

They Who Strike in the Dark

True Stories of Plots, Abductions, Dynamiting and Attempted Murder that Have Been Undertaken Against Those Concerned as Witnesses, Lawyers or Supporters of the San Francisco Graft Prosecution

By Will Irwin

By way of information to the gentle reader and warning to others, we wish to say that if all available stories were set down, and all accessible details of those here printed fully narrated, this collection of veritable histories would fill an entire number of the magazine. The condensations and omissions have been made on account of space, and for other good reasons.—*The Editor.*

The Necessary Prologue

COMPLICATED beyond all understanding, the graft prosecutions in San Francisco drag along. In the first moment of the attack on municipal corruption, when it was simply a case of putting into jail Abe Ruef, the boss at the head of the system of robbery, Eugene E. Schmitz, [the Mayor who played figure-head for Ruef, and, perhaps, some of the Supervisors who took bribes to give away public utilities, Spreckels, the financier, Heney, the prosecutor and Burns, the detective had

the "united Decency" of the city behind them. From the time when they went beyond these smaller fry and reached up, not for the men who took the bribes but for the pillars of finance who gave them or sanctioned their giving, they faced a powerful opposition from the forces that govern business in San Francisco. In carrying his case into the offices of the United Railroads, Heney antagonized not only the "rapid transit interests" of San Francisco, but the "interest" behind all "interests" in the State of California

—the Southern Pacific Company, which has been the active corrupting force in California politics. He cut off from himself at one stroke the support of most of influential San Francisco; he drove into open alliance the criminals of the San Francisco water-front and the criminals of the Sacramento Lobbies; he made a string of enemies which ran higher and higher until it reached even to New York.

The crime of stealing means of production through corrupt legislatures and corrupt market manipulation is as great and heinous, doubtless, as the crime of stealing silver spoons from the safe of a wealthy burgher; but enlightened public conscience has not risen yet to appreciate the equality in offence. And because this is true, because highway robbery gives us horror and bribery only mild disapproval, I may best illustrate what Spreckels and Heney are facing by following one thread of the tangled web—the operations, criminal or verging on crime, of certain small powers which have been gathered under the great powers to fight justice.

Let me first arrange in order the people and the institutions which stand against Heney and Spreckels: At the bottom, Abe Ruef and



Francis J. Heney and William J. Burns

Heney was sitting in this position when shot. The bullet entered his cheek in front of his ear and passed right through his head, lodging finally in his left jaw

Eugene E. Schmitz, with their following of cheap, criminal politicians; above them, officials of the San Francisco Telephone Company and the San Francisco Gas and Electric Company; above these, officials of the United Railroads of San Francisco; beyond and above them all, too high, doubtless, for the law to reach, the Southern Pacific Railroad and its allied lines in general.

Detective Against Detective

This chain of circumstance begins when the United Railroads brought one Luther Brown to San Francisco as head of their detective bureau. Earl Rogers got him into the case first; Rogers is a lawyer of Los Angeles who was brought to San Francisco for the jury work of the United Railroads. He had defended Brown on a charge of attempted murder, and had secured his acquittal; therefore Brown owed him gratitude. Brown had been the lieutenant of Walter Parker, the Southern Pacific boss of Los Angeles County. By virtue of this position Brown was Chairman of the Republican Congressional Committee in his district. He established the offices of the Sierra Power Company—a genuine corporation with a genuine power plant—in the same building with the detective agency of the prosecution. A smooth, suave man, this Brown, with a pair of keen eyes. From that time, the detective work in the graft cases was a duel between Brown and William J. Burns.

The Plot to Get Ruef Out of the Way

Ruef was then under arrest—the Court had appointed William J. Biggy elisor to guard him. Ruef needed exercise, he said; and he took a fancy for riding in a gasoline launch. Rain or shine, he and Biggy, usually with a deputy, went out on the Bay. Burns, watching the smooth boss for every sign of treachery, noted this and was puzzled by it until he tapped the first in this series of plots.

Brown had in his string of friends a certain man, owner of a small business in the foothills of the Sierra. This man had already

been of use to the defence. It was he who, in the great street railroad strike, an early episode of the fight against decency, did the secret service work of the company among the strikers. He led a gang which threw chains across the live trolley wires, short-circuiting them and causing trouble in the powerhouses. This was an excellent way of casting discredit on the strikers, and it would have been an excellent way of killing engineers and electricians had not the power houses, in some mysterious manner, always received warning in advance to prepare for short circuits.

Ruef was pretending to be penitent and to play straight with the prosecution. Just then his evidence was of tremendous importance. Schmitz, the mayor, had been convicted on the testimony of Ruef only ten days before—much to the surprise and grief of the latter, who thought he had colored his testimony enough to enable his old pal to escape.

All the defendants were greatly alarmed. And so they plotted with this friend of Brown's to kidnap Ruef "against his will" on one of these daily motor-boat trips, run him up the Sacramento River, transfer him into a wagon, and hide him at an isolated mining claim until the use for his evidence should have passed. They perfected the plot and farmed it out to an ex-Deputy Sheriff, a man of proved nerve.

The deputy heard them through, thought it over, concluded that all persons connected with the plot stood a good chance of going to the penitentiary and that it was his duty to expose it in the interest of justice. Pretending to accept the offer, he immediately reported the whole deal to Burns. Under instructions from Burns he proceeded to complete the arrangements.

But Ruef became suspicious. Burns thinks that it was a case of physical cowardice. His enthusiasm for launch riding as a mode of exercise waned immediately, and he took to walking in the Park instead. Simultaneously, the deputy was informed that the plot had been abandoned; he was paid off and discharged. Doubtless Brown's detectives had seen him communicating with Burns.



Luther Brown, head of the United Railroads Detective Bureau, under indictment



Ruef and his attorney Murphy who was tried and acquitted on a charge of bribing a juror

Lonergan's Escape

Next comes the point in the complexities of the case—too long to relate here are those complexities—when it was convenient, in the scheme of the defence, to discredit Supervisor Lonergan. For his testimony, in the case against Tiry L. Ford, once attorney general of the state and then general counsel for the United Railroads, was vital and useful.

Lonergan, in the beginning, was called the "comedy relief" of the graft situation; but he became a tragic figure enough before the defence was done with him. He was driver for a pie-bakery, and he was elected by political accident to that Board of Supervisors of whom it is said in San Francisco, "the night of their election every burglar alarm in town rang of its own initiative." Of all that board, he was most greedy for bribes, and he was the first Supervisor trapped and "brought through" by Burns. But he was also the one who developed most shame over his downfall, and he died in the end with a broken heart. A curious circumstance helped to bring about his death. Subpoenaed by Luther Brown to Los Angeles as a witness in the Older "libel" suit, he drank with a chance acquaintance—and became violently sick. He never fully recovered from that sickness; Mrs. Lonergan believes that it brought on the heart trouble which killed him. A rough though shrewd man, with great flaws of character, he nevertheless had a conscience,

and after he "came through" he played fair with the prosecution.

Now years before his elevation, Lonergan had been accused of a serious offence against a woman. The charge was dismissed, however, and the newspapers had published nothing about it. But the *Examiner*, the Hearst paper which is fighting the prosecution, had the story locked away unpublished in its cabinet of silence. A few days before that first Ford trial in which Lonergan's testimony was so important, Heney called Lonergan in for a final talk.

"Lonergan," he said, "it is a common thing for the defence in a trial like this to interview a witness and trap him into making statements contrary to his testimony. Has anyone talked to you about this case?"

Lonergan flushed and said:

"Yes sir. A magazine writer named Dorland. He said he was writing something about the case. He has had me to dinner, and he and his wife have taken me and my wife automobile riding. He made out some kind of a statement for me to sign, something that would make me look better before the people than what I look now."

"Lonergan," said Heney, "I know Dorland. He is a detective for the United Railroads. The woman isn't his wife; she is a milliner whom he met on the train coming from Chicago."

"Well," said Lonergan, "I suspected he was not a magazine writer, because I noticed that his grammar wasn't much better than mine."

"You are to notify me at once," said Heney, "if Dorland comes after you again." So it rested, without further news from that quarter, until the jury was completed. Taking testimony was to begin next day.

That night, Lonergan telephoned to Burns that Dorland, with two women, was waiting at the corner of his house to take him out automobile riding. What was he to do about it?

"Don't leave your house for fifteen minutes," answered Burns, "then go out and tell him that Mrs. Lonergan objects to your going—take her out with you. And on no account get into that automobile."

Burns and two of his men jumped into their own automobile, went to a place near Lonergan's house, concealed themselves in a doorway, and watched the proceedings. They saw Lonergan and Mrs. Lonergan hold a parley with Dorland and the two women and return to their house. The Dorland party—Burns and his men following—rode to Uncle Tom's Cabin, a resort near Golden Gate Park, and staid there half an hour. When they come out, they had with them one J. C. Brown—keep

his name separate from that of Luther Brown, the distinction will be important later—a United Railroads detective who had part in the attempt to kidnap Ruef. Dorland and the milliner whom he was passing off as his wife went one way; J. C. Brown and the strange woman—it turned out that she was a stenographer brought from Los Angeles for this special bit of service—went another. But both parties finished the evening in resorts much lower than Uncle Tom's Cabin. Through the rest of that night, Burns's detectives followed them.

J. C. Brown afterwards deserted the United Railroads secret service, and the prosecution learned exactly what the events of that night meant. The stenographer was to make it appear that Lonergan had attacked her criminally; next morning, the *Examiner* was to spring that story, together with the story of his old offence, so making it appear that the vital witness of the prosecution was a monster. Had Lonergan got into the automobile, the plan must have succeeded.

The Abduction and Rescue of Fremont Older

The third plot, under the patronage of Luther Brown, grew out of that case. Burns reported the affair to Fremont Older, editor of the *Bulletin*. The reporter who wrote the story made one slip. He jumped to the conclusion that the United Railroads Brown in the case was, of course, Luther Brown. His account of J. C. Brown's adventures, after he left Uncle Tom's Cabin, was technically libelous when attributed to Luther Brown. This was in the fall of 1907.

It had long been the desire of the defence to get rid of Fremont Older—he is the militant journalist who opened fire on the Ruef government and who has led the fight, journalistically, ever since. There was in the city of Los Angeles a justice court district owing its existence to Luther Brown, who, with the aid of Walter Parker, had helped its creation through the legislature. In that tribunal Brown swore out a complaint charging Older with



Ruef while confined in Schmitz's house in custody of Elisor Biggy

criminal libel. With a justice's court warrant for the arrest of Older, he started for San Francisco.

Late the next afternoon, Older was sitting in Heney's office talking with Charles W. Cobb, Heney's law partner. It happened that Mr. and Mrs. Older were to give a dinner that night in the Café Francisco to some friends. Suddenly Older was called up on the telephone. The man at the other end, who refused to give his name, said that he had information of interest to the *Bulletin*.

"If you'll come down right away," said the voice, "I will meet you in the hotel at Van Ness Avenue and Ellis." Older repeated the conversation to Cobb. "It may be a job," he said. "If I am not back here in half an hour, you had better look me up." Actually—Burns has proved this since—that telephone message came from Luther Brown's office. The man at the other end of the telephone was a Tenderloin character, "Banjo-Eyed Kid."

As Older turned the corner of Geary Street into Van Ness Avenue, two automobiles drew



Patrick Calhoun, the great street railroad financier, leaving the courtroom



The Gallagher residence in East Oakland which was dynamited and Pete Claudianus, the man who was hired to do it

up beside him. From the foremost jumped two Los Angeles deputies, who presented a warrant for his arrest on the criminal libel charge. Issued in Los Angeles County, it was countersigned by Judge Carroll Cook of San Francisco.

Older had to accept service. But he remembered his legal rights. "Take me to Judge Cook then," he said. "I will give bail." The deputies, pretending to agree, took Older into their automobile, and started west. The other automobile led the way. It contained Luther Brown and Porter Ashe, an attorney employed by the United Railroads. Only an hour before these events, Ashe had rushed into court where the Ford case was in progress, and held a hurried whispered conference with Patrick Calhoun, the indicted president of the United Railroads.

When they had gone a few blocks, Older called forcible attention to the fact that they had passed Judge Cook's court. "Oh, we're taking you to his house," replied the deputies. Older did not know where Judge Cook lived; and he contented himself with that. Only when he saw that they had gone beyond the residence district and were entering Golden

Gate Park did he realize that this was an abduction. He jumped up and protested forcibly; the deputy who rode beside him thrust a revolver against his chest and ordered him to keep quiet.

The two automobiles turned into the Mission Road, which leads South from San Francisco, and ran at top speed to Redwood City, twenty-five miles south and a stopping station for the limited train to Los Angeles. There, they lay in a quiet country road and waited for the train. When it arrived, they hurried their man into a drawing-room compartment.

When Older failed to return within a half an hour, Cobb notified Heney and went up to the hotel on Van Ness Avenue. Older had not been there. Burns started out his detectives. Mr. and Mrs. Heney kept their appointment at the Café Francisco. They found Mrs. Older in a state of frightful anxiety. The dinner company tried to reassure her, while the detectives scoured the city for a trace of her husband.

The kidnapping of Older would have gone off according to program if Ashe, the blustering Railroads attorney whose specialty is investigating juries, had been able to refrain

The Dynamiting of Gallagher

James L. Gallagher, ex-supervisor, who has played fair with the prosecution and is a strong witness for them

from boasting. But after he and Luther Brown had Older and the deputies securely locked in the drawing-room, Ashe swaggered out into the body of the train and was overheard telling an acquaintance, with considerable gusto, of the job. A passenger who had overheard the boast dropped off at the next station and sent a telegram to the San Francisco *Call*.

At eleven o'clock that night the anxious party at the San Francisco café separated; and at midnight, Heney's office learned from Ernest S. Simpson, managing editor of the *Call*, where Older was. They worked the wires to Santa Barbara, half way down the coast to Los Angeles, got attorneys and judges out of bed and had them prepare *habeas corpus* papers. The police of Santa Barbara broke in the door of the compartment at seven o'clock next morning and rescued Older.

I have not the space here to tell in detail the charges and indictments which have grown out of this abduction. The two chauffeurs, whom Luther Brown had paid to get out of the way, were found and arrested. They lied at first; then they broke down and confessed. Luther Brown, they said, had given them stories to tell before the Grand Jury, had coached them in their false testimony. The "Banjo-Eyed Kid" had bargained with them to keep out of town for fifty dollars a day. Luther Brown, on the strength of this testimony, was indicted for subornation of perjury.

Then, rising toward that climax which came in the attempts on Heney's life, began the plots against ex-Supervisor James Gallagher.

Gallagher sat on the old, corrupt Board of Supervisors who "came through" for immunity and whose testimony is the backbone of the prosecution's case. He is a very important witness. For one thing, he was acting mayor in that period, just before the downfall, when Mayor Schmitz was in Europe. He has played fair with the prosecution—so fair that Heney, against the advice of his colleagues, has permitted him to make pleasure trips out of the state. Through a quirk of the strange purely criminal code which governs California, his permanent absence would have been mightily convenient for Ruef and the United Railroads. Only the testimony taken at a preliminary examination is valid in evidence at a Superior or Supreme Court trial. The men who stood in danger of Gallagher's testimony had been rushed, without preliminary examination, from indictment to trial. Should he be removed, his testimony, given before the Grand Jury and the Superior Courts, would have been valueless in new trials.

Already, Gallagher had escaped one hidden danger. Hardly was Luther Brown established in San Francisco before J. C. Brown came to Gallagher with an attractive offer—"attorney for the Sierra Power Company." Gallagher took the offer under advisement.

"What will I have to do?" he asked J. C. Brown, at their next meeting.

"Make a trip or two every year up to our plant, for one thing," said J. C. Brown. "And you may have to visit our new plant in Mexico."



Morris Haas, ex-convict and would-be juror who shot Heney and later killed himself

Gallagher sees a bug under a chip as quickly as the next man. He smiled and declined.

When, later, J. C. Brown went over to the prosecution, he spoke of this incident.

"If Gallagher had gone to Mexico, he'd never have come back," said Brown, laughing.

One of Ruef's political agents was a Greek, a dealer in the labor of his countrymen, named Pauduvaris. During the last year before the great downfall, he was on the salary list of the United Railroads, which also paid Ruef a salary. In a certain climax of the prosecution, Ruef and Tiley L. Ford, attorney for the United Railroads, were on trial in adjoining court rooms. The Ford court was packed with Greeks, whose business, it seemed, was to laugh and make a demonstration whenever Ford's attorney scored a point against the prosecution.

On the day when Gallagher gave his testimony in the Ford case, he stopped outside of the court room to talk with Heney. A former policeman named McCarthy was Heney's body guard at the time. Watching the crowd with a policeman's eye, McCarthy noticed a dirty, scrubby little Greek who kept his gaze fixed on Gallagher and Heney. This Greek was, in fact, Pete Claudianus, one of a pair of drunken and disreputable brothers in the string of Pauduvaris.

At that very time, Pete and his brother John were in process of laying dynamite for Gallagher. Pauduvaris had offered them a thousand dollars to "blow him to Hell."

On a Sunday night, Pete and John approached Gallagher's house through a vacant lot. Pete carried eighteen pounds of dynamite in a basket. A barking dog roused a neighbor, who challenged Pete. He dropped the dynamite in the tall grass, and John ran away.

Pete, seeing that the game was off for that

night, crawled back and rescued the dynamite. Then he made the fatal mistake of discharging his brother for cowardice.

He reported the next morning to Pauduvaris. The dealer in labor was very angry.

"My people are sore because nothing has been done," he said. "They're paying a lot

of money for this." That night, Pete, on the advice of Pauduvaris, tried to poison the dog, and failed.

When, the next morning—Tuesday—he reported another failure, Pauduvaris exploded.

"It got to be done by Wednesday night—understand!" he said.

Wednesday was a rainy evening. The dog was indoors. Pete watched the house until he saw Gallagher moving about in his bedroom, sneaked into the front vestibule, planted the dynamite, and lit the fuse with his cigar. He got sixteen blocks away before he heard the explosion.

Francis J. Heney, a man without much formal religion, holds, it is said, a belief that the Superior Power has been watching over the right in San Francisco, turning aside bullets and making plots vain. And certainly the Claudianus dynamite behaved as though be-

nevolently guided. Eight people were sitting in the family circle that night at the Gallagher house. The explosion blew out the whole front wall, left the staircase hanging without landing, and made a sixteen foot hole in the ceiling. Mr. and Mrs. Gallagher, roused but unharmed, crawled out of their bedroom on the second floor, and felt their way in the darkness down the staircase to the point where it broke short off. Gallagher dropped to the ruins of the hall, helped his wife down, and pushed through the wreckage, to find the rest of his household waiting for him outside—no one even scratched.

When Pete Claudianus applied for his money next day, he found Pauduvaris still angry.



Francis J. Heney leaving Lane Hospital with his face bandaged to protect his wounds

"You did a bad job," he said. "I'll give you only five hundred."

Pete Claudianus and Pauduvaris waited several weeks before they tried it again. Gallagher and his partner were building a row of houses in Oakland. Every Saturday afternoon Gallagher paid off his workmen in a small tool house. Under this house Claudianus laid his third blast and prepared to set it off on a Saturday afternoon, when it would have killed not only Gallagher but a score of disinterested workmen. That day it rained; and for the first time since he started the job, Gallagher paid off in his partner's office downtown.

Claudianus, spying out the land, found this; and he reported it to Pauduvaris. "Go ahead, anyhow," said Pauduvaris, "blow up the houses. It'll scare him, and it may break him." And so, on Sunday night, Pete Claudianus shifted his blast, set it off, and wrecked the uncompleted corner house.

The Capture of the Dynamiter

John Claudianus it was who betrayed the plotters—did it for money and, perhaps, for vengeance of being left out. Pete had gone to Reno, Nevada. The *Bulletin* offered a reward of \$1,000 for "information leading to the arrest." John applied for the reward. But he was so dark and mysterious, so hazy about details, that Older would have nothing to do with him. John followed this by writing a blackmailing letter to Pete in Reno. The letter was returned to John undelivered—and he lost it. A newsboy found it, and handed it over to the *Examiner*—the hostile Hearst newspaper. The *Examiner* sent for District Attorney Langdon and offered to get him the Gallagher dynamiter if he would keep the information from Burns. That night they arrested John Claudianus, and his "exclusive" confession appeared in the *Examiner* next morning. That night also, Pauduvaris disappeared. Probably he owes his present safety to that little "beat" of the *Examiner*.

Through a long, complicated series of clues the prosecution got Pete Claudianus at last. Detective McCarty, of Burns's staff, caught his man—whom, police like, he had remembered perfectly through his fugitive glimpse outside the court room—at the General Delivery Window of the Chicago Postoffice. All through this chase the Burns men were hampered somewhat by the activity of the Hearst newspapers, which were trying to make the arrest themselves for their own glory and the confusion of the prosecution. On the way back, Pete

Claudianus confessed to Burns that Pauduvaris wanted him to kill not only Gallagher but Heney, Langdon, Burns and Spreckels. They had planned to "get" Heney, he said, by poisoning the milk at his house; but they had abandoned that for fear the milk might not get to Heney.

A week after the first attempt on Gallagher, Burns, who had been in Washington, returned to San Francisco to investigate the case. At the train gate four detectives met him—one a retired prizefighter. They belonged to a private agency of which the United Railroads was a client. For five weeks they followed him wherever he went—to church, to the theatre, to his office, to the doors of the District Attorney's office. They never missed a chance to insult Burns or to provoke a quarrel. Finally, Heney found a California statute which forbids anyone to hamper a police officer. He had Burns and his men created special officers, and arrested the four detectives next time they took the trail. An attorney in the pay of the United Railroads appeared for them in court.

The jury in the case of Pete Claudianus was out only six minutes; and he got imprisonment for life. Claudianus, through his attorney, waived time for sentence, steps for a new trial, appeal—everything. This is different from the ordinary action of a criminal facing life sentence. This has afforded grounds for much conjecture as to the expectation of the prisoner and his counsel concerning pardon or parole at some future day.

After this second attempt Heney insured Gallagher's life by putting him on the stand in a preliminary examination.

Why They "Wanted" Heney

All this time the prosecution had felt for a certainty that some one wanted Heney's life or absence and wanted it badly. Indeed the best conceived plan, verified with documents and perhaps the most interesting of all, is purposely reserved. This was the inner meaning of the revolver which Heney always carries, this the significance of the bodyguard at whom the opposition press has sneered so consistently, but whose necessity was proved last December, when the situation came to a climax in the Haas shooting.

That some one wanted Heney is a compliment to the man. There are other advocates as able, doubtless; others as pugnacious and brave; others as magnetic; others as devoted to the better cause of San Francisco. District Attorney Langdon is an able pleader and conscientious prosecutor, but Langdon him-

self has said that nowhere, were Heney gone, would the prosecution find in one man such a combination of ability, fighting force, personality and devotion. At times, when the consistent campaign of sophistry and newspaper misrepresentation has blinded the public of San Francisco to the truth and to the better interests of the city, it has seemed that a half dozen men were carrying the burden alone; but on Heney has rested the burden most of all. Notwithstanding the flash of public opinion which followed the affair of Haas, that bullet, had it gone a little higher and ended Heney then and there, would have ended also the hopes of the prosecution. Both sides know and have known for two years that the keystone is Heney.

The Story of Handy and Handy's Son

From the first, the opposition press made a great deal of that old affair in Arizona, when Heney killed his man. Lincoln Steffens has described it fully in this magazine; I will state it only briefly. Dr. Handy, local physician for the Southern Pacific Company in Tucson, was a violent and dangerous man. He had abused and deserted his wife, and she was suing him for divorce. Handy declared that he would kill any lawyer who took her case. Heney did take it. "I will shoot him with his own gun," said Handy. When the case was won, Handy, a man much larger than Heney, met the young attorney, backed him up against a wall, drew Heney's gun from its holster, and started to make good the threat. Heney, fighting desperately, managed to turn the revolver against Handy, and to shoot him dead. Heney, at his own request, went through a preliminary examination, and was discharged. Subsequently the grand jury, during Heney's absence in another county, heard the evidence of a dozen or more eye-witnesses and refused to indict.

Mrs. Handy died six months afterward, leaving five children. The eldest, a boy, was brought up by Dr. Handy's sister, a woman who had something of her brother's temper and persistence, and who has always denounced Heney as a murderer.

Twenty years later that oldest boy, a fine, upstanding young fellow with something of his father's mighty courage, was in San Francisco running an automobile for a city department. Ruef heard of him, sent for him, took him to luncheon and to his office.

"I want you to go down to Arizona and get that — Heney indicted for the murder of father," said Ruef. "I'll send you down

there. We will take care of you and prepare the way." As a matter of fact, Howard Haron, an assistant city and county attorney, who had been appointed to office through Ruef's influence, had already spent weeks in Arizona seeing what could be done to procure the indictment of Heney. Since no bail is given on a murder charge, this indictment would have put Heney out of the way for months. At this time the supervisors had not yet confessed, and Ruef was facing only the French Restaurant extortion charges.

Handy heard him through and asked for time to consider.

And the same day a voice over the telephone said to Heney: "I am the son of Dr. Handy, of Arizona, whom you may remember. I want to see you on particular business."

When, in the West, the son of a man whom you have killed sends word that he wants to see you, it is a time for shifting the gun. Heney did shift it; but he met Handy alone. And the young man, sitting down peaceably, told quite simply the story of his offer from Ruef.

"I thank you," said Heney when he had done. "But why do you tell this—to me?"

"Mr. Heney," replied Handy, "I was brought up to believe it was my duty to kill you—that I was no man unless I did. But after I grew up, I went down to Arizona. I talked with old friends of my father and old friends of yours, and finally I looked over the testimony at the preliminary examination. And I concluded not only that you were justified but that I owed you gratitude for what you did for my mother. I said then that if I ever saw a chance to help you out, I would do it. Here is where I make good. Shall I go down to Arizona and find what they are doing?"

Heney thanked him, but declined to accept such a sacrifice. Later, when an opposition newspaper got a statement out of the aunt calling Heney a murderer, young Handy gave a statement to the *Call*, in which he repeated what he had said to Heney. So that line failed.

"A Shot for a Cow"

It is natural to expect angelic perfections in a reformer. When a man sets himself up to convict the guilty, the fact that he has human flaws becomes a terrible indictment against him in the popular mind. The forces of the defence, in their assault on public opinion, have not neglected this principle. Much friendship have they won by misrepresenting

everything said and done by Heney in reply to the abuse of the attorneys for the defence. As the plots grew to their climax, they who sit behind closed doors, directing these things, saw further uses for the combative spirit of Heney. In the first Ford trial, for example, the prosecution found the court room packed with United Railroads strike breakers, gun men all of them, armed with .45 calibre revolvers. It was the theory of the prosecution that these men were waiting until some one got Heney to resent with a blow some insult—the excuse to kill not only Heney but Spreckels and Langdon also. When, in one of the Ruef trials, Heney encountered a similar body of armed men, the prosecution brought into court its own guards. At the most tense moment of this situation, Heney walked across the room and spoke to Ruef.

"I know what you want," he said, "you want shooting. Let me tell you that my men have their instructions. When shooting opens, you are to get it first—you!"

Another illustration of the same point: Dave Nagle, who shot and killed Judge Terry in the eighties (he was acquitted on the plea of self defense) is a man with a quick and sensitive trigger finger. A minor action growing out of the larger situation was the charge of libel brought against Dargie, editor of the *Oakland Tribune*, by Rudolph Spreckels. The *Tribune* had been doing the work of the defence as stalwartly as the subsidized press of San Francisco; and Dargie himself held bitter enmity against Heney. Testimony was taken in Alameda County; it was necessary for Spreckels's attorney to attend. And some one on the side of Ruef and the powers, believing that Heney would be that attorney, called in Nagle and talked with him. "You go into court there," he said, "and call Heney a liar to his face. That ought to make him draw his gun. If it doesn't, slap his face. That will surely fetch him. Then fix him. We'll get you off, because we own the government over in Alameda County." Nagle refused to have anything to do with the commission. As it happened, Heney did not place himself in danger, for Charles S. Wheeler represented Spreckels in this suit.

The True Story of Morris Haas

Then Morris Haas, ex-convict, assassin and suicide, slipped quietly into the affair.

The "Parkside" bribery case against Abe Ruef was on the docket. The evidence of the prosecution, known to both sides in advance, was very clear—an unbroken chain. Ruef's

hope lay in a prejudiced jury. The fight then centered about the "box" of 200 men, from which, according to California practice, the jurors were selected. Haas was in that box. He owned a little saloon and "family liquor store" in the residence district. He returned satisfactory answers to all questions; he appeared neither over eager nor over reluctant to serve. So he took his place among the provisional jurors—"As harmless looking a little Hebrew as you'll find," says Heney, "until you caught his eye." Although Heney marked him for further questioning, he noticed Haas only casually.

He was hardly seated in the box, when Burns discovered that one Anixter, a juror who was under examination and who had passed provisionally, had served a term in the House of Correction. He was a milk dealer; and had been in trouble for watering milk. Ruef had been his friend and protector. The defence, fighting desperately to keep Anixter on the jury, contended that a term in the House of Correction did not disqualify a juror. Heney remembers now that Haas listened to the argument with great interest. The court decided against Anixter.

The day after Anixter retired, a Jewish tailor named Cohn telephoned to Heney:

"You have another ex-convict on the Ruef jury; come up and see me about it."

A Burns detective saw Cohn and learned all about the past of Haas. He had been in the San Quentin penitentiary for embezzlement. He had long been intimate with Cohn's wife. Cohn had heard him say to her:

"I am going on the jury to get Ruef off and make money and pay my debts." So intimate had this couple become that they talked as they pleased before Cohn; he was afraid of both of them. It appeared, also, that Haas had been drinking heavily and was in trouble with his creditors.

The name "Cohn," repeated to Heney, rang a bell in his memory. It sprang into his mind that Henry Achs, Ruef's counsel, had kept calling Haas "Cohn" during the examination of jurors.

The Burns detectives found in the Rogues' Gallery a photograph of Haas in his prison clothes. They brought it to Heney in Court; Heney slipped it into his inside pocket, and asked permission to put some questions to Haas. Among the Ruef counsel sat one Murphy. As Heney walked toward Haas, Murphy watched the movement narrowly.

Heney thrust his hand into the inside pocket of his coat and stepped toward the jury box.

The motion brought two men to their feet

simultaneously—Haas and Murphy. The latter sprang toward Heney.

"Hold on, don't do that, Mr. Heney!" he cried.

Heney turned on him: "Don't do what?"

"Don't do anything," answered Murphy weakly.

Heney wheeled toward Haas, his hand still in that pocket. Haas jumped to the rail.

"I want to get off the jury!" he said.

"I'm going to help you get off!" said Heney. And he held Haas until he had exposed his record—conviction of embezzlement, his change of name from Henley to Haas, his final pardon—everything. Mr. Achs of Ruef counsel, who had been calling him "Cohn," expressed deep regret that he had not known this before. Seven months later—the day after the tragedy—one Joe Brochman told a *Call* reporter that he had known Haas's record for years, and had told one of Ruef's lawyers about it before Haas was passed as a juror. "And Haas said to me after they copped him," continued Brochman, "'those attorneys knocked me out of four thousand dollars and I'm going to kill one of them!'"

Sentimentalists outside of San Francisco, forming their judgment on condensed newspaper reports, have said that Heney was too hard on this man Haas; that Heney might have got him off the jury without exposing an early slip which Haas was trying to live down. The answer lies not only in the actions of Haas and Murphy in Court, but in the circumstances surrounding that trial. The jury disagreed, six to six. Before the taking of testimony had even begun, one of the jurors, who had sworn that he had no feeling for or against any person connected with the prosecution, nudged a fellow juror as they sat in the box, and said: "Just listen to that ——— Heney!"—the insult which meant shooting in the old West. Two other jurors spoke that phrase of Heney in the course of the trial; and when the jury retired, two of these men sat apart and refused to consider any proposition but the utter acquittal of Ruef. Among the other jurors were three contractors, all of whom voted for conviction. None of them had ever done any business with the United Railroads. Yet, while the trial was on, the United Railroads invited them by letter to bid on certain contracts. They did bid, with the court's permission. All received the awards—the largest amounted to \$55,000.

For seven months, then, this little dark Haas, "harmless until you caught his eye," dropped out of the case. No one in the prosecution so much as thought of him until the time of the

next Ruef trial. Here, too, came a long fight over jurors. Four men have been indicted for attempting to "fix" jurors in that case. The climax was the struggle to disqualify a restaurant keeper named Cross, and it brought out a case of small heroism, which I must stop to record. A waiter in a restaurant had heard Cross admit that he had old political and business relations with Ruef. The waiter came to Burns and told him the story.

"I have a good job where I am working," he said, "regular customers and high tips. I'd lose it if they knew I'd told, and I'd never get another as good. Besides the Ruef crowd are a pretty tough lot. I live away out and go home every night very late; but I'll go on the stand if I have to." They had to put him on the stand, but he did not lose his job.

The day when Cross left the jury-box, a change seemed to come over the spirit of the defence. The counsel for Ruef sat back and made small objection to the remaining jurors. The prosecutors marked an altered demeanor in Ruef. His face showed nervousness. From calm and smiling, he became pale and distracted. And at that very time Haas began to appear in the court-room. Foley, Heney's body guard, noted him; and whenever Heney passed this little dark man, Foley got between them, ready for trouble. Had the detectives of the prosecution watched Haas then, as they were watching others, they would have found—so they know now—that persons not unconnected with the Ruef gang used to hang about his saloon.

Ten days of this, and then the final day when Foley dropped his vigilance. Judge Lawlor called the regular recess late that afternoon and asked counsel on both sides to go into his office that they might confer over the question of putting Ruef in custody. The conference was short and inconclusive. Heney returned to the court room. Abe Ruef himself was the only other person connected with the case who had yet arrived.

Heney sat at his table running over his papers. He happened to glance up; and he noticed how pale and nervous Ruef looked. An attaché of the District Attorney's office stepped up with a report; Heney received it with a smile. He was dimly aware that Ruef had risen and was walking toward the door. Foley, off his guard for an instant, turned to speak to a friend.

And immediately it seemed to Heney that the walls were falling in. There followed a moment of indrawn faintness like the first effect of laughing gas—the sensation of being engulfed. As he came back from the verge of unconsciousness, he felt dimly that some one

had smashed in the side of his face with a hammer. He was on his feet now.

"Who hit me?" he asked.

"Why, you're shot!" said some one.

"Who shot me?" "Haas! Haas!" from all sides. Over in the corner Foley and the court officers were wrenching a revolver from a little, struggling man.

"Where is Ruef?" gasped Heney.

Two physicians came. He was shot through the cheek and was bleeding from the mouth. "You cannot possibly live," said one of them. "If some one had sense enough to stop that bleeding, I think I might," said Heney. The physician found the artery, stopped the bleeding with his finger; and Heney calmly set about making his dying statement.

A man in Judge Lawlor's chambers heard the shot. Uncertain of its location, he looked out of the front window. The crowd was running into the court-room to see what was the matter—all but two. Ruef and his counsel stood in close conference on the sidewalk.

That night, while a silent, grim crowd was pushing up the hill the ambulance in which Heney lay with his head in the lap of his wife, while young citizens with Vigilante blood in them were plotting to revive in San Francisco the justice of '51, while a mob howled and surged before the *Examiner* building, a half dozen men skilled in searching criminals went through Haas to make sure that he had concealed nothing of value to the prosecution. They took him to a cell in the County Jail, where Ruef had lived for several months. The police force, in the days of Ruef rule, was a solid army of municipal corruption; many men of the old force still worked at that jail. Burns went down to talk to this murderer. The jailers refused to let him in, until Burns summoned District Attorney Langdon. Burns used at once the oldest bluff in the third degree. "They have peached," he said to Haas. "The people you talked to about your intentions of shooting Heney." "I talked to only one person," said Haas, "And *she* wouldn't peach on me." Afterwards he added, "But many people told me I ought to kill Heney."

That was on Saturday afternoon. Saturday night at nine o'clock, the jailers reported that Haas had shot himself in his cell. They had found him in bed, they said, with a bullet hole in the center of his forehead. A single barreled derringer, freshly discharged, lay on the blankets beside him. His forehead was not powder-burned, indicating that he had been shot from a distance beyond the range of his

own arm, or that the muzzle had been pressed tight to the skin. Burns and Langdon rushed to the jail and interviewed Captain Kelly, in command. Kelly reported that Haas must have concealed that derringer in his shoe. There was an abrasion of his right ankle, he said, and a corresponding "bulge" in the upper of the shoe. Burns did not see the body; but the inquest proved that, at the time when Captain Kelly spoke, Haas's shoes and stockings had not been removed!

However deep and twisted the plot back of the Haas affair may be, these facts are the only ones which have come to the top.

The surgeons found that Haas's bullet, like the dynamite under the Gallagher house, had behaved as though guided by a mysterious benevolence. It had entered the right cheek, and passed clear through the head, missing the brain, the main arteries, the larger bones. Heney has a trick of listening and smiling with his mouth open; and he was listening and smiling at the moment when Haas fired. So, when the bullet went through the right side of his face it did not break the jaw-bone. Never in his life had he been in better condition to face a physical crisis. Three months before, realizing the strain that was coming in the big trials, he had taken to regular hours and systematic exercise. He was firm, lean, pure of blood and normal of nerve when they put him on the operating table. And seven weeks later, he was addressing an audience in Philadelphia—talking with all his old power and fire. It is not wonderful, then, that Heney, living in the midst of these plots and alarms, has fitted this escape with the remarkable escapes which preceded it, and believes that the Unseen Forces are guarding the right.

A reversion—all this—toward barbarism? Yes, but not a single reversion—not alone in our history of the last decade. No more barbarous than the disgraces, the murders, the corruptions, which lay along the route of Clark and Heinze and the Amalgamated Copper Company through Montana. No worse than the secret work of the Western Federation of Miners, nor the secret work in those associations of mine-owners who made the Western Federation what it was. Wherever greed sets itself above law, such things happen—the little crimes which we as a people can fully comprehend pointing the moral of the greater crimes which we as a people can only dimly comprehend, so confused are we by the complexities of our new-made civilization.