

# KANE DELIVERS FINAL ARGUMENT FOR STATE

Attorney Gives Eloquent Appeal for Conviction on Murder Charge.

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such failure to render her such medical assistance, or if the evidence in this case shows beyond a reasonable doubt that her life was shortened by the failure on the part of these defendants or any of them so to act, then I instruct you that they are guilty of manslaughter, if you find said omission to act was mere negligence; but if you find that such omission or failure to act was done wilfully, with a reckless disregard of the consequences, then I instruct you they were guilty of murder."

**Klinck's Part**

Judge Sparks also instructed the jury that if they found Klinck to have been a mere tool of the others and that he had no knowledge of their plot, if any, he should be found not guilty. However, if they thought that Klinck had knowledge of a pre-conceived plan and was a party to the crime, or if he himself assumed control of Madge and failed to give her whatever assistance was necessary that would be guilty equally with the others.

Attorney Kane spoke for more than two hours. The jurymen gave him strict attention.

Every seat in the courtroom was taken as Kane began his talk.

"Gentlemen, we'll all be glad when this trial is over. We then can go our several ways and follow our chosen tasks," Kane began.

"I'm not going to try to throw a smoke screen over the facts in this case. I'm going to try to show them in their nakedness for the purpose of dispelling the screen that have thrown.

"Something has been said by defense counsel about the gigantic conspiracy that has been framed to destroy their precious client. Something has been said about the gold that jingles in our pockets. As far as I am concerned, I am here without the assurance of one penny of compensation for my efforts, without looking to one person for a single dollar. From the day I was asked to assist in this case I have done everything in my power to bring about the conviction of the men who have committed the most heinous crime that has ever plagued the fair State of Indiana," Kane cried.

"This is the case of the State of Indiana versus D. C. Stephenson and others, and the State demands their punishment for offending not only the laws of their State, but of their Creator."

Following in the footsteps of other attorneys in the case, regardless of whichever side they may be on, Kane took a few minutes to hurl the arrows of vitriol toward the opposition.

Floyd Christian, a defense attorney, was Kane's target.

"I pity Floyd Christian—his creator gave him the bearing of a man, but none of the attributes. His whole argument was a sham, a fraud, a smoke-screen over the real facts of this case. He didn't mention facts; he dodged them."

Kane attacked argument of Eph. Inman, general of the defense staff, that Madge Oberholzer was the boon companion of Stephenson months before the Governor's ball at the Indianapolis Athletic Club, Jan. 12, 1925. Kane pointed to the testimony of Maxine Elliott, Stephenson's former stenographer and one of his witnesses, that the first time she ever saw Madge in Stephenson's office was early in January.

Kane made capital of the fact that all the defense's other star witnesses had said they saw her in Stephenson's office many times in the latter months of 1924.

"Maxine Elliott was the only one of those defense witnesses with any character or standing," Kane declared.

**State's Theory**

"The theory of the law maintained by the State in this case has been the law of England, more than 500 years, and it has been the law of this country ever since the English common law was brought to this country," Kane declared.

With his voice crescendo, Kane shouted. "I don't care anything about germs. When these defendants unlawfully abducted Madge Oberholzer, attacked her, and dragged her to Hammond, they made themselves criminals, and by that very act drove that pure girl, honored and respected by her community, loved by all—drove her to the position, where she had lost all, where she was bereft of all she cherished, forced her to take that potion of death, and D. C. Stephenson and his cohort became murderers just the same if they had plunged a dagger into her throbbing heart."

"Every case cited to you by the defense in this argument was one where the woman went willingly. If that were true in this case I wouldn't be taking your time. I'd be back at my office trying to draw together some of the loose ends of my business, making some money for my own family."

**Quiet Logic**

Although Kane's argument was not the pyrotechnical display of

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