January 7, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

A more thorough search dug up a missing scrap book. This one has a little bit of 1913 although of course it could not in the nature of the case give me very much publicity before I actually got on the ground but there are a few things that indicate some little outside publicity. You will find on pages 8, 9, 10 and 11 some preliminary announcements and on 12, 13, 14 and 15 some extracts from New York papers at the time of my arrival, January 2 and a little Baltimore stuff interspersed. Then beginning with page 21, through 22, 23, 24, 25 and 26, the poison label stuff; then on page 30 for a good many pages, material about the optional local prohibition bill and then farther over, beginning on page 57 a lot of stuff on the Barnes suit, one interesting clipping I notice on page 68 being where Barnes says it was an insult to be called a boss. You will see on pages 82 and 83 some tremendous publicity I got all over the entire country from Washington. I do not find here in looking over it rather hastily the full-page of stuff secured in the Times on Sunday. There is on page 113 a full page from the New York World Magazine. You will notice pages 113 and 114 contain some publicity in connection with the D. A. R. meeting.

It should be said that clippings that were exact duplicates and we have had them literally by the thousands, were thrown away deliberately in order not to clutter up our records. For example, I have frequently had clippings and then had nothing like all that appeared in the State showing the same article sent out from the League office, printed in whole or in part, in 15, 20 or 25 different papers, with no pretense of trying to cover the plate service in the weekly papers. I would be willing to testify if I had to go on the stand, which of course I am not anxious for unless it becomes necessary, that I saw and handled covering these two years, clippings representing from 10 to 25 times as much space as what is recorded here and at that our clipping service was very fragmentary and unsatisfactory. In short, we were in almost all the papers of New York State and in as pure reading matter.

There isn't much in 1913 for the reason indicated. I do not find off-hand a story from the New York Times which they telegraphed to Baltimore to get but on page 1 you will find a part from the Ohio State Journal about the big National Convention at Columbus which indicates how it was gotten across even over the country that I was coming to New York. When I left Baltimore the Baltimore "Sun paper" had a news story of 3 or 4 columns, a cartoon, "Charlie Murphy's Christmas Gift", and an editorial.

I think this will cover the purpose that you have in mind; that there is no need of sending down a book that contains just a little stuff, the latter part of 1913.

During 1913 the work was to bring prohibition and the Anti-Saloon League and William H. Anderson before the minds of the New York editors, not with a view to getting publicity but of getting them acquainted and even getting some of them sore to the point where they would welcome a chance to jump on the whole thing purely as a foundation for securing space for the actual news that would be made when the work formally began.

I think that display from New York City papers January 2, 1914, 6 columns in the morning papers besides what was re-written for the evening, tells a big story of its own. They would never have all given that space if the thing had not been worked up. This book shows absolutely nothing of what was contained in all of the various papers up-State because our clipping service was not organized at that time and there was no way of getting it. But the aggregate could not have fallen short of many newspaper pages.

Incidentally, Mr. Barnes would probably not have sued me unless there had been an impression made upon his mind as a newspaper man.

I hope you will take good care of the book for I prize it and it will be very valuable if we ever need or have time to write a history of the movement in this State.

Yours very truly,

State Superintendent.

P. S. -- I am also sending the bunch of correspondence indicated by my letter of Saturday.

W. H. A.

July 24, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

Dr. Burrell sent me this letter to you. I leave to you entirely the question as to whether it ought to be printed at all and the giving out of it in case it is given out. If you should give it out I would be glad to know in advance so I can keep some of my publicity from getting in the way. I have had it copied, and as it will make it a little easier reading for you am sending a copy also.

Yours very cordially,

State Superintendent.

A*H

July 26, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Attention Mr. Williams.

Dear Governor Whitman:

Miss Hill will be down tomorrow morning at ten o'clock. She knows of ten books of account and fourteen checks that were taken down. Many of them, of course, do not touch the forgery charge.

In addition there is a minute book of the Board which will mention my report to the Board. Mr. Pecora has that report, together with the action of the Board appointing a committee. This is in March or April, 1918. The minute book will also show in March, 1919, the adoption of the report by the Board acknowledging the $24,700 as a valid indebtedness. That is the substance of the report. Mr. Pecora has that original report signed by this sub-committee of three.

That is the only thing that I know of that he has direct from this office, but I will check up with Miss Odell. However, I am quite certain there is not anything else that bears on the forgery charge. He undoubtedly has a statement that I made to Dr. Burrell setting out in part this Phillips matter and some reasons why I had not reported it to the Board. I do not think it is relevant and certainly not to the forgery business. But that he did not get from us and a copy of that can be found.

I will try to get dictated and mailed today, or if not will send it down by Miss Hill in the morning, a statement as to the testimony of Dr. Bagnell, Dr. Chalmers and Mr. Lincoln and Miss Odell as reported to me. Mr. Williams was to get Dr. Moor's and will have a chance to get Miss Hill's when she comes.

As this was asked for this afternoon I am having it sent down by messenger without an opportunity to read it over and sign it.

Yours very truly,

State Superintendent.

A*H

July 26, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

In compliance with the request of Mr. Williams I am endeavoring to set out briefly what was stated to me by Miss Odell, Dr. Robert Bagnell, Rev. James V. Chalmers and Rev. C. Arthur Lincoln. On our side there were Dr. Moor and Miss Hill that Mr. Williams was to get in touch with direct. I think that exhausts the list of witnesses, except Phillips and Potter and the District Attorney's two stenographers.

Miss Odell stated that she had testified to over-hearing Phillips propose to pay me half of whatever he received above $10,000 in return for my unusual services, without which it would have been impossible for him to make his salary. She testified also to the instructions to Potter to report the amount of money received by Phillips in 1920 above $10,000 and to taking to him my memorandum to transfer half of that to expenses. I think she testified that this was on the statement that Phillips had certain unusual expenses by way of securing assistance. She also testified to knowledge of the fact that I was carrying on a large-scale publicity campaign in advance of my coming to New York and shortly afterwards and that I had stated to her that I was doing it at my own risk. She was not given a chance to testify that Phillips agreed to the drawing of the $2500 and $1375 checks to my order against his account in return for money that I had loaned him, either of my half or from my own personal funds. That is to say, that these extortion items were the repayment of actual loans.

Dr. Robert Bagnell, pastor of the Grace Methodist Episcopal Church at Harrisburg, Pa., who was president of the Board at the time I was invited to the State and left in April, 1914, three or four months after I came, told me that he testified to knowing my offer to carry on a publicity campaign and knowing that it was carried on and that the Board held me responsible for all finances and gave me a free hand in the management of finances, and that it was understood that I should be repaid if the publicity campaign so improved the financial condition of the League as to make it possible.

Rev. James V. Chalmers, now of Quogue, Long Island, a retired clergyman of the Episcopal Church, told me that he testified that he was a member of the Board when I was invited to come, that he knew that I had offered to carry on a publicity campaign, that he knew publicity was gotten and that the League greatly profited as a result, and that he knew it was understood that I should be repaid if the results made it possible.

Rev. C. Arthur Lincoln, a Congregational clergyman, a

present member of the Board, at the immediate present President of the Federation of Churches of Passaic, New Jersey, told me that he testified to knowing as a member of the Board that it was generally understood that I had advanced my own money pursuant to an offer to do this at my own risk, that the Board considered that the League had received value because of the great increase in revenue and had authorized the payment. He further testified that Phillips visited him and asked for his assistance as a witness in a slander, libel or defamation suit on the ground that I had told the Board that he, Phillips, was supporting two women, that he, Lincoln, said that that was not true - that I had stated in connection with his being hard up that Phillips was divorced and supporting two families. He testified also that Phillips threatened the Board with disgrace and dishonor and the League with ruin if the Board did not pay him certain money which he claimed was wrongfully withheld from him.

I gave Mr. Williams the items about the release and also about Phillips' confession, but enclose a copy of the American issue setting out what we published. Some of the extracts are a little more complete.

I think this is all that you asked for. I shall hold myself in readiness to come down tomorrow afternoon to sign and swear to the affidavit.

It has nothing to do with the testimony before the Grand Jury, but one present member of our staff and a Presbyterian minister in good standing who was a member at the time I came are ready to testify that I told them at the time that I was spending my own money for publicity.

Yours very truly,

State Superintendent.

A*H

July 31, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I attach herewith, just as samples, a few letters just out of this morning's mail alone. One letter sends in a check just from the statement in the Times that the Board was asking for further help.

I enclose one written to Dr. Moor which I think we will not publish, which shows that people are beginning to think along some lines that have been suggested.

I think that you will agree that this is a very encouraging cross-section to be confined to just one mail, for nearly every one of these is from a somewhat different slant.

Yours very truly,

State Superintendent.

A*H

July 31, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I am enclosing copy of the statement that Mr. Banton made in the Times about letting Phillips decide. I also enclose copy of affidavit which Dr. Burrell got to me the best he could. It is too late, of course, on this application for minutes, and it may not have any evidential value in the trial, but it makes a suggestion as to what further he can testify to in the event it is possible to put him on the witness stand, for example in the extortion case if it ever gets that far.

Yours very truly,

State Superintendent.

A*H

District Attorney Banton said, as quoted in the New York Times, Tuesday, July 17:

> "I did not insist that Phillips go on with this case. When he first came to me with his charges I told him to think them over carefully and then determine if he wished to go on with the prosecution. He came back later, said he wanted to proceed with the case and I introduced him to Mr. Pecora."

Monday.

My dear A,

It's no easy matter up here in the country; Notary out, typewriter an amateur, to get the County Clerk's certificate the letter would be delayed 24 hours - have to go to the County Seat for it. Hope this will answer. Pax vobiscum.

Yours

D. J. B.

Bethlehem, N. H.

David James Burrell upon his oath deposes and says that when William H. Anderson came to New York as Superintendent of the Anti-Saloon League it was distinctly understood by the Board of Directors, and so agreed by them that he was to have a free hand to use such methods as he might deem right and proper in giving publicity to the work of the League and that he was to receive the cordial support of the Directors in doing so.

He further deposes and says that when it transpired that in carrying out the wishes of the Board, as thus expressed, for a certain period, he had involved himself in a personal outlay of some thousands of dollars, the Board unanimously agreed that in common honesty and in pursuance of its previous action, the Anti-Saloon League was indebted to him in that amount.

He further deposes and says that, inasmuch as the current demands on the treasury of the League were such as to make the immediate reimbursement of the Superintendent impossible, action was taken authorizing Mr. Anderson to repay himself for the aforesaid outlay, as time permitted, by securing contributions to the League outside of its regular sources of income.

He further deposes and sa ys that Mr. Anderson stated on several occasions that he was cooperating with Mr. Phillips in the raising of funds and that the Board approved of such cooperation because, on the one hand it stimulated Mr. Phillips to more energetic work and, on the other, helped to extinguish the debt of the League to its Superintendent.

He further deposes and says that to the best of his knowledge and belief, Mr. Anderson has had, and continues to have, the full confidence and unqualified support of the said Board and every member of it.

Wit.

W. W. McGregor
Leoria A. Whitcomb

DAVID JAS. BURRELL (L.S.)

State of New Hampshire
County of Grafton s.s.

Personally appeared the above named David James Burrell and acknowledged the foregoing instrument to be his free will and act.

Before me this July 30th, 1923.

W. W. McGregor
Notary Public.

Com. Expires March 1925.

August 1, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I just have this morning a letter from our general counsel, who is taking his vacation up in Massachusetts, one of the keenest, choicest young fellows ever gotten into League work. He said the editor of the Boston Globe came over to his table the other day when he happened to be in Boston, and made clear that he had received the impression "that you had beaten the politicians to it". Poland (that is our attorney's name) says, "It looks to me as if you had them on the run."

The same thing occurred to him that struck us, viz.: that the Maxwell case might have something in it for us, and he was wondering whether if Kilroe is to be made the goat he might not be sore enough to talk if discreetly approached.

The Christian Science Monitor of last Saturday, July 28th, has a full column on the editorial page under the title "What Is the Anti-Saloon League?" It is bully good stuff. I presume you get it. I noticed the New York Sun, that is the evening paper, in the early edition yesterday printed some of it, but it was not in the late edition. I received a personal message through one of their reporters yesterday from the editor in chief of the Monitor to the effect that until they have good reason to change their belief they are squarely back of me.

They say in this article that the loss of the Rockefeller contribution is the best thing that could have happened and that it was much less than generally supposed.

Yours very truly,

State Superintendent.

A*H

August 1, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

There was sent to you yesterday a number of copies of letters. I did not get time to sign the accompanying letter. It occurred to me that not sending any names might look a little strange but what was sent was copies fixed up for the American Issue without publishing names. If I had thought sooner I would have had the names written and then crossed them out for the Issue. I fancy, though, the headings gave you a general idea. This was only one mail. I am enclosing page torn from the Post-Standard which was sent me by Dr. Eli Pittman, the Executive Secretary of the Buffalo Area.

Dr. Coman of our Board could not attend the Board Meeting on account of this Area Meeting, but he evidently did better business for us than if he had attended the Board Meeting.

The Buffalo Area covers four Conferences, Genesee, which includes Buffalo and Rochester, and runs from the north boundary and jutts into Pennsylvania just a trifle, has all of Western New York excepting Chautauqua County and a little of Cattaraugas, but the Bishop of the Pittsburgh Area, including the Erie Conference of which this portion is a part, is just as friendly. Next in the Buffalo Area is the Central New York Conference, which runs north to south and includes Syracuse, Elmira, Ithaca, etc.; then the Northern New York Conference which takes in Oswego, Utica, Watertown, Ogdensburg and the intervening territory, and the Troy Conference, which includes Albany, Troy and Schenectady, Amsterdam, Schoharie County and up north, including Plattsburgh, etc., taking all of the New York territory not including the Northern Conference. This Conference jutts over into Massachusetts and includes all or most of Vermont, which is a small proposition so far as the Methodist Church is concerned.

There are approximately a thousand Methodist preachers in these four Conferences and with the circuits there must be, without my stopping to figure it up, somewhere close to fifteen hundred Methodist Churches, large and small. You will notice they say they represent a constituency of eight hundred thousand. Methodism dominates the up-State territory, that is there are far more Methodist Churches than any other and they set the pace.

Now as to the rest of the State, the Wyoming Conference belongs in the Philadelphia Area. It is divided about half in half between Pennsylvania and New York. Binghamton is the largest city and it runs up into the Catskills. There are two "presiding elders'" districts mainly or largely in New York. This Conference last spring

unanimously adopted very strong resolutions and the then Presiding Bishop (Bristol) made a most impassioned speech after I had addressed the Conference, pursuant to a special order in which he made clear that the attack on me was a wet attack and against the church. In fact I had not expected to get out to that Conference and there was an insistent demand from the preachers that I come so they could give me an endorsement.

The rest of New York, Methodistically speaking, aside from Staten Island which is in the Newark Conference but within Bishop Wilson's Area, is in the New York and New York East Conferences, both of which unanimously and enthusiastically backed me up last spring. Men who have been twenty-five years members of the New York East Conference, which, by the way, is in many respects considered the outstanding Conference in Methodism because Dr. Buckley, for twenty-five years the leader of the General Conference of the Church, was a member, and Dr. Downey, the present leader of the General Conference, is a member, and Dr. North, the Missionary Secretary, is a member, as well as a good many other outstanding members, said to me that they had never seen such an ovation given by the Conference to any man as was given to me last spring, with the single exception of the ovation given the distinguished and beloved Dr. Buckley when he asked a retired relation.

Now as to the recent history, Bishop Wilson, whose summer home is in Roland Park, Baltimore, sent me by special delivery the day after the indictments were reported, the editorial from the Baltimore Sun, which is a bitterly hostile wet paper but which the very morning after the first indictments were returned, said that even my enemies in Baltimore would have to be shown the clearest proof before they would believe it. It said that I had been working in so white a light and had gained such a reputation as a fair fighter that it just was not considered possible, and this editorial in the "Sun paper" said that the case was similar to the case that would exist if the cashier of a bank were charged with misuse of funds of the bank and the officers and directors all said that there had been no misuse. The Bishop expressed his approval of the editorial and his confidence in the face of these later developments. He had previously expressed it in writing in the clearest terms last spring and he has given us permission to use his letter with his name in the American Issue.

The Methodist Church, of course, has been the dominant factor in the Anti-Saloon League for two reasons. There are more Methodists than any other denomination here in the north, although the Baptists have been a very close second and I think the Presbyterians and Congregationalists are about tie for third. A number of Presbyteries last spring took very fine action.

Our men who are in the field not only speaking but meeting the pastors for dates report keen interest and eafnest desire for all the information that can be given, but absolute confidence. I have had reports from just two Presbyterian pastors who refused dated, but, darn 'em, they had not been dated anyhow.

~~Hoping~~

It is perfectly true that a few fellows who were on the outer fringe and were looking for an excuse are now suing this one, but on the other hand they are offset a good many times over by pastors who are perfectly loyal who were not going to open up their churches this year who have opened simply because they were not willing to run the risk of being suspected of being victims of enemy propaganda.

If out of perhaps 30,000 or 35,000 current subscribers, as distinguished from cash contributors, more than a tenth of one per cent, or one out of 1,000, have canceled their subscriptions because of this, we do not know it. I think that is putting it high. Whereas many new subscribers have been gotten because of it and hundreds of old subscribers have made additional contributions because of this fight. Two of the letters I sent you represented just that thing, and of course none of that mail comes to my desk as a rule unless it is addressed direct to me or to the League instead of being sent in our regular addressed return envelopes.

I am just giving you this much material for your own personal satisfaction, because I know that you will be pleased to get these direct evidences.

If you want this Post-Standard clipping you may keep it, but if you do not care to put it in your files or have it to show or send somebody you might return it.

Yours very truly,

State Superintendent.

A*H

August 1, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

Of course you are entirely familiar, far beyond any experience of mine, with the extent to which fellows try to horn in. We have had a case with the Flynn Agency. I told them the Board had left that matter entirely to counsel. I suspect they have been after you because they made no suggestion of going to you but tried to urge me to employ them personally. I am willing to do anything in reason that we can "chin" and pay for, but I have no intention of being easy.

A fellow blew in to see me yesterday. I forgot to speak about it to you. I would probably not have passed it up to you if he had not strongly relied upon a man who he says is a particularly close friend of yours. While most of the stuff that comes in is worthless or worse, I am not taking any chances on overlooking anything and have picked up some very good stuff by listening to some fellows.

This thing in brief is this: One Byrd C. Trigg, a Mississippi Democrat, now living at 65 Irving Place, for several years with King & Osborne, lawyers, 165 Broadway, who refers to W. Russell Osborne, formerly of that firm, now 100 Broadway, had a nervous breakdown, wants to come back, thinks he can be of help in this case, thinks he can get some stuff that even you cannot get, but was pretty vague about it. However, his star reference seems to be Arthur M. King, a man he says is a special friend of yours.

I thought I would pass it on for what it was worth, that if Mr. King is such a friend as Trigg indicates you might think it worth while to ask him about Trigg, and if his report is of sufficient interest form your own opinion as to whether Trigg really can be of any account.

Personally, I have got my doubts, and I have a kind of a suspicion that he hopes to make some reputation by figuring in the trial of the case. While I sympathize with any laudable effort on the part of any man to "come back" professionally, this is a fight forthe blood and no exercise track or springboard.

You understand I am not even making a recommendation. I am just merely taking the precaution of passing this along on the theory that anything offered is at least worth looking at and that frequently one sound nut pays for pawing over a bushel of hulls. If Trigg comes to me any more I will tell him that I have simply passed the entire matter up to you and that if you think it worth while you will get in touch with him, so that he will not be hounding you.

A*H

Yours very truly,

August 2, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I enclose you copy of letter from Dr. Russell, the founder of the Anti-Saloon League, now the Associate General Superintendent of the National League, and who was Superintendent in New York for a number of years, being really the man who put the League in this State in shape where it was possible to build something out of it. I was associated with him one year here in this State, the year 1906, before I went to Maryland, but there was another man between our superintendencies here.

Yours very truly,

State Superintendent.

A*H

August 6th, 1923.

Hon. Chas. S. Whitman,
Whitman, Ottinger & Ransom,
120 Broadway, New York City.

Dear Governor Whitman:

I enclose one of the "whoop-em-up-est" editorials that has come in.

I will mail you today if I can get it copied in time, if not then tomorrow, an editorial from a Jamestown journal which was tolerably fair on prohibition but no friend of mine indicating the reaction since your argument.

If I am not down within the next day or two, I will mail that check.

Yours very cordially,

WHA:MC

Aug. 7, 1923.

Hon. Charles S. Whitman,
130 Broadway,
New York, N. Y.

Dear Governor Whitman:

I dictated a note to you yesterday but the enclosure was not copied in time so I will send it along with another editorial from upstate. All it needs is a strong word to turn the tide for the sentiment is all ready to be crystallized. Another editorial from Billy Hill's paper in Binghamton strikes the right note about the League and the churches. I shall see that copy of it gets to every newspaper in the state.

I wish if you get any word at all about that motion, that you would call me as soon as you do. I am holding back quite a bit of stuff. I have had quite an interesting statement for the pastors about how Banton and Fosdick actually tried to capture the Anti-Saloon League machinery to make Banton governor and Fosdick the real Democratic power. If you think it would not hurt with respect to the motion, for me to release for publication next Monday, I would like to do it.

I am holding two statements about the Legislature investigation, one to George Morris, State Chairman and one direct to the Legislature. I have so much to say that it was too long for one communication. What I desire is that after the Board's warning has had time to soak in, there should be something to make clear that we are not afraid of an investigation. This is necessary because the papers slurred over the Board's statement that we have nothing to fear.

The clippings that have come in indicate that the substance of what you said was generally published over the state and in most of them we got the best of it in the headlines and even better in the story, such as it was. It is evidently having its effect as indicated by the Jamestown Journal editorial enclosed.

The situation I think is fully bearing out your suggestion that time would operate in our favor. This is in harmony with our experience, when anything breaks they give us the worst of it but if we keep hammering long enough, we finally get it over. We never get over the first time, seldom the second time, often not the third time anything in our favor when there is a chance to twist it the other way, but the longer we persist the more headway we make and I am very sure from the letters that are coming from our constituency that this is just exactly how it is working out today.

Yours very cordially,

Aug. 7, 1923.

Written later.

P.S. I think the letter that I refer to as written yesterday and held up must have slipped out. I cannot find it on my desk. About all there was in it that is not covered in this communication was that if I do not come down this week, I will mail that check the last of the week or bring it down the first of next. It is all ready.

I expect to be in the office tomorrow, Wednesday morning, but not in the afternoon, as Mrs. Anderson, and I will both take a half day off to celebrate my birthday. That is about all we have left of the contemplated trip to Atlantic City. I expect to be in the office Thursday; however, as Friday is practically a holiday, I do not expect to come in after Thursday afternoon until Monday morning.

I have seen a part of a far stronger editorial about the Legislative attack on the churches from the Utica Observer Dispatch, owned by the same people that own the leading paper in Rochester in Elmira and Ithaca. I will try to get it and will send you a copy. W.H.A.

WHA:A

August 13th, 1923.

Hon. Chas. S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman,

Herewith enclosed copy of the latest report of my free lance investigator. It is considerably more specific than the preliminary report and I think sounds pretty juicy. When this man is ready and has his stuff, I will either bring him, if you want me along, or call you up and send him down to your office so that he can make an affidavit in the form in which you want it covering everything that he has, giving you all names and everything of that sort.

This stuff I shall leave entirely in your hands, but if anything comes along by which it will be possible to get in print, even if we cannot get it into the record, that will muss up Mr. Fosdick, I should like to do it. I long ago became convinced that he is a dirty, crooked son-of-a-gun and this information fits in.

Yours very truly,

State Superintendent.

WHA-DB

August 13th, 1923.

Hon. Chas. S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman,

I had dictated quite a letter to you this morning in view of the delay in action on the motion to inspect the minutes. I see by one of the early editions of the afternoon papers that the Judge has denied the motion and am informed that Mr. Pecora stated that the trial would be set for an early date, that is, early in September.

I am getting out a statement of which I enclose a copy which recognizes the Court's discretion and "pans" the District Attorney for stuff he dragged into his argument. It does not discuss the decision or even the District Attorney's part in it and says nothing about the question of date of trial.

I wanted to get out today a reply to Banton's pastor, but any comment on this other thing must come immediately so I will have to take the chances on floating the reply.

I have your brief ready to bring the next time I come down. I had it copied

I decided not to send it out to the American Issue that was dated July 28th, which was held up for over a week because of the editor's sickness and which I finally made a double number. I just put in a running story. I shall print this brief in full, however, in a double number of September 8th, for then the preachers will be back and it will have its effect now that the motion has been denied. I thought it would serve us a double purpose and give us two shots at it. I shall print it as your brief, which is perfectly proper printed in our own paper.

Mrs. Anderson is not a lawyer, but she understood it and felt that it was almost impossible for anybody to have very much doubt about the situation after reading it. So I will pass two or three copies around among my own folks for its effect on their morale.

I enclose two copies of the last American Issue, which is a pretty full document as you see and devoted almost entirely to this proposition.

I think you read the Herald; if so, you got

absolutely nothing of Former State Chairman Pitt's "Call to Arms" to the old Prohibition members (page 3 - 227 of this paper). The Herald was the only paper that did not treat it decently; the Times gave over half a column to it, the Tribune about half a column, the World about half a column and the American about half a column. The Tribune and American did not print the Banton pastor's stuff.

This paper goes to all of the newspapers of the State of New York; it was sent specially to all the leading religious papers of the country. That is why I have printed my complete statements, together with the statements of the Board.

The story about your argument is on page 234.

You will notice on the last half dozen pages of this paper editorials and news stories from newspapers, including one of the Public Ledger and a number of letters which have been picked as typical.

Of course you understand that these all have their effect on their readers and on the pastors.

Henry Ford's Dearborn Independent has an editorial, copy of which I enclose. This proposition is abundant proof that my making a fuss and hammering hard is beginning to stir up reaction in my favor. My brother sends me an editorial from the leading Dallas, Texas, paper "Give Anderson a Chance" which "pans" the New York City newspapers and for that matter some of the things reprinted in the American Issue give the same indication, and I send you a few editorials not in the American Issue, because we did not get them in time, but are better than anything we reprinted in the Issue.

Yours very truly,

State Superintendent.

WHA-DB

August 17th, 1923.

Honorable Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman,

I enclose copy of statement that I have worked out after very careful thought. If it goes beyond the limit in your judgment, of course I want you to prune it - I think it does not, and I am persuaded in the development of this matter, as it is now proceeding, that I want to go to the limit in challenging national attention with its reflex effect even upon these crooked, wet papers in New York City and through them upon New York City sentiment. This is my notion of a challenge here in New York. I believe that it will be regarded as news and published here and that it may bring some comment in the light of the foundation we are laying.

Not a single New York newspaper published Henry Ford's editorial, but I believe it is having its effect for the next day the Brooklyn Standard Union, one of the leading papers of Brooklyn (incidentally a Republican and incidentally against the District Attorney), a paper that is violently wet and has cussed both you and me more perhaps than all other New York papers put together for the "crime of 1918" when "Anderson sold out the cause of prohibition itself to give Whitman the party nomination", (They seem to keep this stuff standing always and just write a new tail for from at least fifty to a hundred editorials that I have personally seen in the last five years), had a most significant editorial, copy of which I enclose.

For a number of reasons I would like to put off this announcement about change of venue as late as it can be put off without the time going by when such a motion can be made If we let that time go by it loses some of its news value. How late could that be made?

I would really prefer to float this after Labor Day when more of the people are back. I think it is the kind of stuff that ought to be generally read and believe that in all probability it will be printed. One reason for putting it off is to let this national aspect soak in a little more on the newspapers.

I am enclosing two copies so you can keep one and return the other to me with your suggestions if any. I believe that my unqualified statement of faith in the Judges and Juries of New York entirely removes this from any possible sphere of even constructive contempt.

I may say that reason No. 1 I am not at all interested in if you think that it would perhaps be better with that out. It

is an open question in my mind - this purely an incidental. The other two, particularly the third, are the things I want to get across. You may think from a technical standpoint that it is even a confession of weakness to suggest that we could not get it. It occurred to me that offered a good peg on which to hang a thrust about the denial of the Grand Jury minutes, but I am perfectly willing to have that stricken out.

Only the Times and Tribune paid any attention to my letter to George Morris so far as I could find. I rushed that out so as to be on record to the effect that we wanted an investigation before Smith could call a special session and put this in his call. I would have preferred to wait a little. I am holding back my letter to the Legislature. The Times did not print the paragraph about the broad inquisitorial powers and the Tribune did not print the best part of it. I enclose a copy so you can see just what I did say.

Yours very truly,

State Superintendent.

WHA-DB

P.S. As a matter of second thought I am suggesting an alternative proposition in lieu of the introductory sentence and reason No. 1. I believe this is very much stronger. It reduces the number of reasons to two, which is an advantage; it avoids a suggestion that improbability is the real reason for the other "reasons." I think the audacity of it will appeal. If the District Attorney's office does not deny it, we have scored. If they go to talking, they weaken themselves. In any event, it will be the best possible indication of absolute confidence because it involves a decision on a vital point.

W.H.A.

August 28, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I am sending you a copy of what I wrote O'Farrell in response to his request.

I am also sending you sheet from the Evening World of today and a couple of sheets from the Herald of today in case you should miss them, on the Ward case.

Of course I know that does not directly apply and does not help us very much but it is mighty interesting that this Tammany judge assigned by Smith to go up into Westchester county is holding that Ward does not have to prove his innocence and putting it up to the State that it must have testimony other than Ward's own statements. You will know, of course, just what significance attaches to this.

I am enclosing copy of letter and statement that I am sending out all over the country. I went over the statement with our League General Counsel, Mr. Poland, and he thought it was free of contempt and the letter of course is not for publication but I think that confines itself to statements.

There has been a good deal of comment over the state about Ward getting the minutes and my not, which has laid a good foundation for this thing.

Yours very truly,

State Superintendent.

a-a

August 29, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I am delighted with the way things are opening up and the apparent fruits of my strenuous campaign including even the appeal to Al Smith. I have sent you I think before you left, the editorial from the Brooklyn Standard Union. I enclose another one which is a corker. It sets it out raw.

I am going to get this into the hands of every preacher and get it out over the country.

I think it would be just as well to wait until after Labor Day to put out that statement about the change of venue,- perhaps it will be just as well to wait until I talk with you. I will not put it out before then even if you should send word pursuant to the communication sent on to you by your secretary after I had called up expecting to get you before you left.

I think it would be well to put into that a clause something like this: "notwithstanding the denial of the minutes, mine being apparently the only case as shown by the records available, when in six other cases the request was granted at the same term", I still believe that justice can be gotten, etc. I think we ought to get that failure to grant the minutes into every place we can. However, your judgment on that will go without question on my part.

It has ripened to a firm conviction, however, that if it becomes necessary, we should resist trial before election. I think there will be a lot of comment on this Standard Union editorial. I shall make pretty free use of it and there will be a foundation for it even if it is not published much. I believe that I should make the necessary affidavit "raw" that I believe the revival of a previously unsuccessful attempt to indict me and the finding of the indictments at this time and the setting of the trial during the campaign, is part of a Tammany effort to aid Governor Smith's campaign to elect a Democratic Assembly to further his presidential ambitions and that I do not believe that there is anything like so good a chance to obtain a fair trial before election as afterwards.

I have in mind to couple with this a request that it be set down for trial the Monday after election so they cannot say I am trying to dodge a trial. That would put me in the position of asking for a reasonably early date. I believe such an application and affidavit filed with the court here would come near

blowing the lid off. I believe it would create a situation that would be tremendously helpful if they jammed the trial through and there should be a conviction. I am profoundly convinced that there is no possibility of them doing enough damage by any sneer that we were trying to avoid an early trial which could possibly offset the advantage in securing a postponement until after election on this kind of a ground or having this kind of a statement out (particularly if it comes after my statement about the change of venue) before the public in the event they insist on a trial.

I think it is entirely possible that a movement may start in the State to put pressure on the Governor to take this thing away from the District Attorney. If that should be done and the Attorney-General or a special deputy Attorney General appointed no matter how hostile he is, he does not want to make a jackass of himself and if there is pressure enough to force this he might not resist an effort to get the Grand Jury minutes and that could possibly be revived.

I feel that my efforts during the past five or six weeks to get the essential facts over not only to New York but the entire country have been very fruitful and that we are likely to get a lot more going and a lot stronger early in September.

I have already sent you a note calling attention to how even the Tammany judge, Wagner, designated by the Governor in the Ward case with the Attorney General as prosecutor, has ordered the State to show they have any testimony aside from the statements of Ward and making clear that the defendent does not have to prove his innocence.

The granting of the Ward minutes has been very helpful in its effect upon public sentiment because that was a case that attracted attention throughout the whole state and country. I think I sent you a statement I prepared on the minutes and my covering letter but I am enclosing a duplicate. I am putting out my defiance to the Legislature for release Tuesday, the day after Labor Day and I am going to "raise hell" the Saturday after Labor Day in a slightly different direction.

I never got time to take up with you thoroughly to get any reaction from you the matter of using this assembly election proposition as ground for postponement of the trial until after election in case they try to force it before. I did mention it to Mr. Williams the afternoon I stayed for a conference with him and he thought it had interesting possibilities and I am now sure of it in the light of what already crops out in this Standard Union editorial.

Yours very cordially,

August 30, 1923.

Honorable Charles S. Whitman,
Whitman, Ottinger & Ransom,
120 Broadway, New York City.

PERSONAL

Dear Governor Whitman:-

I wonder of you are acquainted with Wallace E. J. Collins. I send the enclosed letter which you can return that came before I returned.

Collins is a Democrat. He is planning to contest for the Republican nomination for District Attorney of Suffolk County. He was the trial assistant,- I think the chief assistant of the late LeRoy Ross, United States Attorney for the Eastern District of New York. When Ross died suddenly, the judges selected Collins, and he held on until the place was desperately needed for a worthy Republican named by Calder who selected a wet.

I haven't any suggestion to make in his behalf, and merely raise the question as to whether you know him.

I think he is a pretty good man, and probably a pretty good lawyer. There are a lot of people that cuss him out, but if that were the test of a man's worth, I would have scant hope of ultimate redemption myself. So far as I know, he is on the level.

When Ralph Day at the behest of the Republican State Organization put up to me the responsibility of naming an assistant Federal Prohibition Director for the State of New York for him, and gave to the press that he had put it up to me, Collins offered to take the place for a few months as a mere matter of interest in the public service. Knowing that he was thoroughly competent, believing he was honest, and recognizing the juicy possibilities of it as a joke since Collins is a Democrat, I tendered him to Day who retreated in confusion.

Day told me afterwards that that resulted in Collins getting considerable business from a number of bootleggers, which may or may not be true, although I do not mean to imply that Day would deliberately misrepresent the facts.

I was in close enough touch with Collins when he was United States Attorney to be convinced that he knows his way around in the dark and is likely to light on his feet.

Yours very truly,

State Superintendent.

WHA-RE

Enc.

September 5, 1923.

Honorable Charles S. Whitman,
C/o Whitman, Ottinger & Ransom,
120 Broadway, New York.

Dear Governor Whitman:-

I enclose another (the third) Standard Union Editorial, going still further and demanding that the Republicans resist the effort to make my trial part of the effort to elect a Tammany legislature. This not only still further confirms my notion of resisting, as indicated father fully in my letter of about a week ago, but if the courts should set the thing down for a hearing anyhow before the election, I am clear unless you have a definite and militant conviction otherwise that it would be a good idea for me to send a red hot communication direct to the Governor charging that this insistence by the District Attorney who controls the docket (that would let me out on any question of contempt of court) was conclusive proof of this purpose, and ramming up to the Governor the fact that failure on his part to interfere would prove his complicity in this political scheme which is as black as hell and crooked as sin.

I could make clear that even though the case had been fixed by the Court, still the Governor without interfering with the Court directly, could prevent it by superseding the District Attorney, the new prosecutor succeeding to his control of the docket.

Everything that I get hold of intensifies the necessity of fighting openly if needed, but against any trial before election, regardless of how it may be represented. I think I can fill the air so full of verbal missiles that they will have hard work to get in any charges against us.

I will also send you tomorrow copy of speech I am making at the Methodist Church Centennial Celebration up in the hills of Delaware County on Saturday respecting the Ku Klux Klan, and the effort of these fellows to tie the League up with it. I accepted this engagement solely to get the chance to make this speech.

You will be interested to know that, in addition to reading it to our general attorney, I also called into conference at the same time the head of our publicity

department, a brilliant, experienced newspaper woman, herself a Catholic, but not one of the Irish political brand,- and she heartily approved it as justified under the circumstances, and as safe in what it actually says, understanding of course that it will be grossly misrepresented in many quarters.

Yours very truly,

State Superintendent.

WHA-EE

November 5, 1923.

Honorable Charles S. Whitman,
Whitman, Ottinger & Ransom,
120 Broadway, New York City.

Dear Governor Whitman:

The chances now are that our National Convention will be moved from Birmingham, Ala., to Washington and come the middle of January instead of about the middle of December.

This simplifies the situation in case those fellows want to move my case for trial the first week in December. I have no real opinion about it. I cannot see whereby they will gain anything by it, and yet they may think they must do it. If they do it at all they cannot let it go much longer, for after the first of next year it would begin to gum up next year's politics. Of course, it will do that anyhow to some extent. They are likely to figure that if they have to go through with it, the period between the election and the legislative session is the best and safest time.

Our friend, A.T. who is working for V.C.F., called me and brought up certain matters which were covered by reports, and of which you were advised, although they have later information, to-wit: failure to pay that thousand dollars. He wanted to know what I thought about some things, but I told him that I preferred to have you settle those matters, and that I would agree to anything that you approved as wise. I did not want to run any risk of getting our wires crossed.

Two points: Will the man whom Phillips told about Banton's statement - "If I put Anderson out of business, it will make me Governor,"- and to whom Phillips said the understanding was that Pecora becomes District Attorney,- be a competent and valuable witness in case this thing comes to trial? I imagine you could ask Phillips about this under cross-examination, and I should think it would be a good thing to get into the record. If it is permissible there at all and he denies, then this party, who is a man of good appearance who I know would be competent as a witness on the question of credibility,- at least so it seems to me.

Another point: Provided I can get the man who told me about the Fleischman Company putting up the money for Phillips to testify willingly even though three others

are subpoenaed to cover him, will that be competent? That is, would it not be competent to ask Phillips about receiving money from these folks in the liquor business, and on his denial, put this fellow if he is willing on the stand?

I am checking up now with both of these parties to see whether they are willing, but before going any further I want to be sure that you think it is worth while.

I am sending you copy of speech I made last night up at Hudson, a town that has never been open to us right, not even the Methodist Church. I was crowded for time. That was top-heavy to put in at the beginning. I read it as a matter of saving the time. Every circumstance was against me as far as the mere mechanics of it was concerned. Of course I had a large crowd, three and a half times as many people as the last time, but of course some of them were hostile and there from curiosity. I got thirteen times as much as the last speaker, and broke all records in the history of the League for any church of any denomination in any city on the Hudson River from Harmon north to Albany.

In the morning at Poughkeepsie, which has always been our second-best "tight-wad" town, where I just merely touched on some of these things, but did touch on them, I nearly doubled the amount secured at Hudson, getting almost four times as much as the last man who was one of our very best speakers.

This proposition up-state is taking hold like porous plaster. Incidentally, the pastor at Hudson said that he could not have opened his church this year if I had not been indicted.

Yours very cordially,

State Superintendent.

WHA-EE

P.S. I had a wonderful time in Illinois although it had to be a short time.

W. H. A.

November 8, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I was called up yesterday by Mr. A. T. who is working on this matter with Mr. V. O. F. and told that there was some talk about my being cited for contempt because I had been discussing cases presumably of application for Grand Jury Minutes before they were disposed of.

I told the gentleman that I had not mentioned a single case of application for or granting of the Grand Jury minutes, except the seven cases including my own reported to me with dates by Mr. V. O. F. He seemed to think that disposed of it.

I did send out a statement to the press involving Judge McIntyre, copy enclosed. This was based on an editorial from the Brooklyn Standard Union which is wet, making a suggestion about the judges. The other material is all taken from the published statements of Judge McIntyre's handling of the Joseph case. I considered I was within my rights in setting out what the Grand Jury Minutes would have shown if given.

I was pretty explicit Sunday night in my speech - copy also enclosed - about Judge McIntyre; that is, I said a Tammany Roman Catholic Judge, or else a Roman Catholic Tammany Judge, but I was confining myself to the facts and did not say anything about the question of why the Judge did it or anything of the sort.

I thought it entirely possible when I put out that statement that there might be some kick-back on it but I felt that with the way I am getting this Catholic proposition going and the Klan proposition going I could afford to take the chances and it would not be a bad thing even if there was some hullabaloo about it.

Of course, I have had in mind all the time to keep from anything that gave them a valid excuse. This denial of the minutes of Judge McIntyre, however, has been the most damaging thing put out and I am continuing to work it. After I got this telephone message I had a copy of my Sunday speech and of this statement mailed direct to Judge McIntyre last evening.

A little light on probable explanation of the rumor or the information which Mr. T. gave me yesterday is supported by letter received this morning (copy enclosed) from Mr. Clarence E. Pitts, who hails from Oswego County and was for years in this

State the Chairman of the Prohibition Party of the State. He was in France although beyond the age that compelled it, and badly shot up and has had a hard time but is getting on his feet physically and professionally and speaks for the Anti-Saloon League on Sundays occasionally as one of our special men.

It is too bad he could not have strung the Judge along by telling him he was a down-town lawyer and perhaps have gotten him to commit himself a little further. However, he was evidently just angry when he read the communication the first time and the fact that now an Anti-Saloon League man knows that he was stirred up about it will probaoly make him more careful. Of course I have been out of the practice so long and my work is so different that I do not pretend to be infallible but I think when the Judge looks up the question of contempt, he will find that the subject was canvassed before the statement went out, because it was passed by both our counsel and the editor of our paper, who although a preacher, is a pretty good sea-going lawyer on our kind of questions. I was not entirely willing to risk it on my own judgment but I did not think it worth while bothering you and besides I wanted to keep you in a position where you could say you had not approved it.

I thought I would better pass this information along for what it is worth and am sending it down by messenger so that you will know what it is all about if something breaks loose. I do not think it will but if it does you will be prepared.

I do not know much about these matters of practice but I am under the impression that a writ of habeas corpus could be secured from some other Judge. I do not know whether it could be secured from a judge outside the county or not, but if my impression is correct, it can be secured from any justice of the Supreme Court and there is a Westchester County Catholic Judge who would undoubtedly grant it if it came to him and perhaps go to the higher courts on the question of law involved.

However, this Joseph case was so infernally rotten and the reasons that he gave are so flimsy as compared with the reasons that exist in my case, of which he must have known, that I think it would really help a little to spend some time in jail to get the facts to the public in view of the way the press has suppressed it. Of course, I do not like the idea of the smell and the bugs but better men than I have endured both.

My speech Sunday night, that is, this written portion of it, before I made my main speech, went pretty far on the question of the trial and in fact daring them to go ahead. It cannot make them any more likely to do it and if they do it helps prepare our folks.

Incidentally the showing of the Klan in other states and in Suffolk County, Long Island, is most illuminating.

I do not know how you figure out the probability since election. Tammany won sweepingly in New York and got kicked in the face up-State.

I think I wrote you that our National Convention has probably been postponed till January. It has been so postponed according to wire received this morning, which clears the decks for next month.

Let me know the minute you get anything.

Yours very cordially,

State Superintendent.

Enclosed find statement of results from our angle

a-a

November 9, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I have heard from both of my prospective witnesses. The Rev. Charles F. Baylis, D.D., is the man to whom Phillips personally told of Banton's saying:"If I put Anderson out of business it will make me governor." The least we can get out of this it seems to me is destroying Phillips' credibility. Dr. Baylis is willing to be called if it seems necessary to discredit Phillips.

My other witness I guess will undoubtedly accept a subpoena for he writes me where to issue it for him although he is out of the State most of the time. This is with the understanding that we subpoena three others that are named.

I am willing now to risk putting out a statement, though I have not yet worked out the best way to do it,- whether it will be with respect to an investigation, naming Henry J. Kaltenbach of the Fleischmann Yeast Company as the man who handled the money that paid Phillips,- unless you think it wiser to wait for a trial. In some respects of course it would seem better to have a trial and win out. On the other hand, if they do not have a trial before long we have won anyhow and I suppose safety first is better policy than a possibly spectacular denouement. I expect if we put this stuff out, the Fleischmann folks will furnish whatever additional influence is necessary to stop the trial but if it is stopped after it has lain long enough to get good and dead, we can still use some of these facts.

Just off-hand, I have in mind to put the matter up to Al Smith to recommend in his message an investigation of this whole business and then set out that we will offer witnesses to prove that Kaltenbach of the Fleischmann Company, who has for years been the President of the New York Distillers and Wholesale Liquor Dealers Association, paid this money to Phillips after an unsuccessful effort to induce the National organization of the Distillers and Wholesale Liquor Dealers to pay it and then offeretoproduce the name of the Tammany District leader who collects money from the Fleischmann Co., for Tammany Hall - as I now have the name; also to show that every year every motorcycle policeman in New York gets $10 from the Fleischmann Company in consideration of the protection of their machines and offer to furnish the name of the two men who handle this money. I think this would make a right juicy budget, and . might help. In any event, it will help make sentiment, in which pleasant task we are already succeeding splendidly.

Yours very cordially,

Statement Number One.

Pursuant to appointment following advice that party in question could give me information, I met him. He told me that it is true that the Fleischmann Company paid the money, he understands $5000.00, to Phillips. He did not handle it but he did conduct the negotiations with Levi Cook, General Counsel of the National Association of Distillers and Wholesale Liquor Dealers, trying to get them to pay the money for Phillips' information against me. They refused on the ground that there are only two distilleries in New York, Duffy's and Fleischmann's, and that this is a New York matter.

Henry J. Kaltenbach, one of the officials of the Fleischmann Company, has been for years the President of the New York Association of Distillers and Wholesale Liquor Dealers.

I inquired of my informant whether, in case I put out any of this stuff and was sued, he would be willing to testify. He said he would give me the names of four witnesses to be subpoenaed: Julius Fleischmann, Henry J. Kaltenbach, a Stenographer and himself, and that he was under no obligation and would not perjure himself for them and would tell the truth about these negotiations.

He was not certain just which fund was charged with this payment. There are a number of funds to which various things of this kind are charged. That is mentioned in the correspondence.

c o p y

No.2

(Anti-Saloon League
Letterhead)

November 3, 1923.

Mr. W. A. Schlobohm,
Press Club,
Washington, D. C.

PERSONAL

Dear Sir:

You told me that if it came to a showdown, three other persons might be subpoenaed, making four with you and that you would not perjure yourself but would tell the truth respecting certain matters provided I was sued for libel if I made certain statements.

I have been holding the details of this matter back a little for the best time to strike.

While you were not anxious to be dragged into this matter, you showed a most commendable disposition to save me from being the victim of any frame-up or injustice. Of course, an effort to convict me under these illegal indictments is an even more vital matter to me than any libel suit.

You were so fair about the whole matter that I did not try to press you on this particular point but I assumed that you would be willing, if this thing goes to trial (and I am informed that it will, although that may or may not be true), if subpoenaed, with three other witnesses whose names you said you would give me (and I wish you would give them with addresses, for while I know two of them, I don't know the stenographer's name and am not quite certain about the first name of one of the others), to testify along the line that you indicated about the visits of this chap to the establishment and arrangements for the payment of the money, etc. Now, however, as I am advised there will be a move for trial within the next few weeks, I am writing to confirm this and inquire where a subpoena will reach you.

You have been so good to volunteer this that I have no intention of trying to do anything except by your consent. We would of course expect to see that you sustained no loss by coming to New York to testify. But all details of this I would want to leave to my counsel, Governor Whitman, so there could be no possibility of any claim that anything improper had been done in the securing of this testimony.

You will be interested to know that we have enough other stuff respecting this fellow to so thoroughly discredit him that there wouldn't be any doubt in the minds of the jury or the public as to the truthfulness of any statement you might make that contradicted his.

Appreciating the interest which you have shown in this matter, I am

Yours very truly,

WILLIAM H. ANDERSON

No.3 c o p y

My dear Mr. Anderson:

Your letter of the 3d. inst. received. The persons who would positively know of the "P------" visits to the office are H. J. Kaltenbach, 701 Washington St., New York City, and his secretary, a Miss Noelle (pronounced Nellie) 701 Washington St., also Wm. A. Schlobohm, 1208 Crittenden St.,N.W., Washington, D.C., but who receives his mail at National Press Club. These people all know personally he was in the office, but if the money was passed, H. J. Kaltenbach will be the only one who can give the information. He could order the check drawn and sign it and tell the Cashier what account to charge it to, or could take out actual cash.

There is a Tammany District Leader in the office district named Charles Culkins. He brought Marty McCue (Senator Boylan - now a Congressman) and other legislators to the office. Culkins collects money each year from the office for Tammany Hall. Subpoena Julius Fleischmann, President, and the cashier, Theodore Kroonland, on this matter of paying money to Culkins. Julius Fleischmann saw and talked personally with the legislators when they were in the office.

Did you ever know that at Christmas of each year, every motorcycle policeman of New York City gets $10.00 from the Fleischmann Co., to grant protection to their machines? This money is handled by Charles Reckner, Supt. of the Garage, and Wilbur Chase, Traffic Mgr.

Did you know that several times a year a Fleischmann truck in charge of Charles Reckner, will go to Albany or Pennsylvania and bring beer to Julius Fleischmann's home at Port Washington, Long Island?

I ask you to play fair and not to divulge the source of your information. All you need say if it comes to a show down is that your agents dug it out. If you divulge my name you will not get lots of more information that I have. You can issue suopoena for Schlobohm at 1208 Crittenden St., N. W., Washington, D. C.

No. 4

c o p y

(Anti-Saloon League letterhead)

November 9, 1923.

Mr. W. A. Schlobohm,
National Press Club,
Washington, D. C.

Dear Mr. Schlobohm:

I received the unsigned pencil note and thank you very much for the additional information.

You may be dead certain that I will "play fair" with you and will not divulge the source of my information. I cannot conceive of the possibility of my being compelled to make an answer on the stand under oath where a judge would order me to reply for I cannot conceive of its pertinence and I shall simply say that our information service dug up the facts and will not without your consent have any subpoena issued for you unless one is also issued for the other persons named.

It is nobody's business how I got hold of the fact that you were in possession of some information of this sort and nobody can legitimately criticize you for the fact that I wished and obtained an interview with you and that you while stating that you did not want to be brought into this matter, also said that you were not willing to allow an innocent man to be framed for failure on your part to tell the truth if you were interrogated.

Are you in Washington most of the time?

I wish you would advise me as to the other account to which these yellow dog fund expenditures are sometimes charged. I remember "purchase of patents",- I think there was a suggestion of "expenses of officers". It seems to me there was another one.

Yours very truly,

WILLIAM H. ANDERSON

No.5

Copy

NATIONAL PRESS CLUB

Washington

Nov. 12, 1923.

My dear Mr. Anderson:

Your letter of the 9th inst. received. These expenditures are most likely to be charged to

Advertising
Convention
Research

If you mention purchase of patents it may open up the line of your information.

I have tried to think of the names of other legislators who were brought to the office but cannot think of them. If it goes to trial I will look through a N. Y. State Red Book and the pictures may bring them back to mind.

Robert R. Kane, Room 1001, 50 East 42nd St., their Counsel, was in at a big conference where amendments to the original Walker Bill were discussed. He knows of payments to Culkins each year and to the police.

I am in Washington all the time. Have not been in N. Y. since Sept. If you are ever in town call me up.

When it comes time to subpoena, let me know and I will be available.

Very truly,

WM. A. SCHLOHOHM

November 24, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I have written to the party special delivery to the address he gave which he said would reach him tomorrow and told him 2:30, Monday.

It might not be a bad idea for you to find out for your own satisfaction, if you can do it incidentally without causing any alarm, why he is willing to give this information; that is, whether he had any row with these folks who are still, he advises me, violating the law. He gave me the particulars and I took it up with Washington.

Yours very cordially,

State Superintendent.

December 7, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I enclose copy of something I got out to the pastors and to the press about Mr. Banton's libel business and some more on the judge question. I worked on this until I was satisfied that I am absolutely in the clear as respects contempt. Our attorney, Mr. Poland, who is pretty clear-headed, was also completely satisfied. I hope you are. I do not believe that in the present state of the public mind about contempt, they will start anything. I am willing to risk it.

I was encouraged in this by the editorial from the Brooklyn Standard Union which is on page four of this document.

Our advice from up-State is that the Republican crowd are turning pretty dry. The World had a story which the wet New York City Republican papers would not print, that the up-State Republican leaders want an enforcement law put through. I think that is true and we certainly gave them a remarkable demonstration.

I am writing you separately about another matter that I think is of a good deal of interest. I may not be able to get that out today but will try it.

I am opening this Catholic business still wider up-State on Sunday and will send you a copy of it.

I am very anxious that certain proceedings which have been discussed, details of which I must know nothing about, should not be delayed too long if it is possible to put them through. They may have a very decided bearing on the question of the date of the trial or whether there will be one.

I am definitely promised for the middle of next week an affidavit on the formal indictment of a certain party and probably some other matter. I think it would be just as well for me not to appear at your office with this man but I will call up and have him sent down so that you and Mr. Williams, if you desire, can get the affidavit made up in whatever way you want it and ask further questions. There may be some stuff that you will not want to use but it will be valuable to have everything in case it is wanted for emergency use.

I wish that you would have a copy made expressly for me of whatever affidavit is made up and any information or tentative testimony so that I will have the benefit of all of it.

There are one or two items that are not yet finished up and so I do not want to write any more definitely.

A member of our Board advises me that one of the judges of the Court of Appeals expressed the opinion that the case will not come to trial. I will give you his name the next time I see you. He also answered a hypothetical question to the effect that there was no possibility of any lack of right of the Board to do what it did in these proceedings on which the grand larceny charge is based.

Yours very truly,

State Superintendant.

LATER.

a-a A fellow that I have befriended was just in the office and told me he heard one of the detective sergeants who works in the District Attorney's office state that Pecora was going to subpoena George Glynn as a witness in the case against me. This strikes me as funny because George does not know anything about any of the matters that are pertinent to these issues unless he and Phillips have had some kind of an understanding which at times I rather suspected because Phillips seemed to be helping put across George's propaganda against "Billy" Hill a couple of years ago in connection with the Hard matter. However, George has absolutely nothing from me that has the remotest bearing. With this fact, if it is a fact, you may be able to figure out something or perhaps your special assistants may be able to dig out something and perhaps find out other parties.

J. H. A.

December 14, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I am sending down a number of copies and other things that you asked for. I was out of the office yesterday and I am not quite certain that all this is ready but anything else will be gotten out promptly for example, copies of those telegrams of which we have the originals and copies of what was printed. We have them from the New York Times but the paper that it seems happened to be in the safe from which these copies were made was the Yonkers Herald, which reprinted it from the Times. However, that fixes the date.

The funny thing about these telegrams is that Phillips himself gave them out as evidence that he was sincere and very much concerned about the welfare of the League.

It seems to me that a great deal can be made in the way of discrediting him out of that release of every claim in full and then within eleven days his demanding a large additional sum of money.

The demands of Phillips which were three-fold, the third one being included in the second besides any additional money I loaned him out of personal funds, were brought to the office by a young fellow who is a law student and close to the family of Phillips' wife. Both Miss Odell and Mr. Poland, our General Counsel, can identify these demands.

Further, Mr. Poland conducted the negotiations for settlement first as I remember it with this same young man and then finally with Phillips himself and went with Phillips when he cashed the certified check for $2500, turned over to him by Mr. Poland pursuant to authority of the Board.

Mr. Poland can testify that Phillips said to him at the time that various forces were pressing him to go ahead with this but did not name them.

It seems to me that a man who will give this kind of a release to a concern as he did to the League as represented by the Board, I not figuring in the transaction, and will then begin what I think is unquestionably attempted blackmail or attempted extortion as defined by the criminal code, proves himself as being quite capable of going back on all of the other agreements he made; that is, that this lends ample color to the proposition that in this matter he has repudiated his earlier agreement.

I think it is very fortunate that we have in that written form which the young fellow said was the statement contained in the complaint ready to be filed in a civil suit, these explicit demands. We jockeyed around quite a bit to get this in writing so that there would be specific evidence of what was covered by the release. This statement, the release and these demands in my judgment make a complete case of attempted blackmail or extortion.

Mr. Fitzhugh Speer, who is Assistant Treasurer of the Morris Plan in the main office down on Broadway, is Dr. Burrell's son-in-law and Phillips went to him along about the time these letters and telegrams were written and if you would write him, he would undoubtedly be glad to drop down to your office and give you all that he has. Phillips told Mr. Speer that "proceedings would be started at Albany right after the Legislature began" or "early in January" -- I forget which, evidently referring to Gillett's effort to have the League declared a political committee.

Further, Miss Odell made a suggestion which I think is a good one; viz., that some few letters that I have may be valuable on cross examination; for example, one that was written while I was ill, the latter part of July or in August 1921 respecting the Morris Plan loan, where I actually did go on his note. A fellow isn't very likely to ask a favor of that kind and express friendly sentiments to one who has only about a year before "extorted" $2500 from him. This comes right after both occasions of that sort.

Then, when he married the second time the ceremony being only a few days after the final decree of divorce and having to be postponed in order to be after it, the very last of June 1919, he wanted me to act as his best man. I declined on the ground that I had to leave town the next day and was so rushed getting ready to get away for some rest that it was utterly impossible for me to take the time out for rehearsals and while I would attend the ceremony it was the utmost I could do. Miss Odell, who was one of the wedding party, his present wife having been one of her intimate friends, knows he wanted me as best man. This was after the close of the first year during which he paid me some money under what he claims was an extortionate agrangement, because his proposition to me was in the early summer, June or not later than July 1918, after we had moved the latter part of May to the 906 Broadway office, and that fiscal year closed April 30, 1919. A man does not usually ask somebody who has practiced extortion upon him to be best man at his wedding.

I may be able to think of some other things that will help.

Dr. Bagnell says that he is ready to help in any way possible but that he does not see how he can come to New York

before about the third of January because of his work and conflicting engagements in the western part of the State. He said he would write you. Perhaps you could ask him a few questions that he could answer by mail which might serve the purpose. By January 3, you will probably know which indictment isto be brought up and whether you will need him. Dr. Bagnell is a close personal friend of Benton 's. They call each other by their first names. They belong to the same lodge. I think it was when Dr. Bagnell was pastor of the Metropolitan Temple, M. E. Church, 7th Ave. near 14th Street, that they became acquainted. The Doctor is very much surprised that they are going to trial and still expresses the belief that they will not.

I suppose they are not likely to start before the first Monday in January, which will be the seventh.

I asked the Rev. James V. Chalmers, D.D., who is a retired Episcopal clergyman, who was on the Board at the time I came, to get in touch with you. He knows nothing specific but knows in a general way the understanding that I was held responsible financially and that I was conducting publicity work.

That is really all that Mr. Fancher knows except that he was present at a meeting when this matter was brought up and finally adopted and knows of the statement of Dr. Burrell and Mr. Baldwin who were on this committee and who were on the Board when I came and knows the general recommendation by the entire Board of the fact that such work had been done and that the claim had been valid and that the League had received the benefit.

I think Mr. Fancher might be a valuable witness as bearing on the personnel of the Board. He makes a good impression being a typical high-grade business man. He is the first-vice-president of the Fifth Avenue Bank and Treasurer of the International Committee of the Y. M. C. A., and of several general Congregational Boards. You can write direct to him (Mr. B. H. Fancher) and have him arrange to see you the latter part of some afternoon after banking hours, or make any other arrangement with you that you wish. Or, he is up near the Bar Association headquarters, on Fifth Avenue at 44th Street, and you might see him incidentally when you are in that vicinity in case you happen to be.

I think Miss Odell is sending you the statement about the proportion of subscriptions in which I had a hand. There was about a half a million dollars came in in five-years that was counted on as applying under the Phillips contract and as near as we can figure it out, with at least $450,000 of that I had some connection with the greater part of it. I wrote the letters and exhibits sometimes in collaboration with Phillips, but always dictating and signing them and with more than half of the amount I had the personal interview and closed the transaction, and the checks made out to the Anti-Saloon League were usually addressed to me personally, practically never to him. Of course, Miss

Odell has direct knowledge of this by virtue of the fact that almost all of this financial correspondence was dictated to her and she opens my mail and handled these checks when they came in.

I might say that there were a few cases where after the matter was decided and following my closing of it with an interview and where we were in a hurry over the money and it was suggested that somebody could be sent down for it, Phillips did go down, but even that does not cover anything like half of the transactions.

If there is anything else that you have in mind that you wanted that I have not sent, or covered as coming shortly, or if there is anything else that occurs to you which you think possibly we may have, you may call me or drop a note.

I have written the auditors, sending a copy of it to Mr. Fancher and taking up the matter of that receipt. Of course, that endorsement on those checks and the fact that the auditors closed the books would be regarded as practically conclusive I should imagine. The auditors are Hurdman & Cranstoun. They are friendly, fortunately. We had some that I found when I came here that were not but when Mr. Fancher became treasurer it was put up to him to select the auditors for his own protection. He was personally acquainted with Mr. Hurdman, if not with the other partner, and Mr. Hurdman at least is one of our League contributors, so that they will be disposed to do anything they can.

Yours very truly,

State Superintendent.

a-a
enc

December 14, 1923.

LATER.

Hon. Charles S. Whitman,
120 Broadway,
N. Y. City.

Dear Governor Whitman:

We are sending you the original of the checks and one I. O. U. for $400 which is not paid. There were other I. O. U.'s although not a great number but they "turned up missing" along with certain memoranda subsequent to the date my desk was rifled. I never gave Pecora these checks but sent him photostatic copies of the I. O. U.'s and all but two of the checks which I found later in connection with the informal inquiry. I was instructed to do this by counsel pursuant to request.

Of course, as I have stated by far the greatest amount of what I loaned him was in spot-cash either handed to him by myself or which I allowed him to keep without the actual physical transfer of the money when he came and constructively tendered payment under the terms of his arrangement but asked to be allowed to keep it. Miss Odell heard various of these conversations.

One reason why there were no loans as shown by checks during the year beginning May 1, 1921 (there is one check for $400 dated April 12, 1921) is that on or about that date I told Phillips that the policy of anticipating the payment over and above $100 a week on some subscriptions that were regarded as certain and which always came through, so that the League never lost any money on it, would have to stop; that it had been done temporarily to help him out of his difficulties; that it simply could not go on as a business practice because however permissible it was as an emergency matter to help a profitable employee get on his feet, there had been ample time for that and that when he was paid up to the last cent that was actually due it was impossible to justify paying him money that was not actually due when other members of the staff were behind in salaries that were due. He became very violently angry and bitter over this and evidently began at once to lay his plans during the last year he was with us, to ditch and ruin the League, as indicated by his alliance with Davey, former counsel, whom we had discharged, which can be established by the testimony of Abraham Weinberg, detective.

I notice that one of the telegrams, of which we have the originals, sent by Phillips, was sent to Mr. Fitzhugh Speer, Assistant Treasurer of the Morris Plan Co., 261 Broadway. In addition to the telegrams to Dr. Burrell, there are two letters, copies of which we are sending. Of course you can have the originals whenever you want them.

As the District Attorney and Fosdick were evidently not after this thing; as the District Attorney had information about actual crimes committed by Phillips, specifically attempted blackmail or extortion and obtaining money under false pretenses from this old preacher, and therefore was in a position to force him to come along, I cannot imagine anything else back of these demands for money other than an effort on the part of Phillips to get several thousand dollars from the League which he evidently needed because he apparently did not get as much from the wets and the Mail as he wanted and needed (he raised the price to the World to $20,000 for his information after Davey had practically offered it for $5000) expecting to be compelled by the District Attorney to submit and give testimony "reluctantly" and have all this damage done in any event with him laughing at the League for being easy enough to give up this money. Fortunately for us he was in such frenzied desperation of financial need that he just could not forego accepting that $2500 which is the lowest amount he would have gotten judgment for if he had gotten judgment at all on his first demand, which is really a legitimate claim under the alleged interpretation of the contract.

If these telegrams do not show blackmail of the boldest sort, they intimate pretty strongly that the District Attorney's office was doing what Phillips wanted.

We have several letters which Phillips wrote to Dr. Burrell, one as far back as November 4, 1921 and the others dated February 10, 1922, March 13, 1922 and March 29, 1922, relative to an effort made by Phillips to secure increased compensation from the League by way of a bonus. If you want copies of these letters I will have them made. No such bonus was ever given. I advised against it. I am not sure whether Dr. Moor will specifically remember that or not. The matter was referred to a sub-committee, I think. To the best of my recollection in the absence of the minutes, the committee was composed of Mr. E. C. Miller and myself. Mr. Miller is not now on the Board. We agreed (I do not know whether it was so reported to the Board and got into the minutes, or not) -- and this was along about the last of 1921 or first part of 1922, shortly before Phillips was discharged, that a larger proportion might be paid on absolutely new subscriptions; that is, persons who were not subscribing to the League, reducing the proportion on subscriptions above a certain size. It is barely possible that Phillips has a memorandum to that effect, although I believe I told him and gave him no memorandum. I could not and would not dispute a memorandum to that effect if one showed up. However, nothing was ever raised by him under it; that is to say, he never qualified and was never paid on any different basis than that of the signed contract.

I felt and told the Board frankly that he was not giving us his best efforts about this time; that instead of getting out and trying to raise money from new persons he was loafing on the job, looking after some other interests of some sort and trying to hold us up for a larger proportion of the money that came from persons who would probably continue to subscribe in any event.

Phillips pressed this bonus business with Dr. Burrell and I think with Dr. Moor, although I will ask him on that point. Phillips specifically proposed to me that he would split the bonus with me. His proposition was that "It would pay my daughter's and your son's expenses in college". The record is absolutely clear so far as there is any record, that I not only did not agree to it but I recommended against it. Unfortunately Miss Odell did not hear this proposition. He had evidently become suspicious this last year or so and evidently had purposely tried to have his conversations with me when she was not present. He was evidently becoming restive because his proposition to divide, which I was accepting for the League, was not enabling him to induce me to agree to any increase in compensation which he tried to get a number of times when Miss Odell was not present.

I think it is one of the reports from V.O.S. (although it may be from our "wildcat" operative) which tells about conversations indicating that somebody - who must have been Phillips - was taking money for protection from the Anti-Saloon League. I had begun to suspect during this last year that there was something in this in view of the desperate efforts he made to get me to agree not to hammer the Republican politicians. Of course suspicion was confirmed by the report of this new detective in the conversation between Davey and Phillips. This was clinched by the detective calling Davey from my office while I was listening on the phone. Of course that is not in the best shape to corroborate the detective if I do not go on the stand. However, it was reduced to writing and signed by Weinberg and me both. Miss Odell and Mr. Poland were in the room when the call was made for Davey and heard Weinberg's end of the conversation. They didn't get the other part of it because there weren't phones enough to go around, but I think they also signed the document. I will look that up and see whether Weinberg signed it. In any event he could verify it as the conversation that was held. I do not know whether my signature would vitiate it if I do not go on the stand, or not. My signature is on it and both Miss Odell and Mr. Poland can testify that it was signed in their presence and it was verified by Weinberg, as a correct statement. I am not sure of the value of this but it may be cumulative in discrediting Phillips, showing disloyalty to the League.

Phillips also tried to get Dr. Burrell to go on his note and tried to get Dr. Moor to go on his note. Dr. Burrell sent him to the Morris Plan and the League accepted an assignment which is one of the papers sent you, shortly before his discharge, and continued to pay the Morris Plan through 1922 on a

on the first $25,000

subscription secured by Phillips which was payable monthly throughout 1922. It was because of this that his claim was not for $5000 (20% on the $25,000 received from the Rockefellers through Mr. Fosdick the last of May or early part of June 1922 after Phillips was discharged).

Dr. Moor did get in before the Grand Jury about Phillips being broke and coming to him about a loan although Pecora tried to keep it out.

I find in addition, just handed to me, some memoranda made by Dr. Burrell's secretary who was instructed by the Doctor to try to hear the conversation between Phillips and the Doctor but it is fragmentary because Phillips talked low, but bears internal evidence and can probably be fixed as the latter part of December 1922 because it has one very interesting thing. Undoubtedly the Doctor would testify to this and his secretary, Miss Dashiell, would testify to it. I will send you the whole thing if you like, but the interesting point, bearing on the attempted blackmail is:

> (Dr. Burrell asked if it was a bonus to which he referred.)
>
> Mr. P.: "No, that is dead. You brought it up in the meeting and it is dead. It is a very trying matter and that I do not say to you the Board advised Poland to make a certain settlement, making the amount about half what there was due me. I am sorry to tell it. I got $2500. Well, I wanted to take up with you if you thought anything could be done. The Anti-Saloon League are in a rather awkward way. We can withdraw the District Attorney and federal board from taking special steps."

Yours very truly,

State Superintendent.

s-a

December 18, 1923.

Hon. Charles S. Whitman,
Whitman, Ottinger & Ransom,
120 Broadway, New York City.

Dear Governor Whitman:

I have this letter from the Certified Accountants which verifies the fact that there is a receipt available from Phillips for the $3,875.- it being clear from the letter of the Accountants that the matter of the endorsement on the checks and the matter of who made it is evidently immaterial.

Do you want me to do anything further with this-- in the way of further communication with Hurdman and Cranstoun or otherwise?

Yours very truly,

State Superintendent.

WHA-ER

Enc.

December 18, 1923

Hon. Charles S. Whitman,
Whitman, Ottinger & Ransom,
120 Broadway, New York City.

Dear Governor Whitman:

This is a letter I have received from Dr. Tucker, a Methodist preacher who was on the League staff here when I came, is still on it, is Superintendent of the Central District with headquarters at Syracuse, is a member in good standing of the New York Methodist Conference being appointed to this work by the bishop, and who is absolutely clear-headed and I think proof against the possibility of being tangled up by any cross-examination.

I think he would remember that the matter that I did not tell the Board "because they would be scared" was the amount. It is of course in the record as shown by the minutes that I was made responsible, and is in the report that I had proposed to carry on this kind of a plan. And I also told Pecora in the informal inquiry that I made no report of the amount at the time because there were no funds to pay it, and there was no need of alarming or worrying the Board,- or words to that effect,- but I waited until the League was in position to pay it. So that checks up.

Yours very truly,

State Superintendent.

WHA-KE

December 26, 1923.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I am not sure that I have advised you that Mrs. Brewer of our staff who is pretty clear-headed and likely to make a good witness who was gotten into the work by Miss Potter and to whom the Potters sent the Mail reporter who was working up this story against me believing that she would give aid and comfort to them is in a position to testify that Potter told her on more than one occasion that he believed Phillips to be a crook and that he told her only a few weeks before I discharged him (about January 1, 1922) that he had implicit confidence in me and would not have stayed if he had not.

Of course that has no value respecting Phillips but I should imagine it could be introduced following cross-examination of Potter bearing on the question of his credibility and also to show a different attitude until he was discharged because of his apparent love affair with Miss Potter. In other words, that it may be admissible bearing on the question of Potter's truthfulness and likewise as showing animus following this action on my part which is totally inconsistent with his general opinion previously. Incidentally, it will show that he allowed to run along for a year and a half, apparently accepting them as all right, some things which he now affects to believe were not straight.

This may have some cumulative value and even though some things do not get in, they may have some value as affecting the general public.

Then you have in mind what the Rev. Charles T. Baylis is willing to testify to if he is needed. Perhaps you would better get in touch with him direct and have him come in. This I think will have a very vital effect on the public even if it does not get before the jury formally.

He told me specifically last summer of Phillips coming to him trying to secure a money raising job for something he was connected with and telling of this conversation between Banton and Mrs. Phillips, which was the basis of my statement last July telling in detail how Banton got up from his chair and told her to come over to the window, saying that when he was in that chair he was District Attorney but over there he was not, and saying to her: "If I put Anderson out of business it will make me Governor", and sending word to Phillips that he was going through with it.

He also told me that Phillips said in addition to Banton's being Governor, Pecora was to be District Attorney.

I am inclined to think off-hand that this is admissible some way or for some purpose, not binding Banton perhaps, although the connection between him and Phillips would pretty nearly do that but at least bearing on Phillips credibility and if it can be gotten in detail, for its effect on Banton.

The five months' pounding that I have done has created a situation where that will go pretty strong up-State and perhaps about as strong if not stronger on the question of public sentiment if it is not admitted.

It is the kind of thing that the dry constituency and for that matter a good deal of the public is expecting us to bring out.

I understand we will not be able to play anywhere near up to the expectations of a lot of people. I have heard many, many times the suggestion: "If it comes to trial Anderson will show up a lot of things". As recently as last Sunday a very prominent business man who has not been any too friendly; in fact there have been times when I thought he was not friendly at all, said to me, when somebody in his hearing asked about the date of the trial: "I was talking it over with a number of men and they thought the trial would give you an opportunity to bring out a great many illuminating things".

I said to him there was not a great deal of chance because the issue would be narrowed down to the single question whether I wrongfully and feloniously did any of the things charged in any of the indictments and that the testimony would be held down pretty closely to that, which, being a business man he saw and accepted.

Nevertheless, knowing the psychology of the public on things of this sort, I recognize that it is entirely possible that more effect may be made on the public mind by something which we do not think is material which is only cumulative and corroborative at best, than by something that would give a complete knock-out to the alleged case.

Yours very truly,

State Superintendent.

a-a

January 2, 1924.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I am dictating this over the phone from Albany. The TRIBUNE this morning has the enclosed story. I do not know whether there is anything in this or not. I have already written you as to my views and wishes and with that statement leave the matter with you to work things out according to your best judgment within the limits of what is possible. The recent letter gave some reasons,- one in particular,- why a little more time might be an advantage. We kept no copy of that letter so you will have to refer to yours. It is the one sent down to you probably while you were gone.

I assume that you received the large amount of material that I sent two or three weeks ago following my talk with you.

I will be in the office tomorrow and the rest of the following week. On the following week I will leave Tuesday for Washington and will not get back till Saturday morning. These meetings covered at this time are more important than the Convention and if you want me for anything, I hope it can be prior to the time I will have to leave. Of course I will hold myself subject to your wishes.

Yours very truly,

State Superintendent.

a-a
enc

January 16, 1924.

Hon. Charles S. Whitman,
120 Broadway,
New York, N. Y.

Dear Governor Whitman:

I wrote you yesterday requesting that you wire me not later than tomorrow (Wednesday) morning if possible if there is any postponement in the trial of which you have any notice. There was a rumor here today that it had been postponed but I could not find any substance for it.

I had breakfast this morning with the witness down here. He tells me that Julius Fleischmann has flown the coop. He ordinarily goes to Miami, Florida in January but this time he left in December. And he has learned from his channels that Kaltenbach is leaving this week for somewhere. He says that there was the mischief to pay in the Fleischmann establishment. They received the copies of my statement and knew that they came from me. He said that they were now watching him; that a sleuth that he knows to be employed by them has actually been up to the National Press Club and has been trying to find out what visitors he has had, and that the head bell boy to whom he says he pays five dollars a month for personal service, protection of mail, etc., came to him the other day when he had a guest and said: "That fellow is trying to find out who you have with you. What shall I tell him or do you want to speak to him?" He said he went out to the chap and said: "You want to know who I have with me, do you?". The chap said "Yes". He said: "It is none of your blankety-blank business".

This would indicate that they recognize the truth of the whole thing and have checked up on it and have concluded he is the only person through whom information has been gotten. He said the next time anybody comes he is going to have the spy informed that whoever is with him is for the Anti-Saloon League of New York.

He says he is even willing to come without a subpoena if necessary and if he is wired as late as eleven o'clock one morning at the National Press Club that he is needed the next day, he will be there.

He said he could come Friday if wanted but not before Monday would be more convenient. He earnestly hopes that it will not be necessary to keep him hanging around for a number of days. He said when you send him the message tell him just exactly where to come,- that is, what building and what room. I did not know, myself. I assume it will be the Criminal Courts Building, but do not know.

I am still planning to leave tomorrow (Wednesday) and will be in the office Thursday morning and will get in touch with you for the last word, if I have received nothing in the meantime. However, even if you should get something late Wednesday afternoon, if wired promptly I will get it before I leave.

Yours very truly,

State Superintendent.

**This letter was dictated at Washington but transcribed at the New York office.

January 18, 1924.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

Herewith find check for the second $5000, in full of fee. Necessary expense matters will be taken care of promptly whenever you indicate.

Mr. Chester Smith, a good friend of mine from Westchester county, reporter for Judge Morschauser's court, who is very anxious and perhaps contributed to that result, to have Judge Tompkins' own reporter come down to take this case because he believes this man to be absolutely on the level, said that the reporter stated that he had received no order from the defense for a copy of the record. Mr. Smith said he asked the man whether he would not be willing, since he was making two copies anyhow, one for the judge and one for the district attorney, to make the price a little lower for the defense, and the reply was such as to convince Mr. Smith, who came to tell me about it, that we could save some money by getting a lower price if defense counsel asked it at the time the order is given.

I pass this on for what it is worth. Mr. Smith said he took occasion to go and shake hands with the Judge to let him know that there was at least somebody there from Westchester county.

Yours very truly,

State Superintendent.

L-S
enc

January 18, 1924.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

On my way up from court this morning I stopped at the Methodist Building and found that Dr. Joy, who is editor of the CHRISTIAN ADVOCATE and a leading Methodist, must also be at Chicago, along with Bishop Wilson. I thought I had it fixed up when George M. Fowles, treasurer of the Board of Foreign Missions, said he was not going to Chicago. He said: "No, I am not going to Chicago, but I am leaving tonight for St. Louis". Nearly all of the leaders are cleaned out. However, as a result of the trip, I got the suggestion of Watson S. Moore, of 42 Broad Street, Phone Broad 7210, which is his office, where he is usually from 9:30 to 10:15, and from 3 to 5 in the afternoon. Between 10:30 and 2 o'clock he is on the floor of the Produce Exchange, Bowling Green 0420, where he can be reached. He said, of course, he would like to have as little demand on his time as possible. He is a supporter of the work. I found him very cordial and perfectly willing. He said that his people live in Baltimore and he knew from them of my work there.

He is a layman of good appearance and gives the impression of being a good business man. He was secretary of the United States Grain Corporation during the war and later Vice-President of that concern. He is President of the Methodist City Society, which is a city missionary society. He is also President of the New York Federation of churches he told me. I asked about any other directorates, etc., but he just said nothing but general business.

He came here I think in the early part of the war from Duluth. He and Julius Barnes were the two big grain operators of the Northwest and Barnes is reported to have said that he could not come down East and leave Moore up there speculating in grain, so he had Moore made secretary of the corporation, to get him down here, too.

Mr. Poland has appointments, one this evening with Dr. Cadman and one tomorrow morning with Dr. Christian F. Reisner.

I have not thus far but expect this evening to be able to get in touch with my banker friend from Yonkers and with Dr. Bartholow. I think with what we have it will probably be enough. I failed to find Dr. McMullen who is the District Superintendent of the Methodist Church and probably will not go to Chicago, but with Dr. Bartholow as a Methodist preacher and Mr. Moore as a Methodist layman, perhaps that is enough of that.

Would Dr. Hastings H. Hart, who has charge I think of either the Prison Department -- at least he is a noted expert in that line -- or the Child Welfare Department, of the Russell Sage Foundation make a good witness? I hardly think he is a preacher, although I am not sure on that point. He is pretty well along in years but very active and alert and I think would do almost anything in reason. You might have me call up tomorrow morning so I can try to get in touch with him if he is here. He is out over the country a good deal. I could suggest another Y. M. C. A. man or two but you seemed to think we had about enough of that and along that line.

Yours very truly,

State Superintendent.

P. S. --

I discovered from the office of the Russell Sage Foundation, Dr. Hart's office, that his family has moved to Cleveland from White Plains; that he has a room in New York; that he has been away for a month but is expected back Monday morning for a week or ten days and then will be off again. If you think it is worth while, I can drop him a note tomorrow, Saturday, which he will have Monday, asking him to call the office. I am close enough to him to feel free to submit the matter in writing.

W. H. A.

a-a

January 26, 1924.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I am writing this to send it down with instructions for Mr. Williams to open it if you are not there and as a matter of precaution am sending a copy to Mr. Williams at the Columbia University Club where he lives in case he is not there when this arrives.

First, have you seen the editorial in the TIMES this morning. If I get it mimeographed in time I will get a copy enclosed. I find no trace of irony or sarcasm in it, but merely the possibility of the John T. King story, which I think bothers people more than the publicity business.

The papers this morning are hostile in their headings on the point that I deceived the League. I am very clear that I should be recalled the first thing Monday morning before Mr. Morse goes on the stand, to bring out this letter to Mr. Baldwin of which you have the original carbon copy, written April 16, 1918 dictated to Miss Odell and written by her, said carbon having reposed in the files through these years until Miss Odell dug it out last winter when this matter was started.

The papers have made so much of this that I feel it is necessary to meet it fairly and squarely for the sake of its effect on our constituency. Besides I think it is thoroughly worth meeting for the sake of its effect on the jury.

As against the contingency that you may not be able to locate it, although it was sent enclosed by Miss Odell, with other material sent you, I am enclosing a copy, which I had the caution to have made before this original carbon left the office.

In addition I am enclosing copy of some other things and will bring the originals with me to court Monday, specifically, copy of Mr. Baldwin's letter of April 10 asking for schedule, etc., a paragraph of which is quoted in my letter of the 16th. Also Mr. Baldwin's letter written entirely in his own hand without date, acknowledging my letters of April 8, 16, 19 and 24, the letter of the 24 being one that is in evidence, attached to the report of the Committee. Also Mr. Baldwin's letter of April 27, enclosing draft of the report and affidavit for me to sign with copy of letter to other members of the committee.

Incidentally, I have found Dr. Duncan's letter explaining that he had to be away and asking Mr. Baldwin and Dr. Burrell to get together and fix up the matter themselves, and I have also the copy of Mr. Baldwin's letter to Dr. Duncan referred to in Mr. Baldwin's letter to me of April 27.

It would be better if we have that original carbon which was sent to you which shows signs of age. Nevertheless, I can swear that it is an exact copy and that I dictated it and compared it with the original and that I did on the date indicated send it to Mr. Baldwin and that, with these other letters I think will establish it beyond question.

I think I should be asked several questions and if these are not in proper form, asked in form to bring out the answers that these would bring. For example:

1. Did you ever state to the Board that these statements contained in your original written communication respecting the borrowing of money was not technically accurate?

2. In what manner did you so state?

3. What did you say in such letter (and whatever is necessary to get the letter itself in.)?

4. Did you deceive the Board?

5. Has the Board taken any action while you were present respecting this alleged variance? (Enclosed find copy of their resolution of February 27, 1923, after Mr. Pecora had been making charges of variance.)

6. What was that action?

7. Why did you sign the affidavit with that technically inaccurate statement?

On this I would answer that having given to Mr. Baldwin, a lawyer of ripe experience, the explicit details technically accurate, I assumed that receiving from him an affidavit prepared by him for me to sign and prepared after the date of such information, he considered as I did and now do, utterly immaterial whether I borrowed money on my home, etc., and put those identical dollars into the publicity work or whether I put into the publicity work money I had to cover the cost of a home and then borrowed money to build the home itself and borrowed on my life insurance to pay my living expenses because I had spent this other money for publicity.

I feel strongly that this is vital and that the presentation of this documentary evidence will have an effect on the jury indicating that I was not given a fair chance; in fact I think you might ask why I did not tell all of this on Friday and my answer would be that Mr. Pecora would not let me anldid not suggest it under your invitation because I wanted to get the original carbon and hunt for any other correspondence that might substantiate it.

I think Miss Odell unquestionably made a good impression the other day. She was not shaken and I think it would be well to further prove this letter by her as she took the dictation, transcribed it and found it in the files.

I am inclined to think, although on this I am not clear and will defer entirely to your judgment, that it might be well to ask me specifically why these transactions were in cash and would give the obvious answer: "To leave no record and to convey no information to outside parties as might be done by the handling of checks."

If I should be asked why I kept this money in my safe I would reply that in addition to this being the reason I considered that an Anti-Saloon League man's safe the last place in the world anyone would look, for no one would suspect that I had any money to keep there.

I would further say respecting payments in cash if the court would let me, that at the time this work was done the liquor interests were all powerful and generally recognized as controlling the press and that secrecy was indispensable.

If you can get in as to whether I have any evidence to substantiate that charge respecting the papers, I could read from the public document copy enclosed, containing the decision of the hearing before the sub-committee of the Committee on the Judiciary of the United States Senate. You will find on page 4, subdivisions a, e, k, and l, bear directly on that point and subdivision f covers the question of boycott.

I think it is worth fighting to get that document in evidence.

Further, I was not asked by Mr. Pecora whether anything was said between Mann and myself as to the effect that he was not expected to make any reports even in the way of showing material. I will testify that that was understood but that I received by mail from time to time during 1913 clippings which I knew came from Mann, that these were among the other material of various sorts some of it having no reference to this, in some way lost in the move from Maryland to New York.

Pedora would not allow me yesterday to bring out the fact that the only reason why even with an expenditure of at least $10,000 or $12,000 a year perhaps more for our Publicity Department now we can get publicity, is because of the start that was made when conditions were much harder.

If there is anything else you wanted to ask, I will endeavor to hand it,-the only thing that I feel strongly and positively about is that matter of the deception. On that it might be brought out that there never was any question or issue.

There are two other minor points that occur to me that may be worth while. The judge asked me if I intended to use this money to build a home. He may have thought there was a contradiction of my statement that King approved of the use of this money for League purposes. The fact as you will remember I previously told you or Mr. Williams or both is that I never expected originally to put more than $10,000 into the publicity business. I really at first never expected to do special work at special expense longer than 1913. I intended to look after it myself after I got on the job but I found it was necessary to go further with expert service and found that in 1913 it had cost more than the $10,000 I expected.

I can and will testify if given an opportunity that I had expected to have about $15,000 left for a home and this with the equity on the Baltimore home and what cash I had would have paid for my home in cash in full.

Further, Judge Tompkins brought up another point, whether I did not think it strange that a man who professed to be interested in the work should ask me to go into something else and I said that I did not. If given an opportunity I will say that I thought the probable reason was incidentally to test me and see how loyal I was in what I was doing.

If I should be asked about how I expected to have $15,000 left after spending $10,000 for publicity, I would say that at one of the conversations Mr. King said in speaking of making some money for me, that he would make the equivalent of a real year's salary, which I understood to mean the amount he estimated my total income to be after I got to going in business with him, if I accepted his proposition.

Yours very cordially,

State Superintendent.

January 31, 1924

Hon. Charles S. Whitman,
Whitman, Ottinger & Ransom,
120 Broadway, New York.

Dear Governor Whitman:

I am dictating this note over the telephone from home.

I am sending a copy of a telegram from Bishop Cannon received this morning. Bishop Cannon is one of the bishops of the Methodist Episcopal Church South, and speaks for a great Democratic constituency in the South. Do you think it is safe or advisable to give this out soon?

There is being given out today, because there seemed nothing wrong about it, copy of the article~~al~~ from the Schenectady Union Star enclosed. Our Publicity Department has given this out today, but I did not want to give out Bishop Cannon's telegram because of its explicit allusions until you passed on it, but I think it might be valuable.

I was asked by one of the members of the Board of Directors whether I would like to have you present at the meeting of the Board tomorrow so the members could ask you questions and be reassured, and I replied that I would be very much pleased if you and Mr. Williams could come. The meeting is called for three o'clock, but 3:30 would be in plenty of time for you. Mr. Fancher is to take the matter up direct with you.

I am also enclosing copy of an editorial from the Standard Union of last evening.

Yours very truly,

State Superintendent.

WHA-EE

Encls.

February 6, 1924.

Mr. Colley E. Williams,
120 Broadway,
New York City.

My dear Williams:

I enclose copy of a letter to the Governor, which explains itself, and am sending it just as a precaution in case he should not be in the office. I expected to get it out in time to send down by messenger today.

Yours very truly,

State Superintendent.

WHA-EE

Enc.

February 7, 1924

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I will expect your office to call me tomorrow, perhaps the latter part of the morning, and let me know what definite word you have as to the exact time of pronouncing sentence, so that I can come down and go up with you.

My attention was called to the statements in the press a day or so after the verdict. For example, in the Times of January 31st, which was Thursday, in a discussion of the probability of the other indictments being dismissed, it is said:

> "The prosecutor said he thought both the grand larceny and extortion charges, all growing out of the $24,700 alleged by Anderson to have been spent in confidential publicity work, and which prompted the forgery charge, had been pretty well aired at the trial. It was intimated that Mr. Pecora might agree to a dismissal of the indictments following Anderson's sentence."

It was suggested to me that this might be valuable in your brief and argument on appeal, bearing on the question as to whether the evidence on the other charges was not dumped into the trial on this one.

Yours very truly,

State Superintendent.

WHA-EE

February 12th, 1924.

Hon. Charles W. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I would like to come down Thursday morning to go over one or two matters with you looking toward a possible unfavorable outcome. I can hardly be ready before and would like to have it in the morning rather than in the afternoon of Thursday so that there will be time for whatever seems advisable.

At that time I can find out the exact hour of the proceedings Friday. I think I would like to come down and go with you to the courthouse. Will you please have me called as early as possible tomorrow, Wednesday, and let me know that you have received this and fixing a time for Thursday morning. If I should not happen to be in the office, Longacre 0803, Miss Odell can take the message.

I am dictating this to be run off after I leave without opportunity for signature.

Yours cordially,

WHA:MC

February 19, 1924.

Hon. Charles S. Whitman,
120 Broadway,
New York City.

Dear Governor Whitman:

I talked with Mr. Williams yesterday just after you had gotten Pecora's brief and from what he said you evidently found it interesting and are hopeful because of what it discloses.

I understood from Mr. Williams that under ordinary circumstances you are entitled to two days notice before the entry of the final order. I am very anxious that you take whatever steps are necessary without doing anything that you think weakens your position to make sure that you will know and can advise me the day before the final order so that I can come to the office prepared for a trip if that is the outcome of the order.

Things have gone so consistently wrong and this bunch has been using its power so ruthlessly that I have not allowed myself even to entertain any definite hope that the worst will be avoided on this particular matter. It is easier to stay that way than to expect something and be struck in the face by an adverse outcome. I would like to be insured, however, against being suddenly called up without notice and advised to come down and surrender myself. It is bad enough to have this thing hanging along but it would be worse after it hangs along to come with a sudden jolt like that at the end.

A number of our folks who were down were very much pleased with your argument. I judge there was not the slightest question about your having put it all over Pecora and not the slightest question about the granting of this certificate providing it is really granted on the merits of the situation.

I have not looked them up, but some lawyer tells me that the cases on the question of certificate of reasonable doubt are all to the same general effect; that it should be denied only when it is certain there can be no reversal and when the rights of the public require, because of the nature of the crime charged, etc., that nothing shall interfere.

In case Judge Wagner decides wrong, there is some encouragement in the proposition that even if the Appellate Division affirms the verdict, still a justice of the Appellate Division which heard the case or a justice of the Court of Appeals can issue a certificate of reasonable doubt which operates as a stay pending the decision by the Court of Appeals. I take it you

will have no trouble in getting that somewhere along the line and if things go wrong and the matter is rushed in the Appellate Division, my stay might be made comparatively short.

Mr. Fancher called me up and said that Mr. Hardman, the head of the firm of Hardman & Cranstoun had come in and was ready to say to you that he was willing to go to Judge Wagner if it would do any good and state that those bookkeeping entries were entirely proper. This was voluntary on his part. I do not know whether anything of this sort would be permitted or not.

Yours very cordially,

4-a