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THE ROOSEVELT-NEWETT LIBEL SUIT

Part IV

Marquette, Michigan, May 26-31, 1913

Introductory

There was a time when Theodore Roosevelt had many active and bitter enemies and some of these were quick to originate or circulate any rumors derogatory to his character, either personal or political. One such attack was the wide-spread and persistent assertion that Colonel Roosevelt was a man of very intemperate habits. But these attacks were either oral or so carefully guarded in their innuendoes as to make resort to the courts impracticable, for to interpret such insinuations in their worst light was to make one his own accuser. Finally there appeared in the Ishpeming "Iron Ore", a reputable weekly, and official organ of the mining interests of the middle west, the assertion that Colonel Roosevelt was habitually intemperate and that this was very well known to all his personal friends. The political motive for this particular attack probably grew out of the fact that at the time of publication Colonel Roosevelt was the leader of the Progressive Party, then showing extraordinary strength in the West and throughout the country.

No sooner was this libelous utterance called to Colonel Roosevelt's attention, than he declared that the time had finally come to end forever the rumors attacking his personal habits and he welcomed the chance for such a vindication. When his position became known some of his over-cautious friends advised that a libel suit against a well known and popular editor, in the latter's home County, where he had long been prominent as a political leader, was to invite either humiliating defeat or a hung jury, which, under the circumstances, would have been equally disastrous, and this was possible because all the local officers, such as the Sheriff, Jury Commissioner and various court officials were reputed to be members of an anti-Roosevelt clique and were very unfriendly in such litigation. This advice Colonel Roosevelt refused to accept, saying that "the issue was plain and he would not hesitate to go before a jury in any decent community demanding a hearing of his case".

There were several other matters connected with the preparation and trial of the case which should be recorded and with which the writer was entirely familiar. When it was known that the suit was to be pressed, one of the most distinguished criminal lawyers and probably the leading orator of the country volunteered to act as his chief counsel. But Colonel Roosevelt took the position that as he was going before a rural jury with a perfectly simple case he above all things wanted to avoid having such distinguished counsel that their ability or persuasiveness might later be declared as a reason for a successful verdict. So he requested that some Michigan lawyer familiar with the criminal law be selected, and in addition a local attorney acquainted with the conditions in Marquette County. When it was proposed that the suit be brought in the sum of \$100,000 or more, he said he was seeking the vindication of his character and that heavy monetary damages were not in keeping with his motive, so the suit was brought in the sum of \$10,000. Again it was suggested that as the alleged libel was one per se it was only necessary to prove the publication of the charge and then rest, ~~therefore~~ throwing the entire burden upon the defendant of justifying his allegations by such proof as he possessed. It was pointed out that this procedure gave a great technical advantage, in that the rebuttal testimony could be withheld from the knowledge of the defendant and at the same time force the latter to show the character of his own evidence in advance. But the plaintiff preferred not to do this, asking that his case be heard in full at the start, in order that the court, the jury and the public should know at the earliest

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moment what he relied upon for vindication.

Such an attitude was an excellent example of Colonel Roosevelt's candor and courage, besides showing that as a tactician he had few superiors, for the court commenting favorably on the relinquishment of a direct technical advantage, said: "The plaintiff was unwilling to rest on the presumption of the law that the charge was false and proceeded before this court to show that the charge was false in fact". So overwhelming was the evidence from the first that on its conclusion there was not much surprise in court when the defendant declined to offer any evidence, and apologized for making such unjust charges.

59 a June 14-1913

*[Handwritten initials]*

# THE ROOSEVELT LIBEL SUIT

STAFF CORRESPONDENCE

**L**AST summer during the Presidential campaign reports in the form of personal gossip were widely circulated throughout the country to the effect that Mr. Roosevelt habitually drank to such excess that he was frequently incapacitated for work. Some of this gossip was the product of malice, some of it the product of foolish ignorance and credulity, and some of it the product of political malice. When the rumors were circulated from the latter motive, they unquestionably had some effect, for many of the supporters of Mr. Roosevelt who did not know him personally were greatly disturbed by these stories. Scores of letters were received by The Outlook during the campaign either anxiously inquiring about these rumors or bitterly attacking Mr. Roosevelt because of them. Honest inquirers were always answered with a statement of the facts, but personal letters and personal assertions were powerless to put an end to the gossip.

In the latter part of the summer Mr. Roosevelt came to the conclusion that it was his duty, however unpleasant, to put an end to this unwholesome gossip by having the question settled once for all in a court of law. This seemed to him to be not only his duty to himself and his family, but a duty to the country. It has been a matter of shame and regret to all decent Americans that their Presidents from the time of Washington down to the present have been victims of insidious gossip against their private and moral characters. In our own time Grant, Garfield, and Cleveland were marked sufferers in this respect. Mr. Roosevelt discussed this matter frequently and in detail with his associates in the office of The Outlook, and it is therefore possible for the writer of this article to say definitely just what Mr. Roosevelt's attitude was toward this gossip even before the libel suit was brought.

Before the slanders were brought into court it was necessary to wait until some newspaper of recognized responsibility made a definite charge. The occasion came in October, 1912. In that month George A. Newett, of Ishpeming, Michigan, the editor and publisher of a weekly newspaper in that small but prosperous city, stated editorially in his paper that Mr. Roosevelt habitually got drunk and that all his intimates

knew it, and added that he was also guilty of habitual and disgusting blasphemy. Finding on investigation that Mr. Newett was a man of responsible standing in his community and was a man of property, a libel suit was immediately brought against him by Mr. Roosevelt.

The case came to trial on Monday, May 26, in the Circuit Court of Michigan at the city of Marquette, county seat of Marquette County. The defendant, Newett, charged not only that Mr. Roosevelt was guilty of habitual drunkenness, but that all his intimate friends knew it. When the court convened on Monday afternoon, a party of nearly thirty of Mr. Roosevelt's most intimate associates and friends were present, eager to testify that they not only did not know of his drinking to excess but did know that he was an unusually abstemious and temperate man. Since Judge Flannigan, who presided over the trial, in his charge to the jury at the conclusion of the case, referred to the testimony in behalf of Mr. Roosevelt as coming from "a long list of witnesses of high character and unimpeachable credibility," a record of the case would not be complete without a brief summary of the names and standing of these men. They included Jacob A. Riis, the well-known sociologist and philanthropist; Dr. Alexander Lambert, for many years Mr. Roosevelt's family physician; Dr. P. M. Rixey, Surgeon-General of the United States Navy, retired; James R. Garfield, son of President Garfield and ex-Secretary of the Interior; Robert Bacon, ex-Secretary of State for the United States and ex-Ambassador to France, who was a classmate of Mr. Roosevelt at Harvard and has been his lifelong friend; Gifford Pinchot, ex-Forester of the United States; Truman H. Newberry, ex-Secretary of the Navy; William Loeb, Jr., Collector of the Port of the City of New York, and formerly Mr. Roosevelt's private secretary while he was Governor of the State of New York and while he was President; Lawrence F. Abbott, President of the Outlook Company; W. Emlen Roosevelt, the head of one of the oldest banking firms in the city of New York, and a cousin of Theodore Roosevelt; Gilson Gardner, a well-known newspaper correspondent, who was familiar with every personal detail of Mr. Roosevelt's Presidential



career, and who traveled with Mr. Roosevelt during his European trip in 1910; Lucius F. Curtis, a representative of the Associated Press, who in that capacity had accompanied Mr. Roosevelt on many of his political trips in this country during the last three years; Judge A. Z. Blair, a noted temperance worker of the State of Ohio, who achieved distinction a year or so ago by disfranchising while on the bench a great body of voters of Adams County, Ohio, for bribery and corruption; John Callan O'Laughlin, formerly an Assistant Secretary of State and now Washington correspondent of the Chicago "Tribune;" Philip Roosevelt, a young cousin of Theodore Roosevelt, who has accompanied him as an aide on many of his political trips in this country; Edwin Emerson, Jr., formerly a member of the "Rough Riders," who had acted as regimental clerk for Mr. Roosevelt in the Spanish War; Oscar K. Davis, one of the best known of the Washington newspaper correspondents, now Secretary of the National Progressive Committee in Washington; Charles W. Thompson, a representative of the New York "Times;" Edward Heller, the Naturalist at the Smithsonian Institution at Washington, who accompanied Mr. Roosevelt on his African hunting trip to prepare the skins and specimens obtained for that Institution; Andrew W. Abele, an Ohio business man, at one time a miner and a locomotive fireman, who had traveled with Mr. Roosevelt on some of his political campaign trips; Frank H. Tyree, formerly of the United States Secret Service when Mr. Roosevelt was President and now United States Marshal in West Virginia; William P. Schaufele, a railway man of Ohio, who had charge of the special train that carried Mr. Roosevelt through the State of Ohio last year on a political speaking tour; James Sloane, of the United States Secret Service, who had been associated with Mr. Tyree as a member of the President's personal body-guard during the Roosevelt Administration; and Regis H. Post, ex-Governor of Porto Rico, who was a member of the New York Assembly when Mr. Roosevelt was Governor, and has been actively associated with him in recent political campaigns.

In addition to the personal testimony of these witnesses depositions were read in court in behalf of Mr. Roosevelt which had been made by Major-General Leonard Wood, Admiral Dewey, Dr. John B. Murphy and Dr. Arthur Bevan, of Chicago, who attended

Mr. Roosevelt at the Mercy Hospital after he was shot at Milwaukee; Dr. Lyman Abbott, Editor-in-Chief of The Outlook; George B. Cortelyou, formerly Secretary of the Treasury and now President of the Consolidated Gas Company of New York; Dr. Albert Shaw, Editor of the "Review of Reviews;" Lawrence H. Graham, a newspaper correspondent who had known Mr. Roosevelt at Montauk Point after the Rough Riders returned from Cuba; George H. Roosevelt, a cousin of Theodore Roosevelt, who is intimately associated with him at Oyster Bay; James E. Amos, Mr. Roosevelt's butler at Oyster Bay; and William T. Dulaney, formerly barber at the White House.

In a libel suit the burden of proof rests with the party making the alleged libelous statement. It is, therefore, a common practice for the plaintiff to insist upon the defendant's going upon the stand first with his witnesses and proving his charge. But Mr. Roosevelt was not content to depend upon the mere failure of the defendant, Mr. Newett, to substantiate the truth of the libelous article. He elected to appear upon the stand first himself and to make a complete statement in the minutest detail regarding his use of alcoholic beverages. "It was," says the New York "Times," "a thing that impressed every hearer who had a sense of the dramatic—this spectacle of the ex-President accounting in public with laborious pains the way in which he spent his time while at the head of the Nation, describing his private life, and answering questions about his habits in his own home among his guests."

It took three full days to get through the evidence in behalf of Mr. Roosevelt. His statement as to his own abstemious use of alcoholic beverages was corroborated in every detail by the witnesses who followed him, and who spoke from the point of view of the physiologist, the personal and attached friend, the political associate, or the observer who had studied Mr. Roosevelt as a prominent personality without favor on the one hand or prejudice on the other. It is doubtful whether in any trial in the history of this country there has ever been such a mass of testimony from men of such position and authority, not only as to the sobriety, but also as to the decent, clean, wholesome, and high-minded conversation and associations of a private or a public individual.

At the beginning of the trial the defend-

ant's attorneys, who are acknowledged to be among the ablest lawyers of the Middle West, endeavored by cross-examination to weaken the force of the testimony of the witnesses for Mr. Roosevelt. In pursuance of this policy, they insisted upon their legal right to exclude all the Roosevelt witnesses from the court-room until they were called in to testify, one by one, by the bailiff or sheriff who had them under his charge. Perhaps the defendant's attorneys believed that by this method they were preventing collusion or promoting conflicting statements. But it is almost mathematically demonstrable that when thirty men are testifying as to the truth their statements fit into one another, even if they have never seen or talked with one another before. So it was in this case. Before the three days of testimony and cross-examination on Mr. Roosevelt's behalf had elapsed, the defendant's attorneys had visibly weakened, and when on Saturday morning they dramatically abandoned their case, and in effect, although not in words, pleaded for mercy, the spectators in the court-room were not surprised.

Mr. Roosevelt's case was completed on Saturday morning, and it then became the turn of the defendant to proceed. Mr. Newett was put on the stand, sworn, and began his statement. He had not read many paragraphs before it was apparent that he, the man who had made the charge of drunkenness and blasphemy against Mr. Roosevelt, was in reality the strongest witness on Mr. Roosevelt's behalf; for while the witnesses for the plaintiff could only testify as to their own individual acquaintance with Mr. Roosevelt and their own judgment as to his personal character and sobriety, Mr. Newett under oath on the stand stated that both his attorneys and he himself "went forward with the investigation of all this [the rumors of excessive use of liquors] with great thoroughness in numerous places in various parts of the country," and that as a result they had come to the following conclusion:

We have been unable, however, to locate or produce witnesses who will swear that they have actually seen Mr. Roosevelt drink to excess. Upon this phase of the case, when the statements attributed to such persons have been sifted, it was found in each instance that the witness did not himself know that Mr. Roosevelt had drunk to excess, or that if he had made such a claim he was unwilling to testify. It is fair to the plaintiff to state that I have been unable to find in any section of the country any individual witness who is willing to state that he has personally seen Mr. Roosevelt drink to

excess. I have taken the testimony in the form of depositions, of more than forty reputable witnesses, who have expressed the opinion that on those occasions as to which they testify he was intoxicated. I believe all these witnesses were honest in making their statements. I have relied upon these witnesses, but have recognized the lesser opportunities they have had to observe the plaintiff and his habits.

I have been profoundly impressed, during the progress of this trial, by the nature and extent of the evidence produced by the plaintiff that he did not in fact use liquor to excess on any occasion. I am unwilling to believe that these eminent men would purposely misstate the facts, or that, under the circumstances related by them, and their intimate acquaintance with the plaintiff for so many years, they could be mistaken as to his habits. I have therefore been forced to believe that those who have given depositions or made the statement that, in their opinion, on the occasions to which they refer, Mr. Roosevelt was intoxicated, had insufficient means and opportunity of correctly observing him, and were mistaken.

Up to the time of this trial I had believed that the statements made in the article which I published were entirely warranted. But in the face of the unqualified testimony of so many distinguished men who have been in position for years to know the truth, I am forced to the conclusion that I was mistaken. I am unwilling to continue to assert that Mr. Roosevelt actually and in fact drank to excess.

At the conclusion of Mr. Newett's statement one of Mr. Roosevelt's attorneys rose and said that the plaintiff, Colonel Roosevelt, with the Court's permission, desired to address the Court. On receiving Judge Flannigan's permission, Mr. Roosevelt stood and spoke as follows:

In view of the statement of the defendant, I shall ask the Court to instruct the jury that I desire only nominal damages. I did not go into this suit for money. I did not go into it with any vindictive purpose. I went into it, and, as the Court has said, made my reputation an issue, because I wished, once for all, during my lifetime, to deal with these slanders, thoroughly and comprehensively, so that never again will it be possible for any man, in good faith, to repeat them. I have achieved my purpose, and I am content.

After a brief recess, Judge Flannigan read his charge to the jury. Having defined libel and malice, and having stated that, while newspapers may freely discuss the fitness of a person for public office, "Michigan has not granted to any one—whether newspaper man or not—the privilege of writing or speaking of a candidate for an elective office, words which are both defamatory and untrue," he continued his charge as follows:

Unwilling to rest on the presumption of law that the charge was false and call upon the

defendant to prove its truth or answer in damages as was the plaintiff's right, the plaintiff proceeded before this Court to show that the charge was false in fact.

And by his own and the testimony of a long list of witnesses of high character and unimpeachable credibility, he has satisfied the defendant, the jury also I fully believe; certainly he has convinced the Court, not only that he never was drunk but that he is now and always has been a temperate and abstemious man. . . . The injury to the reputation and feelings of the plaintiff which naturally, proximately, and necessarily followed upon the false publication would warrant a verdict in the plaintiff's favor in a substantial amount, and would sustain a verdict in any sum up to the amount claimed in the plaintiff's declaration, which is \$10,000.

But, as the Court is addressed by the plaintiff, the object of the plaintiff in bringing and prosecuting this action being the vindication of his good name and reputation, and not the recovery of a money judgment, and he having in open court freely waived his right to the assessment of his actual damages, it only remains for the Court to direct a verdict in his favor for nominal damages, which, under the law of Michigan, is the sum of six cents. You are therefore, gentlemen, directed to render a verdict in favor of the plaintiff for that amount.

The outcome of the trial was much more than a mere personal vindication of Mr. Roosevelt. On following pages there will be found a review of newspaper opinion in various parts of the country, which indicates that all citizens who place the public welfare above partisan advantage recognize that Mr. Roosevelt performed a real service to the country in bringing this libel suit and fighting it to a finish. The general sentiment is typified by the following quotation from a private letter written by a Boston man of distinction, who has been vigorously opposed to Mr. Roosevelt politically: "I rejoice with you (and in common with all decent-minded men, friends and foes) over Theodore Roosevelt's triumphant victory over the drunkenness charge. He never appeared to better advantage than in that fight from its inception to its close."

Marquette, an unusually attractive and progressive city of fifteen thousand inhabitants, is beautifully situated on the shore of Lake Superior, and its reception of Mr. Roosevelt and his friends was a most hospitable one. George Shiras, 3d, a son of Justice Shiras (who retired recently from the bench of the United States Supreme Court), and eminent as a naturalist as well as a lawyer, took a large number of the Roosevelt party as his personal guests into his summer home at Marquette, which he opened for the

purpose. Others of the party were guests in the homes of members of Mr. Shiras's family who lived near by. Thus the witnesses who went out to northern Michigan prepared to endure the discomforts of ordinary travel in their support of their friend, the plaintiff, found themselves members of a most delightful house party, so that the week in Marquette was really a vacation in charming surroundings. The eagerness of friends and acquaintances of Mr. Roosevelt to testify in his behalf was in great contrast to the universal reluctance, as testified to by the defendant, of those who were asked to appear in support of the libelous charges. Scores of letters and telegrams were received during the trial by Mr. Roosevelt's attorneys offering the services of the writers if needed. The following telegram is a sample of these communications:

St. Paul, Minnesota, May 28, 1913.

*Colonel Theodore Roosevelt,  
Marquette, Michigan:*

You wrote letter to L. Guttman at Corsicana, Texas, when in camp near San Antonio, Texas, on May 25, 1898, as follows: "You are very kind, and, though I am not a drinking man, I shall accept that whisky, but I sha'n't drink it or let any of our men drink it before battle. If they cannot fight without whisky they cannot fight at all, and down in Cuba they must not drink unless it is strictly as medicine. Nevertheless I think we shall need a little whisky in the outfit for just that purpose." This letter is in my possession. Can your attorneys use it? We all admire your courage in fighting this character attack to a finish.

HUGH T. HALBERT.

Resentment against the libel was freely expressed by citizens of all classes in Marquette. An amusing illustration of this resentment was disclosed in the examination of the men called upon for jury duty. The examination of one man, a miner of Irish parentage, was somewhat as follows:

Question: "Did you read the article of which the plaintiff complains at the time of its publication?"

Response (made in a loud and vigorous voice): "I did, sor."

Question: "Did you form a definite opinion as to the charge against the plaintiff when you read the article?"

Response (in a still more vigorous voice): "I did, sor."

Question: "Have you that fixed opinion still?"

Response (with still greater vigor and with a violent nod of the head): "I have, sor."

Of course this jurymen was at once excused by the Judge on the very proper ground that his fixed opinion would prevent his finding an impartial verdict; and although there was nothing in his examination or his answers to indicate whether his "fixed opinion" was for the plaintiff or the defendant, smiles were noticeable on the faces of many of the men spectators in the court-room. These smiles were explained the next day, when I was informed by a rejoicing Progressive of Marquette that this Irish miner had achieved an enviable local reputation for knocking down every man in his community who ventured to express the opinion in his presence that Theodore Roosevelt was in the slightest degree addicted to the use of liquor.

Incidents of this character more than once excited some manifestations of amusement or applause in the court-room, which, however, were promptly and strictly suppressed by Judge Flannigan, whose conduct of the case in every particular indicated that he regarded it as one of gravity and public import. So was it regarded by the spectators and so by the city of Marquette. So should it be regarded by the country at large, for liberty is not license; and the irresponsible license which too large a number of newspapers in this country exercise in attacking the personal character, the personal motives, and the private life of public men has become one of the most serious evils of American civilization.

L. F. A.

## NEWSPAPERS AND PRIVATE LIFE

### A POLL OF THE PRESS

**T**HE libel suit at Marquette, Michigan, forms the peg on which the newspapers are hanging comments concerning the responsibility of the press in its criticisms of the private lives of public men.

The outcome of this suit, says the New York "Tribune," the foremost Republican organ of the country, will give universal satisfaction. "Even the libelant, who went on the witness stand, confessed his fault and retracted his charges, has reason to congratulate himself on the magnanimity of the man whom he had grossly injured." In accepting the reparation offered, continues the "Tribune," the plaintiff acted in accordance with the policy which guided him throughout the conduct of the suit. "He had no personal vindictiveness to assuage. He was not seeking a verdict of damages for the sake of the damages, but solely for the purpose of vindicating the right of a public man to be protected from heedless or malicious slanderers. He was courageously fighting, not his own battle, but the battle of all self-respecting public men for immunity from the attacks of scandalmongers." The "Tribune" adds:

To many minds it is an irresistible temptation to invent or circulate disparaging fictions about the habits of public men. These misrepresentations are the more damaging because they cannot be openly met. They seldom reach the stage at which an appeal to the courts becomes possible. Presidents have not been exempt from the darts of the meanest slander. Mr. Cleveland suffered from outrageous gossip, yet

could take no public action against his defamers. Fortunately, the chance came to Colonel Roosevelt, nearly four years after he left the Presidency, to call to account an offender who had been incautious enough to put in print what others had merely whispered and chuckled over in private.

"History has had many a lie smuggled into it; this one has been nailed," pronounces the Knoxville "Sentinel" (Dem.); it was a slander which, as another Southern Democratic paper, the Columbia "State," adds, "went from mouth to mouth, spread by the most unreliable, most irresponsible, most untruthful medium of circulation in America, the man one meets."

Thus, as the New York "Tribune" concludes, the trial at Marquette will warn those who think that they can safely repeat in a public way the irresponsible stories which they hear about men of prominence. "Even those who most expose themselves to the fierce rays of publicity do not surrender their natural right to resent improper personal criticism."

"A man in public life must expect a good deal of misrepresentation; he need not be surprised if he is vilified by unscrupulous enemies or by unprincipled writers who prostitute their talents to the extent that they become, literally, hired assassins of character." So declares the editor of the Missoula "Missoulian" (Prog.), and adds:

The man in public life in this country, through the prevalence of the notion that freedom of



the press constitutes license, has come to regard these attacks with more or less of indifference. So far as they apply to his official life, these assaults may be disregarded or their charges may be disproved by the official record. But when a man's private life is assailed, when he is pictured as immoral or otherwise misrepresented, then forbearance ceases to be a virtue. Then is the time when he should strike back.

"So early as the twelve tablets of the Romans," says the Washington "Herald" (Ind.), "there were few crimes for which the death penalty was meted; but slander, the taking away of a good name, was one of them." The question at Marquette, declares the "Herald," involved the disposition of the average man of intelligence to believe anything and everything that may be charged not only against the man of prominence, but the man in the every-day walk of life, who usually is without opportunity or inclination to defend himself. The "Herald" thus distinguishes frank and heated references from "mud-slinging."

No public discussion of candidates upon the stump can go on without a frank and heated reference of the man's record, his inconsistencies, his evasions, ambitions, partisanship, mistakes, and egotism. We should not say that this was "mud-slinging." It is the opinion formed—justly or otherwise—by his opponents. It is meant to imply why they are opposing, instead of supporting, him. Such discussion deals, not with the private character of a candidate, but with his fitness for the office he either holds or to which he aspires.

On the other hand, whenever a candidate's private character and life is deliberately and publicly assailed on the stump or in print, so as to make a case of record, that is "mud-slinging" and "muck-raking," and ought to be stopped.

As the "California Outlook" (Prog.), of Los Angeles, says: "It ought to be a serious matter to impugn the honor or character of any man, and especially a man of high standing, with much reputation to lose. And it ought to be a serious thing to be subjected to such an accusation without meeting it." The California paper continues:

The criticism of public men ought not to be stopped: it ought, rather, to be enjoined as a duty on the public press. But it should be responsible criticism, and the best way to make it responsible is to hold those who utter it to their responsibility. The chief cause of the irresponsibility of much public criticism is the carelessness with which it is received. In theory, every person publishing matter derogatory of another may be called to prove it. If there were more practical likelihood that he would actually be called to do so, words would be weighed before they were written—and they would have more weight after they were printed.

Certainly, as the Topeka "Capital," the well-known Republican paper, adds: "It is going to be hard to 'get' and keep 'together' politically with newspapers that persist in slander after proof and confession of its baselessness, for political reasons solely."

A Progressive paper, the Kansas City "Times," says: "Reckless defamation of character has been going merrily on in the United States for many years. Reputable newspapers, of course, are not guilty. If they happen to misstate the facts about a public man—or a private citizen—they are always glad to make a correction. But irresponsible papers simply go the limit in spreading malicious lies. It is of the highest importance that people should be able to know the character of public servants, and should distinguish between the effective official who is slandered and the ally of special privilege who ought to be exposed."

Instances of defamation of character are thus put forth by the New York "Globe" (Rep.): "Thousands of good Americans died in the belief that George Washington, despite the plain facts of his useful life, was a wicked and designing person. Thomas Jefferson and Alexander Hamilton are still regarded by different sets of persons, otherwise sane, as monsters of iniquity. Andrew Jackson and Henry Clay are responsible for many cases of apoplexy brought on by indignation."

The editor of the Detroit "Journal" (Rep.) declares that the vindication at Marquette is far more impressive than a mere jury verdict would be. The "Journal" adds:

First: a public man's personal habits are something with which the public has nothing to do, unless they impair or affect his activities.

Second: the article should not have been printed because, as Mr. Newett now confesses, he had at the time of printing it no evidence that it was true. Mr. Newett is thus convicted not only of doing a public man a grave injustice, but of bringing disgrace, in a way, upon the newspaper profession. The whole performance of Mr. Newett showed bad taste, bad judgment, and a bad professional spirit.

"The lesson is a salutary one for the country at large," concludes the Boston "Journal" (Prog.): "let us cease slinging newspaper mud at our public men." In the words of the Sault Ste. Marie "News" (Ind. Rep.): "The result of the Marquette affair will tend to bring to people the realization that the truth at all times is the best and that idle gossip is one of the poorest of pastimes."

NUMBER 8387.

# COLONEL ROOSEVELT SUES GEO. A. NEWETT FOR LIBEL

Civil Suit For \$10,000 Started in Circuit Court Yesterday, and  
a Criminal Case Is Begun Before Justice S. E.  
Byrne, Detroit Men Acting.

ARTICLE IN THE IRON ORE OCT. 12  
IS QUOTED IN THE COMPLAINT

H. M. Wallace, Michigan National Progressive Committeeman, Is  
in Charge of the Cases and James H. Pound Is Retained  
to Push Them--Ishpeming Publisher Silent.

## SUIT IS INSTITUTED FOR THE DISPROOF OF SLANDEROUS CHARGES.

New York, Oct. 25.—That the charges over which the \$10,000 libel suit was filed against Publisher Geo. A. Newett at Marquette, Mich., today constituted the culmination of "an insidious campaign of slander" against Colonel Roosevelt is the declaration of the Progressive national committee in a statement issued here tonight.

"Knowing the cruel falsity of this charge," the statement says, "those who have been interested in circulating it have proceeded under cover and in the dark. No respectable person of responsibility, so far as he is known to Colonel Roosevelt and his friends, had dared to make this charge in an open and responsible way until Mr. Newett made it in his newspaper.

"On Monday, Oct. 14, the day he was shot, Colonel Roosevelt was in Chicago, preparing to go to Milwaukee, when a copy of the paper was put in his hand. Upon reading the article, Colonel Roosevelt gave directions to proceed against Mr. Newett at once.

"Colonel Roosevelt, however, in taking this action is not seeking to recover money damages, and the amount asked in the suit is therefore fixed at a nominal sum."

The statement adds that the action was begun because in the publication in question "Mr. Newett has furnished the first opportunity that Colonel Roosevelt or his friends have been able to find" for the "prompt and authoritative

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C O P Y

THE OUTLOOK  
287 Fourth Avenue  
New York City

Office of  
Theodore Roosevelt

January 21st, 1913

My dear Shiras:

That is an awfully nice invitation of yours. I expect to go to Marquette and I need not say how glad I will be to stay at your house, with two or three people, if you are sure it will not inconvenience you. I am very indignant at Newett. When he started those libels against me, he may not have known that they were false, but he must know it now if he has made any inquiry.

Give my warm regards to your father. I absolutely agree with you about the importance of the non-sectional status of the new party and a year hence I hope we will be able to begin to get allies because of the inevitable division among the Democrats of the South. My dear fellow, I cannot tell you how much your support has meant to me. That was a capital piece of yours which you enclosed.

Sincerely yours,

(SIGND) THEODORE ROOSEVELT

George Shiras, Esq.,  
Stoneleigh Court,  
Washington, D.C.

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C O P Y

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January 22, 1913

Hon. Theodore Roosevelt,  
Oyster Bay, New York

Dear Colonel:

I was certainly pleased by your letter of the 21st. Not only in your determination to make an example of Newett, even if you had to make a burdensome trip to Marquette, but in your acceptance of the invitation to be my guest. The house has an abundance of rooms (being the former residence of my father-in-law, Peter White), and we can accommodate your friends without limit.

So important will be the trial that I trust arrangements have been made for your having the ablest counsel. Public sentiment undoubtedly will be with you, but the local office holders and political machine will be against you, backed secretly by cunning politicians throughout the United States.

The fact that Newett had the audacity to put in a plea of justification indicates pretty clearly that he is receiving encouragement from outside the district. Yet the result cannot be in the slightest doubt if ordinary precautions be taken against the selection of an unfair jury. In my opinion this case will never be tried-- because Newett will either offer you an ~~subject~~ apology when he hears that you are going to attend the trial, or if you decline to accept the same that he will plead guilty and throw himself on the mercy of the Court. Since this trial is a quasi-criminal one, it is somewhat out of line with my former practice, but it seems to me that where there is a plea of justification the evidence offered must undertake to show a series of acts, more or less continuous or frequent, in order to comply with the plea, and further that you are entitled to a Bill of Particulars or a preliminary examination of the defendant in order to ascertain at what places and at what time the alleged acts were committed, that you may offer contrary proof if desired. Such a request on the part of your counsel may delay the trial a little, but whatever the date fixed upon I will be there in advance of your coming to help matters along.

\* Note, as predicted, Mr. Newett's retraction of the libelous attack, page 72.



25  
Hon. Theodore Roosevelt - 2

63  
January 22, 1913

I leave for Ormond, Florida, Sunday evening. When my son G.P. hears of this matter, he doubtless will insist upon coming up too; as he knows the local situation perfectly he would be of some use. Will let you hear by wire or letter of any new developments.

Yours very sincerely,

(SIGNED) GEORGE SHIRAS 3D

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C O P Y

THE OUTLOOK  
287 Fourth Avenue,  
New York

Office of  
Theodore Roosevelt

January 24th, 1913

Dear Shiras:

I am not only pleased, but greatly touched by your letter. First let me say that I am cordially in sympathy with your enclosure. I am sending you a copy of a notice by me of Hornaday's book on game preservation.

Now I did not understand that you intended to come back for the trial, but I am more than pleased if you will do so. You could be of inestimable service to me. The counsel I have employed is Mr James H. Pound, Burns Building, 90 Griswold Street, Detroit. Is he the right man? May I send part of your letter to him? I would like especially to present to him what you say about taking care of the jury.

Always yours,

(SIGNED ) THEODORE ROOSEVELT

George Shiras, Esq.,  
Stoneleigh Court,  
Washington, D.C.

-----  
THE OUTLOOK  
287 Fourth Avenue,  
New York

Office of  
Theodore Roosevelt

January 28th, 1913

My dear Shiras:

I am having Pound on to see me. It looks as if we should have a very big fight. Undoubtedly the party who is responsible for the libel is now being backed up by outside money. He is sending around the country to get depositions. I shall want Marquette counsel and perhaps other counsel outside. Would Russell be willing to come on here to see me? I shall keep in touch with you with all that comes up.

Sincerely yours,

(SIGNED) THEODORE ROOSEVELT

George Shiras, Esq.,  
Stoneleigh Court,  
Washington, D.C.

6  
65  
C O P Y

FRANK J. RUSSELL  
Marquette, Mich.

Jany. 29, 1913

My dear Mr. Shiras:

I am pleased that you have called the matter of counsel to the attention of the colonel. My views on that matter are shared by Dr. Cunningham and a number of other of our friends who are particularly interested in the case, including, as I may have written you, Mr. Hill, who has great respect for Belden's ability.

Now I feel that we at least have called this matter to the colonel's attention, and so he will be informed that at least in some minds there is question whether his case is in the best hands. That lets us out.

I don't believe there will be much opportunity of setting up a jury in this case. The original panel will likely be exhausted. We ought to be able to tell from the run of the men whether there was any particular selection of them. Of course I don't believe Belden would want to do anything but what was right.

Very truly yours,

(Signed) Frank J. Russell

2)  
66  
C O P Y

THE INTERNATIONAL OCEAN TELEGRAPH COMPANY

TELEGRAM

Oyster Bay, N.Y.,

Feb. 2-13

Hon. Geo. Shiras,

Hotel Ormond.

Can you not lunch or dine with me New York this week.

Theodore Roosevelt.

-----  
WESTERN UNION TELEGRAPH COMPANY

TELEGRAM

New York, Feb. 6, 1913

Geo. Shiras,  
Stoneleigh Court, Washington, D.C.

Can you come to Outlook office Saturday morning twelve o'clock to  
see me and afterwards go to lunch.

Theodore Roosevelt.

-----  
THE OUTLOOK  
287 Fourth Avenue  
New York

Office of  
Theodore Roosevelt

February 4th, 1913

My dear Sir:

Mr. Roosevelt wishes me to thank you for your telegram  
and to say that he would be glad if you would come into The Outlook  
office to lunch with him on Saturday next at one o'clock. He hopes  
this day and time will be quite suitable.

Faithfully yours,

(SIGNED) FRANK HARPER  
Secretary

George Shiras, 3rd, Esq.,  
Stoneleigh Court,  
Washington, D.C.



COPY

THE OUTLOOK  
287 Fourth Avenue  
New York

Office of  
Theodore Roosevelt

May 22nd, 1913

Dear Mr. Shiras:

The following is the list of witnesses who will come out to

Marquette:

Lawrence Abbott  
J. McGrath  
Frank Harper  
Jacob Riis  
Gifford Pinchot  
Van Benschoten (lawyer from N.Y.)  
Frank H. Tyree  
Robert Bacon  
William Loeb, Jr.  
J.H. Pound (lawyer from Detroit)  
Edmund Heller  
Walter Brown  
L.F. Curtis  
Governor Hadley & another  
J.C. O'Laughlin  
O.K. Davis  
Gilson Gardner  
Dr. Rixey  
J. Sloane  
Judge A.Z. Blair  
Phil M. Streich  
W. P. Schaufele  
J. W. Faulkner  
John T. Bourke  
W. Emlen Roosevelt  
Philip Roosevelt  
Dr. Lambert  
James R. Garfield  
Truman H. Newberry & probably Mr. McKee &  
N.C. Wright

Make whatever arrangements you care to regarding putting them  
up. Some of them will undoubtedly have to stay at a hotel, probably  
the Marquette Hotel. The ones who can do this best are

N.C. Wright  
Mr. McKee  
L. F. Curtis  
W. P. Schaufele  
J. W. Faulkner  
John T. Bourke  
Lawrence Abbott  
Frank Harper  
J. McGrath  
Frank Tyree

Judge Blair  
P. M. Streich  
J. Sloane  
Gilson Gardner  
O. K. Davis  
J. C. O'Laughlin  
H. F. Cochems  
Walter Brown  
Governor Hadley & another  
Edmund Heller

So Fatigued He Has to Leave Jubilant

670  
pleasant sojourn here for Roosevelt and his party. The home of George Shiras, whose guests the party will be, has facilities for the utmost comfort of the visitors. For several days decorators, furnishers and other artisans have been at work.

#### Accommodations for Thirty.

Accommodations for thirty persons have been provided. The house is furnished beautifully and overlooks Lake Superior from a rock cliff.

The mansion has been stocked liberally with food. The visiting party will find many things in the household to interest them.

Mr. Shiras will meet the party at Negaunee and escort the members to his home.

Marquette is enthusiastic over the fame the Roosevelt suit is bringing to it. While there will be no public functions for the former President, the populace is impatient for his arrival. Most of the 15,000 inhabitants may be at the station when Roosevelt's train rolls in.

Even among the convicts in Marquette prison the interest runs high. Warden Russell, who is an ardent admirer of Roosevelt, has promised the convicts that he will invite Col. Roosevelt and Jacob Riis to visit the prison. Should the two visitors accept they will be asked to address the convicts in the chapel.

High school students, who will produce a play in Marquette Opera House, have sent an invitation to the Colonel to occupy a private box.

MARQUETTE, Mich., May 25.—When Theodore Roosevelt arrives in Marquette to-morrow morning to begin his \$10,000 libel suit against George A. Newett, editor of the *Ishpeming Iron Ore*, he will have cause to remember his range riding companions of the West.

Cowboys and ranchers who knew Roosevelt in the past are sending telegrams addressed to him at Marquette offering to come here and testify for him. Messages come from all points as far south as Mexico. Even a Mexican who rode trails with the former President has offered his aid.

The advance guard of the Roosevelt forces arrived to-day in the persons of James H. Pound of Detroit, Roosevelt's counsel of record, and Henry M. Wallace of Detroit.

Wallace, who is an attorney, will not appear in the suit, but is joining in the conferences now being held by Pound and W. S. Hill, the local Roosevelt attorney. Pound and Hill will try the case for Roosevelt. H. S. Cochems, Roosevelt's personal attorney, will appear as a witness if he comes at all.

Horace Andrews of Cleveland and W. E. Belden, attorney for the Ishpeming Steel Company and a close friend of Newett, will conduct the defence.

The testimony of two Chicagoans will play an important part in the trial. They are Dr. John B. Murphy and Dr. Arthur Dean Bevan who were Col. Roosevelt's physicians soon after he was shot in Milwaukee during the Presidential campaign last fall. They examined him at Mercy Hospital in Chicago and have deposed to the effect that Newett's designation of the former President as being a frequent companion of John Barleycorn was unwarranted.

Lawyers visited Drs. Murphy and Bevan last Friday and got from them under oath a statement that Roosevelt at the time of the Presidential battle was in tiptop condition and showed no signs of being alcoholic.

The pro-Roosevelt depositions were taken in New York, Pennsylvania and Ohio and in the cities of Washington and Chicago. The Colonel's lawyers declare these depositions show that Roosevelt drinks practically no liquor and that in the Ohio instances if he had "helpers" they were merely committees of escort.

Many intimations regarding Newett's backers are heard, but he and his chief counsel brand these reports as fables. They admit that contributions as high as \$500 have come to them, but say that this money has been returned to the donors.

#### Judge Flannigan Will Preside.

Circuit Judge R. C. Flannigan of Ironwood, who will preside at the trial, arrived here this afternoon and went immediately to the court house to attend to arrangements for the opening of court. Judge Flannigan will not permit the libel case to interfere with the usual methods of court procedure in the Marquette circuit. The regular docket will be called and cases will be assigned.

It is expected that by 2 o'clock in the afternoon the drawing of the jury for the Roosevelt case will begin. Eighty-six men, thirty-six on the regular panel and fifty of the special venire, will be on hand. The jury will be high class.

The regular panel is composed of men in various lines of business, while the special venire was selected with much care. The laboring class in this section consists largely of foreigners, mostly miners and dock workers.

#### Special Wire in Court House.

In view of the heavy demands that will be made upon the telegraph companies for newspaper service, a special wire is being run into the court house.

Attorneys for both sides are still maintaining the strict secrecy which has characterized their actions and work since the case was started. The Roosevelt contingent has been told by an attorney working on depositions that a Milwaukee witness upon whom the defence is said to have placed considerable dependence has had a "collapse." The defence's attorneys refuse to comment on this statement.

29  
George Shiras, 3d 2

68  
May 22, 1913

Make whatever arrangements as to any of them, however, that you care to. I will leave the whole thing to you. When we arrive perhaps you will have a list made out so that the men may be told straightaway where they are to stay.

Faithfully yours,

(SIGNED) FRANK HARPER

Secretary

George Shiras 3rd, Esq.,  
Marquette, Mich.

P.S. We shall arrive over the Northwestern from Chicago at 7.45 Monday next.

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N.Y. held May 26-1913

### CASE OPENS TO-DAY; SPEEDY TRIAL LIKELY

#### Roosevelt to Be Guest of Naturalist—Keen Lawyer to Cross-Examine Him.

(Special from a World Staff Correspondent.)  
MARQUETTE, Mich., May 25.—Col. Roosevelt's arrival in Marquette will be quiet and unobtrusive. There will be no official public reception, no displaying demonstrations, although his following is strong here. He will be met at the station by George Shiras, who will be his host while he is in the city, and only a few friends of the Moose persuasion.

The Colonel will find a congenial atmosphere in the Shiras home. It is a charming old house, roomy and rangy, perched upon the brow of a hill overlooking the lake. Mr. Shiras, who has followed the calling of naturalist for forty years (without nature faking) has probably one of the county's best collections of prints, photographs and books on the subject.

Judge Flannagan will begin business in his court-room to-morrow morning at 10 o'clock. The first thing is disposal of cases on the calendar. The reading of the calendar will consume more than an hour. When No. 3592, Theodore Roosevelt vs. George A. Newett, is reached, the attorneys on both sides will announce themselves ready for trial. Then the impanelling of a jury will begin.

The Colonel will be one of the first witnesses to testify for the prosecution. His direct evidence will not take up much time. He will deny that he has ever drunk to excess or that he has the alcoholic habit. He will admit that he takes a glass occasionally at his dinners and at public functions. He will denounce as "lies" campaign rumors that intoxication frequently overwhelmed him. Then he will be turned over for cross-examination.

Confronting him for the defense will be one of the keenest lawyers in the Northern Peninsula of Michigan, W. P. Belden, forty-four years old, small in physique, clean shaven, big of head, with a bulging brow, penetrating eyes, hidden behind glasses of saucer like size. He is wary, unusually mentally agile, serious and with little or no humor in his make-up. The cross-examination may take more than a day. It will be based on the Colonel's direct testimony and on the depositions collected by the defense. After this ordeal the Colonel is expected to remain in Marquette until the witnesses who accompany him have given their testimony. Arguments are begun.

Belden worked most of the day in his law office in Ishpeming packing his papers and books.

"The mighty hunter picked out a humble target to shoot at," said he. "But we are ready and will face his fire. We are not notoriety seekers. This trial will be conducted in a serious and business like manner. Judge Flannagan will keep it moving. He has a splendid record as a lawyer, and though this is his first term on the bench, he has the full confidence of the bar and the community. I cannot express any opinion as to the verdict. I believe that it will be according to the law and the evidence."

The loser may appeal to the State Supreme Court and the final decision be handed down within six months.

Sheriff James Moloney does not expect a crush at the court-house. He will allow the courtroom to be filled and then the doors will be closed. A balcony has been reserved for women, and the Judge said to-night that as women seldom attend court, he was determined they should have a fair show and would reserve half of the main floor as well as the balcony for them.



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### The Roosevelt Party Arrives.

Early on the morning of May 26th Colonel Roosevelt and his large party reached Marquette. They were greeted at the station by a crowd of representative citizens, who by their expressions and demeanor, showed that they strongly sympathized with the distinguished plaintiff in his effort to clear his reputation from the unjust attacks made upon him by one of their neighbors, who, as editor and proprietor of a local paper, had used this as a medium for broadcasting his attacks and upon which allegations the libel suit was based. The entire party had breakfast at my home, formerly the home of the late Peter White, a large, old fashioned house.

Later the party was allotted as follows: in the White house Col. Roosevelt, William Loeb Jr., his former private secretary, <sup>Truman</sup> ~~Freeman~~ Newberry former secretary of the Navy, and later U.S. Senator from Michigan Jacob Riis, well known settlement worker in New York. Edmund Heller scientist on the Roosevelt African trup. J.C. O'Laughlin, newspaper correspondent and 1st Assistant Secretary of State. Oscar King Davis, writer, and Secretary of the National Progressive Party in the Bull Moose campaign of 1912, W. Emlen Roosevelt, and his son Philip Roosevelt, Dr. Alex Lambert of New York, the physician and close personal friend of the plaintiff, W.H. Van <sup>Benschoten</sup> ~~Benochoten~~ of the law firm of Bowers & Lands, New York, chief counsel and equally successful in the libel suit of Barnes vs. Roosevelt a few years later. When the powerful boss of Albany was decisively defeated.

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Gibson Gardner, writer and active in Progressive party affairs and J.H. Pound, a prominent Detroit attorney.

At the home of my niece, next door, were Gifford Pinchot formerly of the Roosevelt administration; and later Governor of Pennsylvania; James R. Garfield formerly Secretary of the Interior; and Lawrence Abbott, editor of the Outlook.

At the home of my nephew, on the opposite side of the street, who, as a graduate of Harvard, had had allotted him three graduates of the same institution— Robert Bacon, Secretary of State and Ambassador to France; Admiral Rixey of the U.S. Navy, and Regius Post, one time Governor of Porto Rico,

#### The Colonel Enjoys a Joke At His Own Expense

On the second evening of the trial, after several witnesses had been heard for the plaintiff, all the party in attendance had dinner with me in order to talk over the situation and, to give these congenial friends a chance to meet one another. I sat at one end of a long table with Colonel Roosevelt on my right. During the progress of the dinner the Colonel addressed himself to Jacob Riis, who sat opposite, and had been one of the two witnesses that afternoon, saying: "Jake it was a mighty fine thing for you to make this long trip in my behalf. You knew me when I was Police Commissioner of the City of New York and probably knew my habits better than anyone else in that great city. I consider your testimony of the greatest value." Then noticing that Robert Bacon who had also testified, was sitting next to Riis, the Colonel expressed his appreciation

3 690

of the evidence given by one who had been his college mate at Harvard and continuously intimate with him thereafter, saying that he too, was in an exceptional position to testify concerning his temperate habits in those long periods when his daily life could be accurately observed.

During this brief intermission all the diners were looking towards the Colonel transfixed by his expression of gratitude. As the chief guest concluded I quietly but audibly said: "Colonel, if this testimony keeps up a few days longer, you will believe it yourself." Thereupon a shout went up that rattled the china and then, coloring momentarily, the Colonel joined heartily in the merriment.

# ROOSEVELT LIBEL TRIAL BEGINS TO-DAY; BRINGS ON CARLOAD OF WITNESSES

Scores of Telegrams Offering to Testify to His Sobriety Greet Colonel at Marquette, Mich.  
—Suit Is for \$10,000.

MARQUETTE, Mich., May 26.—The stage has been set and appropriately dressed for John Barleycorn's greatest drama to-day with Theodore Roosevelt holding the centre of the stage.

Awaiting the Colonel on his arrival here with a carload of witnesses, telegrams from cowboys and ranchers as far south as Mexico offering to come and testify that he does not "lie and curse in a most disgusting way," that he does not "get drunk and that his intimates know about it," as George A. Newett, editor of the Ishpeming Iron Ore, charged editorially last fall, and for which Col. Roosevelt is suing for \$10,000 for libel.

Circuit Judge R. C. Flannagan of Ironwood will preside at the trial and will not allow the libel case to interfere with the regular routine and docket. The drawing of the jury in the Roosevelt case is expected to begin at 2 P. M. The jury will be high class. It will be selected from a panel of thirty-six regulars and fifty specials, and as only four challenges are allowed to a side, the choosing should not take long. The special venire has been selected with great care.

## STAYS AT NATURALIST'S HOME DURING TRIAL.

In order that the country at large may be spared none of the details, a special wire has been run into the court house. It is going to be Marquette's greatest affair of the kind. Both sides are going to bring every ounce of pressure to bear in the matter of personal history, reputation or character to affect testimony.

Col. Roosevelt intended his arrival to be quiet and unobtrusive. There was scheduled no official public reception, no display, no demonstrations, although his following is strong here. George Shiras is his host while he is in the city.

The Colonel will find a congenial atmosphere in the Shiras home. It is a charming old house, roomy and rangy, perched upon the brow of a hill overlooking the lake. Mr. Shiras, who has followed the calling of naturalist for forty years (without nature faking) has probably one of the county's best collections of prints, photographs and books on the subject.

The Colonel will be one of the first witnesses to testify for the prosecution. His direct evidence will not take up much time. He will deny that he has ever drunk to excess or that he has the alcoholic habit. He will admit that he takes a glass occasionally at his dinners and at public functions. He will denounce as "lies" campaign rumors that intoxication frequently overwhelmed him. Then he will be turned over for cross-examination.

## KEEN CROSS-EXAMINER TO TACKLE COLONEL.

Confronting him for the defense will be one of the keenest lawyers in the Northern Peninsula of Michigan, W. P. Belden, forty-four years old, small in physique, clean shaven, big of head, with a bulging brow, penetrating eyes, hidden behind glasses of saucer like size. He is wary, unusually mentally agile, serious and with little or no humor in his make-up. The cross-examination may take more than a day. It will be based on the Colonel's direct

(Continued on Second Page.)

## MAILS DELUGING ROOSEVELT'S HOST



GEORGE SHIRAS.

George Shiras, host of Theodore Roosevelt, who is suing George A. Newett for libel in the Marquette court, with the plaintiff and defendant, is receiving a heavy mail every day, owing to the prominence given the case in the newspapers. Those to Mr. Shiras are mostly begging letters probably inspired by pictures of his big home in Marquette. One of them asked him for money to pay an installment on a farm. Those to Mr. Roosevelt and Mr. Newett for the most part are full of advice as to how the case should be conducted.

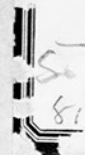


An Example of Colonel Roosevelt's Thoughtfulness

On the evening of the second day following Colonel Roosevelt's arrival at Marquette, and just at the most critical juncture of his libel case, it was arranged that all of his many witnesses should attend an entertainment at a local theater. After their departure, and on visiting the library, I found Colonel Roosevelt writing a letter. Looking up as I entered he said: "Shiras, can you guess whom I am writing to?" "That is easy" I replied, "you are writing to a very fine and very anxious wife you left behind". "Not a bad guess at all", remarked the Colonel, "only you have gotten the wives mixed up for I am writing to yours".

The following letter, addressed to one a thousand miles away, is a remarkable tribute to Colonel Roosevelt's forehanded thoughtfulness and written in the midst of a distressing and absorbing trial, upon which his reputation depended, and when few, if any, others could have separated themselves from their immediate surroundings to do such a gracious thing.

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C O P Y



Marquette

May 27th, 1913

Dear Mrs. Shiras:

I feel as if I must write you a kind of ante-dated bread-and-butter letter! All of your guests are having a delightful time; but we do wish our hostess were here. Really, you are very good to let such an invasion overwhelm your house, while you are absent. Your husband is the best of hosts; the table is so delicious that I am over-eating scandalously; and my room is the kind of room I most like; and so, the result as a whole is that what would otherwise be a peculiarly irritating and indeed mortifying experience has become almost a spree. So, many thanks!

Ours is a small house, but I shall not be happy until we get you to come out with your husband for a night.

Faithfully yours,

(SIGNED) THEODORE ROOSEVELT



BIG T.R. AND LITTLE T. R. (TEDDY REYNOLDS)



FORMER GOVERNOR RÉGIS POST AND THE REYNOLDS FAMILY LEAVING FOR THE TRIAL

5

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NOON RECESS: COLONEL ROOSEVELT LEAVING THE COURTHOUSE



COLONEL ROOSEVELT RETURNING FROM THE TRIAL





COLONEL ROOSEVELT MEETS AND GREETS MEMBERS OF THE ALBERT JACKSON POST (G.A.R.) ON DECORATION DAY



SPANISH WAR VETERANS AT MARQUETTE  
Colonel Roosevelt addressed this joint delegation. (See adjoining page).

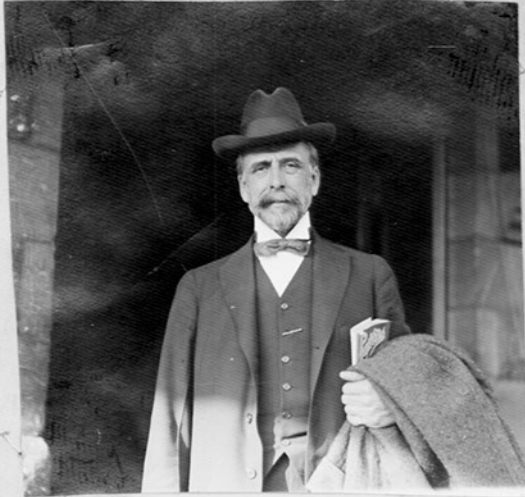


MARQUETTE TURNED OUT TO SEE AND HEAR COLONEL ROOSEVELT ON HIS FIRST VISIT TO THE CITY

It has been assumed that it was this address that led to the libelous attack in the "Iron Ore". One week later Colonel Roosevelt was dangerously wounded by a crank in Milwaukee, but insisted upon delivering his address according to schedule before going to the hospital for examination and treatment.



COLONEL ROOSEVELT LEAVING FOR THE COURTHOUSE ON THE FIRST DAY OF THE LIBEL SUIT  
William Loeb, Jr., on right.



LAWRENCE F. ABBOTT, EDITOR OF "OUTLOOK"



MR. SHIRAS, COLONEL ROOSEVELT'S  
HOST



MESSRS. POST, SHIRAS, AND  
EDITOR RUSSELL



COLONEL ROOSEVELT ACCOMPANIED BY HIS  
FAVORITE AND FORMER BODYGUARD  
AT THE WHITE HOUSE



COLONEL ROOSEVELT ADDRESSING THE WAR VETERANS ON DECORATION DAY  
AT MARQUETTE *at Shinn's Residence.*



May 29-12 13  
**Marquette News**

## VETERANS MET COL. ROOSEVELT

Members of Albert Jackson Post, G. A. R., and Men of Spanish-American War Paid Their Respects to Former President at the Shiras Home Yesterday.

They Listened to An Inspiring Address of Twenty Minutes, and Then Greeted the Colonel Personally—With Him They Recalled Incidents of Great Work.

Yesterday was one of the few times in many years that Colonel Theodore Roosevelt did not deliver a formal Decoration Day address. He did not, however, have to forego a word of greeting to the men who wore the blue, for he received them, shortly before 4 o'clock, at the residence of George Shiras 3rd. Men of the war of the rebellion, the dwindling ranks of Albert Jackson post, were there, the veterans of the Spanish-American war, and a lone veteran of the "lost cause," Samuel E. Byrne.

The veterans strolled to the Shiras residence in groups of two or three, and were gathered in the dim light of the drawing room, with a company of the newspaper men, when Colonel Roosevelt was escorted from the library to greet them.

With a few words of preface and welcome, expressing his pleasure that the day was not to pass without his having opportunity to greet the veterans of the local post, Colonel Roosevelt talked informally for some twenty minutes in an address charged with the spirit of patriotism, appreciation of the services of the men of the sixties and comprehension of present day problems. He threw the whole ardor of his spirit into his words. He might have been addressing an audience of 3,000, rather than one of thirty.

Colonel Roosevelt was heard with rapt attention by the little company of veterans of two wars. Occasionally a tear was wiped from the eye of a grizzled veteran as some reference went particularly home and called up a vivid picture of life in the field. Again there would be nods of appreciation as Colonel Roosevelt, by some reference to the conditions under which the war was fought, showed his intimate acquaintance with its history.

### Refers to Present Day Problems.

Applying the lessons of the conflict of the sixties to modern conditions,

Colonel Roosevelt said: "It was what you did in your golden youth that has enabled us to meet with manly courage and sure steps the problems of today. Your sons, and grandsons, armed with the same courage and devotion and high ideals that took you to the war, are in the forefront of another battle for human welfare and for their country."

"We cannot tolerate a social condition under which men and women are trampled down. It is such a condition that we must fight today and it must be done by putting in the heart of every citizen the love of his brother and his native land. The contemptible arrogance of the rich man who despises his brother because he is poor and the mean envy of the poor man who hates his brother because he is rich have both the same seed. The same poor men made rich would be arrogant; the same rich man made poor would be envious."

"In the training of our manhood and womanhood we must give them the same noble inspiration you had when you were young—the spirit of justice and kindness and freedom. Train them to service, not to the pursuit of pleasure; for happiness to be worth anything must be a by-product."

On the conclusion of his discussion of the duty of the patriots of today, Colonel Roosevelt expressed regret that the circumstances surrounding his visit to Marquette had made it inadvisable for him to address the veterans at their memorial exercises, and thanked them for the honor of their visit, asking that he might meet them individually.

### Greeted the Veterans.

Rev. Bates G. Burt introduced him to the veterans. The first man the colonel greeted was Stuart Zryd. "What's your command?" the colonel inquired. "Good. It's a pleasure to meet you," he assured Mr. Zryd on getting his response.

"Here's a man who wore the gray," Mr. Burt remarked, as he presented Samuel E. Byrne, who served with a Maryland battery. "I am most happy to meet you," was the colonel's greeting, and he expressed pleasure at this visible sign of the subsidence of the spirit of the old strife. "I had two of your men in Cuba," he added.

"And here's Mr. Byrne's brother, R. P. Byrne, but he wore the blue," Mr. Burt continued, turning to the latter, who had occupied an adjoining chair. "The blue and the gray in fact," the colonel commented, as the trio felicitated one another on the pleasure of the meeting.

Col. Roosevelt had a special word for each and was an eager and interested questioner of the veterans. He asked concerning their commands, and mention of the regiments gave rise to reminiscences and rapid fire comment on campaigns, engagements and picturesque incidents of the war. It was, both for the actors and the group of newspapermen who followed it, a most interesting and vital little drama of throbbing life, perhaps one of the most interesting that had ever been staged in the dim and artistic old drawing room.

When the last word of greeting was

given Col. Roosevelt bowed himself out, and the veterans filed from the home. But the colonel was again requisitioned, this time by the tireless photographers. He gave ready consent to be pictured with the men of the 'sixties and his own fellow campaigners in the war of '98. The groups were posed on the steps of the Shiras home, the photographers' work being followed by an interested group of onlookers.

Col. Roosevelt's day, outside of his reception of the veterans, passed quietly and without incident. In the morning he drove out into the country in an automobile with members of his party, and spent the remainder of the day quietly reading.

This afternoon it is expected that Col. Roosevelt and members of his party will leave for the White camp, four miles from Deerton, where tomorrow will be spent. There will be no hunting, as Col. Roosevelt is no fisherman, but Mr. Shiras will have much to show his guest, who is particularly interested in observing the field in which Mr. Shiras has made his extensive study of the white-tailed deer.

SEVILLE-MOTION PICTURES.

George Newett, Editor Of  
Ishpeming Iron Ore, Dead



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ISHPEMING, Mich., May 27 (Special to The Mining Journal)—George A. Newett, veteran editor and publisher of the Ishpeming Iron Ore, died at 10:20 a. m. Saturday in his home on North Oak street.

# GEORGE A. NEWETT PROVES BEST WITNESS FOR COLONEL ROOSEVELT

22 13

**His Retraction of Charges, in Which Inability to Find Evidence of Alleged Inebriety Is Freely Admitted, Final Incident in Dramatic Case That Held Attention of Jury and Court in Marquette All Last Week.**

**Following on Formal Statement of Defendant, the Plaintiff Asked Judge Flannigan to Order but Nominal Damages—Sudden End of Case Was Surprise to General Public but Was Forecasted by Events of Morning.**

## WHAT THEY SAID:

GEORGE A. NEWETT—"I have been profoundly impressed during the progress of this trial by the nature and extent of the evidence produced by the plaintiff to the effect that he did not in fact use liquor to excess on any occasion. I am unwilling to believe that these eminent men would purposely misstate the facts, or that under the circumstances related by them and their intimate acquaintances with the plaintiff for so many years they could be mistaken as to his habits. I have therefore been forced to believe that those who have given depositions or made the statement that in their opinion on the occasions to which they refer Mr. Roosevelt was intoxicated, had insufficient means and opportunity of correctly observing him and were mistaken.

"I am unwilling to continue to assert that Mr. Roosevelt actually and in fact drank to excess. As a publisher of a newspaper I have never knowingly done injustice to any man and neither I nor my attorneys are willing now to make or continue the assertion of an unjust charge against the plaintiff in this case. We have reached the conclusion that to continue expressly or impliedly to assert that Mr. Roosevelt drank to excess or actually became intoxicated as set forth in the article would do him an injustice."

COLONEL THEODORE ROOSEVELT—"Your Honor: In view of the statement of the defendant, I ask the court to instruct the jury that I desire only nominal damages.

"I did not go into this suit for money. I did not go into it for any vindictive purpose. I went into it—and, as the court said, made my reputation an issue—because I wished once and for all, during my lifetime, thoroughly and comprehensively to deal with these slanders so that never again will it be possible for any man in good faith to repeat them.

"I have achieved my purpose and am content."

JUDGE FLANNIGAN—"Unwilling to rest on the presumption of law that the charge was false, and call upon the defendant to prove its truth or answer in damages, as was the plaintiff's right, the plaintiff proceeded before this court to show that the charge was false in fact.

"And by his own, and the testimony of a long list of witnesses of high character and unimpeachable credibility, he has satisfied the defendant, the jury also, I fully believe; certainly he has convinced the court, not only that he never was drunk, but that he is now and always has been a temperate and abstemious man."

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**Mr. Roosevelt's Victory.**

In his charge to the jury in the ROOSEVELT-NEWETT libel case Judge FLANNIGAN said that the plaintiff proceeded to show that the charge against him was false "and by his own, and the testimony of a long list of witnesses of high character and unimpeachable credibility, has satisfied the defendant, the jury also, I fully believe, certainly he has convinced the court not only that he never was drunk but that he is now and always has been a temperate and abstemious man."

NEWETT himself said that he had been profoundly impressed during the progress of the trial "by the nature and extent of the evidence produced by the plaintiff to the effect that he did not in fact use liquor to excess on any occasion," and as the suit turned out it was made clear that nothing worthy the name of evidence could be brought forward on the defendant's side.

Under all the circumstances Mr. ROOSEVELT acted wisely in announcing that he desired only nominal damages, and he got right at the heart of the matter when he stated that he had made his reputation an issue because he wished once for all during his lifetime thoroughly and completely to deal with "these slanders" so that never again will it be possible for any man in good faith to repeat them.

He has carried out his purpose and won his case with the largest possible jury of his countrymen—the people of the United States. By a direct stroke, well delivered, he has destroyed forever those insidious and injurious rumors which penetrated everywhere during the last presidential campaign. To combat such attacks is always difficult, to repel them as he has done is a notable achievement that will bring him personal congratulations from every part of the land and assurances of the general satisfaction over his victory. As for the trouble of the suit he may reflect that, after all, Editor NEWETT gave him his opportunity. *R.B. M.*

House 2

MARQUETTE, MICHIGAN.  
May 31st, 1913.

**DARLING BYE:** It was dear of you to write; and tell Hopkinson I was much pleased by his message. But I had all the

*August 25, 1924*

witnesses I could use; and the libeller finally capitulated. I deemed it best not to demand money damages; the man is a country editor, and while I thoroughly despise him, I do not care to seem to persecute him. I wished once for all to expose the infamy of these slanders, so that never again would I need to notice them; and I have achieved my purpose. The way my friends rallied has been really very touching. We have been very comfortable, for we have been staying in the big pleasant house of George Shiras, who is a trump, if ever there was one.

I am looking forward to a week from Saturday. By the way, I wish to ask Will some questions about the Admirals on the cruise of the battle fleet round the world

Goodbye, dearest Bye.

YOUR OWN BROTHER

The libel suit was undertaken to prove the accusations of his drinking were un

*Letter from T.R. to Anna Roosevelt Smith  
Saturday evening Feb Aug 23  
1913*



SIX CENTS IN CASH AND A MILLION DOLLARS' WORTH OF VINDICATION

[Copyright: 1913: By John T. McCutcheon.]



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C O P Y

THE OUTLOOK  
287 Fourth Avenue, New York

Office of  
Theodore Roosevelt

May 22, 1914

Dear Mr. Shiras:

I told Colonel Roosevelt about your call and also what you said regarding Savage Landor. He is undecided yet as to just what he will say about Landor, but he will bear in mind what you told me to tell him.

I find that the Libel Suit testimony has been printed, and I have written to Mr. Emlen Roosevelt expressing the hope that he will be able to send you a copy of this testimony. I know Colonel Roosevelt would like to have this done in case there is a copy left.

Sincerely yours,  
(SIGNED) FRANK HARPER,  
Secretary

Mr. George Shiras, 3rd,  
Marquette, Mich.

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THE JACOB A. RIIS NEIGHBORHOOD SETTLEMENT  
48 and 50 Henry Street  
New York

Mr. Jacob A. Riis, President

June 26, 1913

My dear Mr. Shiras:

I should long ago have written to thank you for the delightful hospitality that made my brief stay in Marquette a to be long remembered, but for the fact that I have been under the weather. But now I am all right again. The trial had the only kind of an ending for such a house-party, and altogether the week seemed like a pleasant dream, thanks to our charming host. Your name had long been familiar to me, but now whenever I look upon the fascinating flash-light pictures, I shall think of their maker, not simply with admiration for his art, but with the liveliest feelings of grateful friendship as well.

Accept, please, my warm regard with my thanks for including me in the party, and believe me most sincerely yours,  
(SIGNED) JACOB A. RIIS

AMERICAN SMELTING & REFINING CO.

( 165 BROADWAY )

MEMBER  
EXECUTIVE COMMITTEE  
WM. LOEB JR.

NEW YORK July 3, 1913.

Mr. George Shiras 3rd.,  
Marquette, Michigan.

My dear George:-

Your letter of the 1st., inst., at hand.

I cussed my luck at missing you on your last visit here.

I enclose you a copy of a letter our Mr. Eccles, the President of the Copper River & Northwestern Railroad, has sent to our Mr. Baxter, <sup>Vice</sup> President of the Alaska Steamship Company, at Seattle.

( Please call on Mr. Baxter when you reach Seattle and show him this copy to identify you. You will note that Mr. Baxter is to arrange with the Copper River Railroad officials to extend to you every courtesy. )

I also send you a letter of introduction to our Mr. Stephen Birch, President of the Kennicott Mines Company.

( If you will inquire of the Copper River Railroad officials when you reach Cordova they will probably be able to put you in touch with Mr. Birch. )

I hope you and your son will have a most enjoyable and successful trip.

Mrs. Loeb and I lunched at Sagamore Hill with the Colonel a week ago Sunday and he was in fine trim. He regaled the company with an account of the trial, including the hospitality which you showed us all.

The case could not have had a better ending and everybody in the East is now glad he brought the suit.

Will you remember me to all the good friends in Marquette, and believe me,  
Faithfully yours, *Wm. Loeb*

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C O P Y

THE OUTLOOK  
287 Fourth Avenue,  
New York

Office of  
Theodore Roosevelt

June 2nd, 1913

My dear Shiras:

It is very hard on one's friends to be dragged into irksome and uncomfortable proceedings; but it is a mighty pleasant thing for a man to find out that he has friends who will stand the strain. My dear fellow, I have long valued your friendship, but I think I appreciate its full worth now. You have done invaluable service for me in this suit, and moreover, by your openhanded hospitality to all of us you made our stay in Marquette a pleasure instead of a penance.

Give my warm regards to Mrs. Shiras, and remember that you and she are to spend a night with us at Oyster Bay whenever you are in our neighborhood.

Always yours,  
(SIGNED) THEODORE ROOSEVELT

George Shiras, 3rd, Esq.,  
Marquette, Michigan.

P.S. If entirely convenient, would you have your man look in my room, where I left a book of mine called "The Private Soldier under Washington," and have it sent to me? But don't take any trouble.

T. R.

THE OUTLOOK  
287 Fourth Avenue, New York

Office of  
Theodore Roosevelt

June 18th, 1913

Dear Mr. Shiras:

Mr. Roosevelt was particularly sorry that you and Mrs. Shiras were unable to come, but he hopes you will not fail to let him see you both at Sagamore Hill in the Fall, whenever you can get on.

Herewith is a cheque for \$30 to reimburse you for Jacob Riis's ticket and accommodation which you paid at Marquette. I have only just been able to get at the accounts, and that is why I have not settled it before. Your boy is one of the best ever. He is fine!

George Shiras 3rd Esq  
Sincerely yours, (SIGNED) FRANK HARPER



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C O P Y

82  
ALEXANDER LAMBERT, M. D.,  
36 East 31st Street,  
New York

May 29, 1913

George Shiras, Esq.,  
Marquette, Michigan

My dear Mr. Shiras:

I am just stopping long enough to draw a breath and get my things packed to get away to the Tourilli. Tell the Colonel that Jacob Riis got through all right to Chicago and I left him in Rixey's hands to go on to New York, so that he was all right. Also give him my congratulations on the way things turned out yesterday on that scrap of the admission of hearsay evidence.

I wish to thank you for all your kind hospitality and for the genuine pleasure it gave me to meet you and be under your roof. I think it was a most generous and hospitable thing to do to open that big house for all of us and to take us in and make us as delightfully comfortable and at home as you did. I greatly appreciate it. As I think the whole matter over, it was well worth while to go out to that trial instead of sending my deposition. It was worth while for many reasons, and one of the reasons that stands out most clearly in my mind is that I have had, by so doing, the opportunity to get to know you better and to see more of you, and the pleasure that this has given me has been a genuine one which has been very keenly felt and enjoyed.

Sometime - I mean it - I am going to get you and your boy up to the Tourilli Club to photograph the moose and the beaver that are wandering about. It will give you a good opportunity to fill up that gap in your moose photographs by not having yet photographed the Eastern Canadian type.

Very sincerely yours,

(Signed) Alexander Lambert

12 2/ 83  
C O P Y

TRUMAN H. NEWBERRY  
DETROIT, MICHIGAN

Sunday, June 3d, 1913

My dear Mr. Shiras:

Your cordial hospitality last week will always be remembered with peculiar pleasure and real gratitude, both because of occasion and the outcome of your house-party.

I do sincerely hope that Mrs. Newberry and I may soon have an opportunity to try and make you as thoroughly comfortable and happy in our home as you made me at Marquette.

Yours sincerely,

(SIGNED) TRUMAN H. NEWBERRY

Hon. George Shiras,  
Marquette

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84  
C O P Y

JAMES R. GARFIELD  
ATTORNEY-AT-LAW  
1029 Garfield Building,

Cleveland, June 6/13

My dear Mr. Shiras:

We shall never forget the pleasure you gave us during the days of the famous trial. My only regret is that we did not have time for the trip to the Island. I have been in New York this week - every one is pleased, even our opponents other than the rabid variety - with the Colonel's complete victory.

Whenever you are near here please let us see Mrs. Shiras and you at Mentor.

Very sincerely,

(SIGNED) JAMES R. GARFIELD

YELLOWBANKS  
OYSTER BAY, L.I.,  
N.Y.

My dear Mr. Shiras:

I am ashamed that I have not written sooner to thank you for your kind hospitality which I appreciated so much at Marquette. But after our triumphal return to New York I jumped right into a very active fight over a railroad that is in trouble and for which I shall have to do some rescue work.

Hoping to see you in this part of the world,

I am

Sincerely yours,

(SIGNED) W. EMLIN ROOSEVELT

June 8th, 1913

FINAL RECONCILIATION .

Oyster Bay, L.I., N. Y.  
June 2, 1916

My dear Mr. Newett:

My attention has just been called to a statement you made about me, and I wish to thank you for it. It was a very manly and straightforward utterance and I appreciate it.

With good wishes,

Sincerely yours,

(Signed) THEODORE ROOSEVELT

**THE COLONEL ON FORD.**

Colonel Roosevelt's way of getting to the heart of things is well illustrated in the letter which George A. Newett, editor of the Ishpeming Iron Ore, has received from him in reply to a letter of sympathy which Mr. Newett sent the Colonel upon the death of the former President's youngest son, Quentin.

In the letter published in the Iron Ore, Colonel Roosevelt said:  
"Oyster Bay, L. I., July 26, 1918.

"My Dear Mr. Newett:—

"That letter of yours was one of the very nicest I have received. I thank you for it with all my heart. Be sure you let me know if you ever come to New York. I would like to have you come out here to lunch or dinner. Give my heartiest regards to your sons, when you write them. Of course you are proud of them, and well you may be!

"Fraternal yours,"

"THEODORE ROOSEVELT."



# WESTERN UNION TELEGRAM

Form 260

GEORGE W. E. ATKINS, VICE-PRESIDENT

NEWCOMB CALTON, PRESIDENT

BELVIDERE BROOKS, VICE-PRESIDENT

RECEIVER'S No. :

TIME FILED

CHECK

SEND the following Telegram, subject to the terms  
on back hereof, which are hereby agreed to

B25 CH AR 52 BLUE

NS OYSTER BAY I N Y MAY 31 1915.

GEORGE SHIRAS 3RD

MARQUETTE MICH

PRAY ACCEPT THE DEEPEST SYMPATHY FOR BOTH YOU AND YOUR DEAR WIFE FROM  
MRS ROOSEVELT AND MYSELF. IT IS DREDFUL TO LOSE ONES SON AND  
ESPECIALLY SUCH A FINE AND GALLANT FELLOW, THERE NEVER HAS BEEN A STANCHER  
AND MORE LOYAL FRIEND THAN YOU AND WE MOURN WITH YOU WITH ALL OUR HEARTS.

THEO. ROOSEVELT

358P