to be done, something of great importance. This is true not only as to domestic, but also as to foreign affairs. He has been presi-

dent since September, 1901, almost six years.

"During all that time I have supported all measures that have come before the senate of the United States for consideration with which he was in any way identified, except only three.

"I differed from him as to joint statehood for New Mexico and Arizona, insisting that they should not be forced into the union as one state, unless a majority of the citizens of each territory might so vote. The proposition I favored was adopted by congress, and the people of the

territories voted against joint statehood. That was no occasion for any bitterness of feeling in connection with its consideration; and there was none on my part, and I never heard that there was any on the part of the president.

"I was unable also to agree with the president as to conferring the rate-making power upon the interstate commerce commission, as provided in the Hepburn law, passed at the first session of the fifty-ninth congress. I was not opposed to that proposition, however, because I did not want governmental control and

interstate commerce, for I was among the first to advocate such a measure but because I thought the Hepburn law in that particular was both unconstitutional and unnecessary, and that it was a long and serious step in the wrong direction as a matter of public policy.

"I did not believe either that if congress had the power to make rates it had the right to delegate that power to an administrative body. Whether I was right in entertaining this opinion will be determined when the supreme court of the United States passes on the question, as, sooner or later, it must."

Mr. Foraker said that all the prosecutions against the railroads, the sugar and beef trust and the Standard Oil and other corporations have been brought under the Elkins law and the government secured convictions speedily in all cases except where its own testimony failed, but that no suit of the kind has been brought under the Hepburn law.

Continuing, the senator said: "Another session of congress has just closed. There were numerous measures pending and acted upon with which the president was prominently identified. So far as I can recall, I supported every one of them. There was one matter, however, about which I have taken a different view from him. I refer to the discharge, without honor, of the members of Companies B, C and D of the Twenty-fifth United States infantry, on account of the shooting affray at Brownsville, Tex. This was an incident, not a policy. But it was an incident of such character that I felt it my duty as a representative of the people of Ohio to do with respect to it what I have done.

"It was charged—and the president was made to believe—that certain men of the Twenty-fifth infantry had made a murderous midnight assault upon the sleeping men, women and children of Brownsville; that

they had 'shot up' the town as the expression goes, and that they had killed one man, and wounded another, and put in jeopardy the lives of many. He believed that this was done by a few, but that others of the battalion knew and refused to disclose the identity of the men who did it.

"As a result, he ordered that the whole battalion should be dismissed without honor, the innocent because they could not be distinguished from the guilty.

"Among these men were old soldiers who had seen many years of service. Their services had been honest, faithful, gallant and distinguished. One of them had served continuously for 26 years. In fifteen months more he could have retired on a pension for life. His services had been rendered not only on the frontiers of this country, but in Cuba and in the Philippines. It has covered both war and peace. In all that long period not one single black mark had been registered against him. He had never been court-martialed; he had never been punished; he had never been even reprimanded; on every one of his numerous discharges it was recorded that his character was excellent and that his services had been efficient.

"His case is but an illustration, in a little stronger degree, of many others. A number had served more than twenty years; many of them almost twenty years; all had acquired distinct and valuable rights, and all these rights were swept away from them in an instant by an executive order which put them all alike in common disgrace, and sent them adrift among their countrymen, whom they had done so much to defend, branded as criminals who had either participated in the shooting, or who had become accessories after the act, by protecting criminals who had.

"These men had been given no opportunity to be heard. It seemed to me that no man in this country was so humble that he should not be given a day in court somewhere, or more time, or some place, to make his defense, confront his accusers, and refute their testimony against him; and especially should soldiers have the benefit of such a hearing. "I believed that this was their right under the constitution. I did not believe that even the president, as commander-in-chief of the army, had power to deprive them of this right.

"But without regard to that question, I felt that they should have this opportunity. I secured it for them. It was a long, hard contest in the senate which resulted in the adoption of a resolution ordering an investigation.

"I spoke repeatedly in favor of the proposition, but the record will be searched in vain to find one word of disrespect toward anybody from the president down to the humblest man figuring in any way in connection with the matter.

"It was with me simply a great, broad question of constitutional power on the one hand and constitutional right on the other. It has been said that it was an effort to secure the negro vote. It tries the patience to answer such charges—but that claim might be disposed of, one would think, by the simple statement that for more than thirty years I have been honored with that vote almost to a man, and simply because, as in this case, I have always upheld their rights under the constitution and the laws.

"The investigation has been in progress. It is not yet completed. I would prefer not to speak of the results until they have been fully determined; but challenged as I am I do not hesitate to say that the testimony so far taken justifies the investigation. I cannot here and now

(Continued on page 8.)



Uncle Charmer Sam: "Allah be praised! This music is beginning to charm that soulless creature."

HARRY THAW'S FATE NOW HANGS IN THE BALANCE

New York, April 10.—Charged with the responsibility of deciding the fate of Harry K. Thaw, the jury which since January 23 has been sitting in judgment on the young slayer of Stanford White, retired at 5:17 p. m. today to begin consideration of their verdict. Six hours later they had failed to report an agreement and shortly after 11 p. m. were locked up for the night in jury room of criminal court building. It was said that when Justice Fitzgerald's message was received the officers on duty put the matter up to the jurors themselves, asking if there was any possibility of their arriving at a verdict within the next few hours. The reply from the jury room was strongly negative. The jury was said to be almost hopelessly divided and none of those connected with the case tonight would venture the hope of any thing better than a disagreement as a climax of the long drawn out trial.

Associated Press to Bismarck Tribune
New York, April 10.—Harry Kendall Thaw's fate is in the hands of the jury. The trial, which had been in progress since January 23, came to an end at 5:17 o'clock this afternoon when the twelve men who are to pass upon Stanford White's slayer retired to deliberate upon their verdict.

The general impression prevailed that a decision would be reached before morning.

After considering the case for an hour and a half the jury was taken to the Broadway Central hotel for

dinner and in the meantime Justice Fitzgerald adjourned court until 9 o'clock. He did not then indicate how late he would remain at the court house.

The life of Harry Thaw this day will go down as the most trying he has ever experienced. From the opening of court until the jury retired, the fates dealt unmercifully with him.

Beginning with District Attorney Jerome's final argument and throughout the judge's charge Thaw had to listen to a scathing attack upon his character and to a narrative drawn from the evidence, which was meant to strip his deeds of the halo of chivalrous glory which his own attorneys had thrown about them.

The judge's charge, lasting an hour, was a concise outline of the law and gave to the jury the alternate of rendering any one of the following four verdicts:

Murder in the first degree,
Murder in the second degree,
Manslaughter in the first degree,
Or, not guilty on the ground of insanity.

The statutes governing the plea of insanity was defined clearly, much stress being laid on the fact that an irresistible impulse to kill had no place in law.

The judge also informed the jury that an illusion, unless the illusion if true might result in the injury of a man suffering it, could not be accepted as an excuse.

Altogether the charge, while consisting principally of a complete explanation of the law, was considered by those who have followed the trial, as adverse to the defendant.

The attorneys for the defendant took exceptions because the judge had failed to include any of the circumstances surrounding the case.

Thaw was much depressed by the judge's charge and could not suppress his feelings. He left the court room dejected.

The district attorney's summing up was a comprehensive and forceful review of the evidence. He declared at the outset that romance and sentiment did not enter into the issue; it was not a question of Stanford White's character or Evelyn Thaw's sufferings; it was a plain, matter-of-fact homicide.

"A common, cowardly tenderloin murder," he termed it.

The novel plea of "dementia Americana" made by Attorney Delmas, was repeatedly referred to in tones of sarcasm. Mr. Jerome dealt more with Evelyn Thaw, to whom he referred as the "angel child" and to Thaw, whom he termed alternately "St. George" and "Sir Galahad." house for a short while after the jury retired and then the family with the exception of the younger Mrs. Thaw, went to dinner. The young wife remained and had dinner with Attorney O'Reilly at a near-by restaurant. The others returned shortly after 8 o'clock and went to the Tombs waiting room.

After the case had been given to the jury Jerome's attention was called to the nervous state of the defendant. Discussing the situation with friends, the district attorney said:

"The poor fellow thought the judge would simply tell the jury to let St. George, this Sir Galahad, bad business, go, and that's all; there would be to it. Now I understand he is sitting in his cell; and in distress, his head bowed, worrying about the outcome. I am really sorry for him, but more so for his mother."

The Thaws remained in the court house from dinner at 8:25 p. m., and immediately went to their consultation room. When it became apparent that there was no possibility of a decision being reached by 9 p. m. Justice Fitzgerald went home and left word that he would return whenever the jury desired him.

The court room was emptied, and the doors were locked. As time wore on the crowd awaiting the verdict grew smaller and smaller. At last the court house corridors were all but deserted, only the newspaper writers remaining. Mrs. William Thaw went back to her apartment in an up-town hotel. Evelyn remained at the court house. By 10 o'clock the streets about the court house were deserted. It seemed to be the general impression that there was no possibility of a verdict before tomorrow morning, if then.

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