

The California Prosecutions

Following are Associated Press dispatches: Washington, June 24.—President Wilson telegraphed tonight to United States District Attorney John L. McNab of San Francisco accepting the latter's resignation, the form of which the president characterized "an inexcusable intimation of injustice and wrongdoing" on the part of Attorney General McReynolds. In a letter to the attorney general the president exonerated him from blame and adopted Mr. McReynolds' suggestion that the Caminetti-Diggs and the Western Fuel company cases be prosecuted immediately by special counsel for the government.

White House officials announced that the president would confer with the attorney general tomorrow about the appointment of special prosecutors and that the president had in mind Francis J. Heney, progressive republican, who prosecuted the famous San Francisco graft trials; Matty J. Sullivan, democrat, who assisted Mr. Heney in the Ruef trial, and Thomas Hayden, democrat, former assistant city attorney of San Francisco.

It was said that at least two of these three men, and possibly all, would be selected to take charge not only of the Caminetti-Diggs white slave cases, but the Western Fuel company indictments.

Developments were rapid today in the situation which was precipitated by the telegrams of Mr. McNab on Saturday to the president and the attorney general, accusing the latter of yielding to "rich and powerful influences" in ordering a postponement of these cases, the father of one of the defendants being Anthony Caminetti, commissioner general of immigration. The subject absorbed the cabinet meeting today and the president came to his office tonight to make public the correspondence. First the president telegraphed McNab as follows:

"Washington, D. C., June 24, 1913.—John L. McNab, Esq., San Francisco, Cal.: I greatly regret that you should have acted so hastily

and under so complete misapprehension of the actual circumstances, but since you have chosen such a course, and given your resignation the form of an inexcusable intimation of injustice and wrongdoing on the part of your superior, I release you without hesitation and accept your resignation to take effect at once.

"WOODROW WILSON."

Attorney General McReynolds' statement that he ordered a postponement of the cases as an ordinary procedure in criminal trials, without anticipating that "any fair-minded man" would attribute "a malign move" to him was acknowledged by the president in this letter:

"June 24, 1913.—My Dear Attorney General: Allow me to acknowledge with sincere appreciation your letter of today giving me a full account of the way in which the department of justice has dealt with the Diggs-Caminetti and the Western Fuel company cases, pending in California and transmitting the documents connected with the two cases necessary for their elucidation. I am entirely satisfied that the course you took in both these cases was prompted by sound and impartial judgment and a clear instinct for what was fair and right. I approve your course very heartily and without hesitation. But I agree with you that what we may think of what has been done does not relieve us of the obligation to press these cases with the utmost diligence and energy. I approve very heartily of your suggestion that, in the circumstances special counsel be employed, the ablest that we can obtain. I will be very glad to confer with you about the selection. I hope that you will do this without delay. I am very glad indeed that you are giving your personal attention to the immediate and diligent prosecution of the case which I agree with you in regarding as of serious importance from every point of view. Sincerely yours, WOODROW WILSON."

Besides the attorney general's letter to the president the White House

gave out a letter written to Mr. McReynolds today by Secretary Wilson of the department of labor in which the latter declared that Anthony Caminetti asked for leave of absence to attend the trial of his son before he took the oath of office as commissioner of immigration. Furthermore, Secretary Wilson stated that neither Mr. Caminetti nor anyone else suggested that he ask for the postponement of the cases, but that he did it of his own volition, so as to keep Mr. Caminetti in Washington for the work of organizing the immigration bureau.

In his letter to the president, Attorney General McReynolds recited the history of the two cases and submitted the complete files in each case. Responding to instructions from the attorney general for a detailed report of the Diggs-Caminetti cases and to take no affirmative action until further advised by the department of justice, the attorney general said United States Attorney McNab sent a report, received on May 27. In this report, he added, McNab "details a version of the acts with his inference therefrom and expressing the opinion that the case was aggravated and should be vigorously prosecuted; also that there must be no attempt to interfere with the due course of justice by improper influences."

On the day the report was received the attorney general telegraphed McNab as follows: "I think the proper course is for you to set the cases and proceed with them as you have planned and you are so directed."

Continuing the attorney general said:

"I had no occasion to give the matter any further special consideration for some three weeks, June 18, when Secretary Wilson telephoned to me and told me of the embarrassment in which he was placed by the request from the elder Caminetti, father of one of the defendants, for leave of absence in order to attend the trial of his son. The elder Caminetti as you know is the newly appointed commissioner of immigration. The secretary explained the exigencies of his department which he thought imperatively required the presence here of the commissioner. He has written me a letter stating his recollection of the circumstances and I herewith enclose it.

"Impressed by Secretary Wilson's statement of his embarrassment, and desiring, of course, if possible to relieve him, without stopping to go through the files and so refresh my recollection concerning any particular circumstances of the case I sent the United States attorney the following:

"The secretary of labor advises it as a matter of public importance that Commissioner of Immigration Caminetti remain at his post here. I do not now wish the government to be in a position of insisting upon the trial of young Caminetti and Diggs, charged with violating the white slave law during the enforced absence of the father, who is performing necessary public duties. In view of all facts, you are instructed to postpone the trial of these cases until autumn.

"The postponement of a criminal case so recently instituted as this was is not an unusual proceeding and it did not occur to me that any malign motive would be attributed to me. If I had anticipated that any fair-minded man knowing the facts would place such a construction upon this ordinary act, I would have been scrupulously careful to avoid it. It is essential not only that the administration of justice be free from partiality or improper influence but that even the appearance of such things should be avoided. I do

not even hope to escape mistakes, but I am profoundly conscious that my actions are free from unworthy motives.

"Mr. McNab, as United States attorney, held a position of peculiar trust and confidences, demanding the utmost loyalty, to the department. If, as such an officer should do, he had availed himself of the opportunity to send a dispatch recalling my attention to the peculiar conditions which he thought rendered the proposed action inadvisable, as I always heretofore have done, I should have given earnest consideration to his suggestions and with them before me, could have acted with the local conditions fresh in my mind. Instead of pursuing this manifestly proper course he waited until June 20 and then published the sensational telegrams wherein he imputed base motives to me. His conduct, of course, made it impossible for him to continue in the prosecution of this case, however desirable it otherwise might have been. Under the circumstances the only course open is to accept his resignation.

"I therefore suggest an immediate conference between us for the purpose of selecting some counsel whose ability, character and reputation are so high as to insure the proper conduct of the case and that he be put in immediate charge with instructions promptly and vigorously to prosecute to a conclusion."

The attorney general also explained in detail the course of the department of justice in ordering the postponements of the trials of Smith and Bruce, two of the five directors of the Western Fuel company indicted for alleged coal drawback frauds. He said the first time he gave personal consideration to this case was on April 30, when he received a letter from Secretary Lane, in which he enclosed one from Sidney V. Smith, a defendant, without recommendation.

"Mr. Smith's letter sought to show that the things complained of were done by others," said Mr. McReynolds, "that although he was a director he was not a participant in any criminal act and the case should be dismissed as to him. I sent a copy of the Smith letter to District Attorney McNab with a request for his views. On May 20 he replied giving a review of the evidence and expressing the view that all five of the defendants should be prosecuted. I thereupon advised the attorney of my concurrence in his conclusion and directed him to proceed."

"Thereafter, as I recall, Mr. Pringle, a San Francisco lawyer, representing either Smith or Bruce, or both, came to see me. I turned him over to Assistant Attorney General Harr with instructions to give the matter particular and careful attention.

"After considering all the facts Mr. Harr finally concluded that the just solution of the situation was first to prosecute the three who were directors and officers of the company and that the case against the other two should be deferred until he examined the evidence and determined whether proceedings should be brought.

"He sent the district attorney the following:

"Upon consideration of the matter, I feel grave doubt as to the guilt of Sidney V. Smith and Robert Bruce indicted in the Western Fuel company case. In order to avoid possible injustice you are instructed to continue case as to them until after the trial of the other three directors who are officers of the company and active in its management. If later convicted, copy of proceedings at trial should be sent in order that I may determine what course

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