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Members have asked Congress for second funds for investigation, and the Treasury Department wants the limitation removed from the appropriation for the same purpose.

All the time of this publication the work of the Secret Service, which was thus needed, included especially the investigation of great land frauds in the West, and the securing of evidence to help the Department of Justice in the most important investigations at Columbus, 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 meet the feelings of Congressmen on public questions of note, I have frequently discussed this particular matter with members of Congress; and on several occasions the reasons alleged to justify the hostility of Congress to the Secret Service, both by those who did not believe in it, 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.

That all of this is insignificant in comparison with the main, the real issue, is simply, Does Congress believe that the Government shall have at its disposal the most efficient instrument for the detection of criminals and the prevention and punishment of crime, or does it not? The action of the House last May was emphatically an action against the interest of justice and against the interest of law-abiding people, and in its effect of benefit only to lawbreakers. It was now dealing with motives; whatever may have been the motive that induced the action of which I speak, this was beyond all question the effect of that action. Is the House now willing to remedy the wrong?

Some time I contented myself with endeavoring to persuade the House not to permit the wrong, speaking informally on the subject with those members who, I believed, knew something of the matter, and communicating officially only in the ordinary channels, as through the Secretary of the Treasury. In a letter to the Speaker on April 30, protesting against the cutting down of the appropriation vitally necessary if the Interstate Com-

merce Commission was to carry into effect the twentieth section of the Hepburn law, I added: "The provision about the employment of the secret men will work very great damage to the Government in its endeavor to prevent and punish crime. There is no more foolish outcry than this against 'spies' only criminals need fear our detectives." (I inclose copy of the whole letter, marked "Appendix C.") The postscript is blurred in my copy-book, and two or three of the words can not be deciphered. These methods proved unavailing to prevent the wrong. Messrs. Tawney and Smith, and their fellow members on the Appropriations Committee paid no heed to the protests; and as the obnoxious provision was incorporated in the gun-dry civil bill, it was impossible for me to consider or discuss it on its merits, as I should have done had it been in a separate bill. Therefore I have now taken the only method available, that of discussing it in my message to Congress; and as all efforts to secure what I regard as proper treatment of the subject without recourse to plain speaking had failed, I have spoken plainly and directly, and have set forth the facts in explicit terms.

Since 1901 the investigations covered by the Secret Service Division—under the practice which had been for many years recognized as proper and legitimate, and which had received the sanction of the highest law officers of the Government—have covered a wide range of offenses against the federal law. By far the most important of these related to the public domain, as to which there was uncovered a far-reaching and widespread system of fraudulent transactions involving both the illegal acquisition and the illegal fencing of government land; and, in connection with both these offenses, the crimes of perjury and subornation of perjury. Some of the persons involved in these violations were of great wealth and of wide political and social influence. Both their corporate associations and their political men was assassinated. In Nebraska it was necessary to remove a United States attorney and a United States marshal before satisfactory progress could be made in the prosecution of the offenders.

The evidence in all these cases was carefully secured by men trained in the Secret Service and detailed to the Department of Justice at the request of that Department and of the Department of the Interior. In the State of Nebraska alone sixty defendants were indicted; and of the thirty-two cases thus far brought to trial twenty-eight have resulted in conviction; two of the principals, Messrs. Comstock and Richards, men of wealth and wide influence, being sentenced to twelve months in jail and fined \$1,500 each.

The following secret service memorandum made in the course of a pending case illustrates the ramifications of interest with which the government has to deal.

Charles T. Stewart, of Council Bluffs, was indicted at Omaha for conspiracy to defraud the government of the title to public lands in McPherson county, Neb.; also indicted for maintaining an unlawful inclosure of the public lands, and also under indictment for perjury in connection with final proof submitted by him on lands filed on by him as a homestead. In his final proof he swore that he and his family had resided on the lands in McPherson county (which are within his unlawful inclosure), when as a matter of fact his family has at all times resided in Council Bluffs, Iowa. He is engaged in the wholesale grocery business, his store being located in Omaha, in the wholesale district there. He is reputed to be quite wealthy. Stewart's attorneys are Harl & Tinley, of Council Bluffs, Iowa, who are also the attorneys at that place for the Omaha and Council Bluffs Street Railway Company, in which company Harl holds considerable stock, Stewart being also a stockholder and possibly a director of the company. He is also represented in Omaha by W. J. Connell, one of the attorneys there for the same company. Stewart is also represented in his perjury case by "Bill" Gurley, of Omaha, Neb., who at one time was quite closely connected in a political way with the U. P. R. R. Company; Stewart is also closely associated with C. B. Hazleton, postmaster at Council Bluffs. Harl & Tinley are all members of the same lodge. Another close personal friend of Stewart's is Ed. Hart, alias "Waterworks" Hart, president of the Council Bluffs Water Company, and interested in the street railway. Stewart's father was interested in, and practically owned and controlled, during his lifetime, a large ranch along the U. P. R. R. in Nebraska, and did a great deal of business with that road.

Concerning this case the United States attorney at Omaha states: "There are three cases against Stewart, one for fencing, one conspiracy, one perjury, all good cases and chances of conviction good."

In connection with the Nebraska prosecution the government has by decree secured the return to the government of over a million acres of grazing land; in Colorado of more than 2,000 acres of mineral land, and suits are now pending involving 350,000 acres more.

All these investigations in the land cases were undertaken in consequence of Mr. Hitchcock, the then Secretary of the Interior, becoming convinced that there were extensive frauds committed in his department; and the ram-

ifications of the frauds were so far-reaching that he was afraid to trust his own officials to deal in thorough-going fashion with them. One of the secret service men accordingly resigned and was appointed in the Interior Department to carry on this work. The first thing he discovered was that the special agents' division or corps of detectives of the Land Office of the Interior Department was largely under the control of the land thieves; and in consequence the investigations above referred to had to be made by secret service men.

If the present law, for which Messrs. Tawney, Smith, and the other gentlemen I have above mentioned are responsible, had then been in effect, this action would have been impossible, and most of the criminals would unquestionably have escaped. No more striking instance can be imagined of the desirability of having a central corps of skilled investigating agents who can at any time be assigned, if necessary in large numbers, to investigate some violation of the Federal statutes, in no matter what branch of the public service. In his particular case most of the men investigated who were public servants were in the executive branch of the government. But in Oregon, where an enormous acreage of fraudulently alienated public land was recovered for the government, a United States senator, Mr. Mitchell and a member of the lower house, Mr. Williamson, were convicted on evidence obtained by men transferred from the Secret Service, and another member of congress was indicted.

From 1901 to 1904 a successful investigation of naturalization affairs was made by the Secret Service, with the result of obtaining hundreds of convictions of conspirators who were convicted of selling fraudulent papers of naturalization. (Subsequently, Congress passed a very wise law providing a special service and appropriation for the prevention of naturalization frauds; but unfortunately, at the same time that the action against the Secret Service was taken, Congress also cut down the appropriation for this special service, with the result of crippling the effort to stop frauds in naturalization.) The fugitives, Green and Gaynor, implicated in a peculiarly big government contract fraud, were located and arrested in Canada by the Secret Service, and thanks to this they have since gone to prison for their crimes.

The Secret Service was used to assist in the investigation of crimes under the peonage laws, and owing partly thereto numerous convictions were secured and the objectionable practice was practically stamped out, at least in many districts. The most extensive smuggling of silk and opium in the history of the Treasury Department was investigated by agents of the Secret Service in New York and Seattle and a successful prosecution of the offenders undertaken. Assistance of the utmost value was rendered to the Department of Justice in the beef-trust investigation at Chicago, prosecutions were followed up and fines inflicted. The cotton-leak scandal in the Agricultural Department was investigated and the responsible parties located. What was done in connection with lottery investigations is disclosed in a letter just sent to me by the United States attorney for Delaware, running as follows:

The destruction of the Honduras National Lottery Company, successor to the Louisiana Lottery Company, was entirely the work of the Secret Service. * * * This excellent work was accomplished by Mr. Wilkie and his subordinates. I thought it might be timely to recall this prosecution.

Three hundred thousand dollars in fines were collected by the government in the lottery cases. Again, the ink contract fraud in the Bureau of Engraving and Printing (a bureau of the Treasury Department) was investigated by the Secret Service and the guilty parties brought to justice. Mr. Tawney stated in the debate that this was not investigated by the Secret Service but by a clerk "down there," conveying the impression that the clerk was not in the Secret Service. As a matter of fact, he was in the Secret Service; his name was Moran, and he was promoted to assistant chief for the excellence of his work in this case. The total expense for the office and field force of the Secret Service last year

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was \$125,000, and by this one investigation they saved to the government over \$100,000 a year. Thanks to the restriction imposed by Congress it is now very difficult for the Secretary of the Treasury to use the Secret Service freely even in his own department, for instance to use them to repeat what they did so admirably in the case of this ink contract. The government is further crippled by the law forbidding it to employ detective agencies. Of course the government can detect the most dangerous crimes, and punish the worst criminals, only by the use, either of the Secret Service or of private detectives; to hamper it in using the one and forbid it to resort to the other, can inure to the benefit of none save the criminals.

The facts above given show beyond possibility of doubt that what the Secretary of the Treasury and I had both written prior to the enactment of the obnoxious provision, and what I have since written in my message to the Congress, state the facts exactly as they are. The obnoxious provision is of benefit only to the criminal class and can be of benefit only to the criminal class. If it had been embodied in the law at the time when I became President all the prosecutions above mentioned, and many others of the same general type, would either not have been undertaken or would have been undertaken with the government at a great disadvantage; and many, and probably most, of the chief offenders would have gone scot-free instead of being punished for their crimes.

Such a body as the Secret Service, such a body of trained investigating agents, occupying a permanent position in the government service, and separate from local investigating forces in different departments, is an absolute necessity if the best work is to be done against criminals. It is by far the most efficient instrument possible to use against crime. Of course the more efficient an instrument is, the more dangerous it is if misused. To the argument that a force like this can be misused it is only necessary to answer that the condition of its usefulness if handled properly is that it shall be so efficient as to be dangerous if handled improperly. Any instance of abuse by the Secret Service or other investigating force in the Departments should be unsparingly punished; and Congress should hold itself ready at any and all times to investigate the executive departments whenever there is reason to believe that any such instance of abuse has occurred. I wish to emphasize my more than cordial acquiescence in the view that this is not only the right of Congress, but emphatically its duty. To use the Secret Service in the investigation of purely private or political matters would be a gross abuse. But there has been no single instance of such abuse during my term as President.

In conclusion, I most earnestly ask, in the name of good government and decent administration, in the name of honesty and for the purpose of bringing to justice violators of the federal laws wherever they may be found, whether in public or private life, that the action taken by the house last year be reversed. When this action was taken, the Senate committee, under the lead of the late Senator Allison, having before it a strongly-worded protest (Appendix D) from Secretary Cortelyou like that he had sent to Mr. Tawney, accepted the Secretary's views; and the Senate passed the bill in the shape presented by Senator Allison. In the conference, however, the House conferees insisted on the retention of the provision they had inserted, and the Senate yielded.

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