

MUNCIE LEADERS SAY REPUTATION OF DEARTH 'BAD'

Investigator Said—Court 'Stinks to High Heavens,' Minister States.

Prosecution closed its testimony on impeachment charges against Judge Clarence W. Dearth of the Delaware Circuit Court before the Indiana Senate Wednesday afternoon, with testimony delivered earlier by defense character witnesses. Prominent Muncie ministers, Sunday school leaders, merchants and professional men mounted the stand to declare that the judge's reputation for honesty and integrity was "bad."

The list included Revs. Myron W. Butler, pastor of the First Christian Church and president of the Muncie Ministerial Association; Edgar P. Daugherty, pastor of the Jackson Street Christian Church; John W. Nicely, pastor of the First Presbyterian Church; Dr. F. L. Botkin; F. E. Fautz, merchant and president of the Center Township Sunday School Association; George Wagner, thirty-third degree Mason and manager of the Muncie Masonic Temple; Alonzo Leon, Peoples' Trust Company director; Clinton Goodspeed, secretary of the Farmers' Mutual Insurance Company; Frank Ross, a retired farmer, and Ray West, machinist at Ball Brothers plant. All testified that the judge's reputation for honesty and integrity was "bad."

Efforts of defense counsel to stem the testimony tide, let loose by questioning of Senator Bruce E. Cooper (Rep.), Stewartsville, known as a Klan hold-over, proved futile. Cooper had intended to come to the defense of the judge by asking Rev. Nicely if it wasn't "hearsay evidence" upon which he based his estimation of Dearth.

First Hand Information
Nicely replied, "I should be glad to have first hand information."

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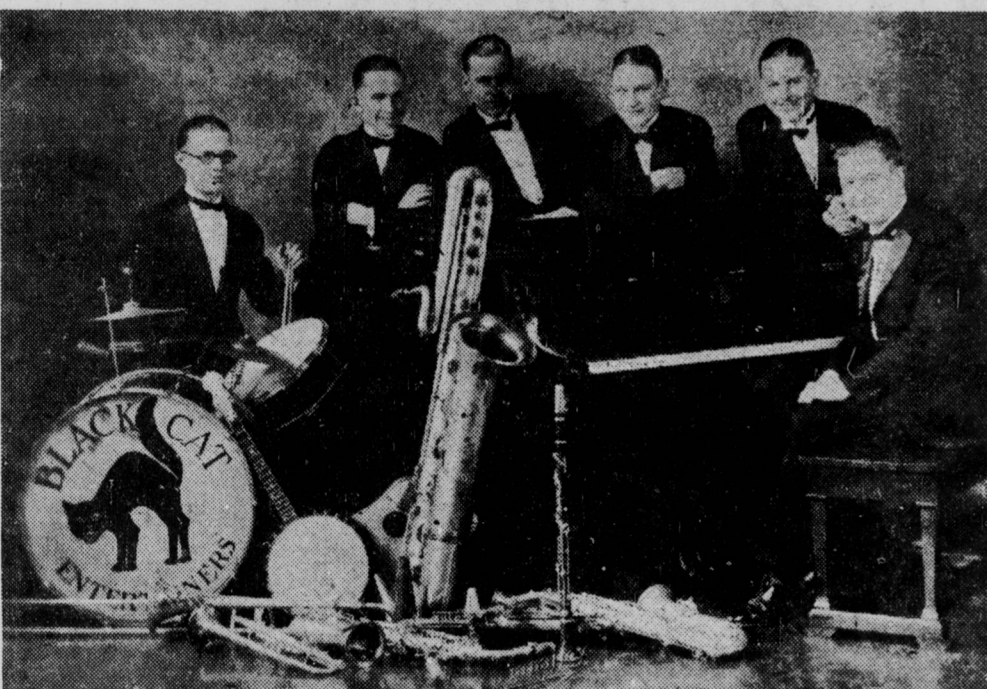
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of the opportunity to tell what I know."

Permission was granted and the minister launched into a diatribe against Dearth that set the Senators ears a-tingle. He told of how four investigators from the Institute of Social and Religious Research of Chicago, spent weeks in Muncie unearthing facts. Muncie was chosen for the experiment as a typical mid-western city of its size.

"Rev. Robert Lynd, New York City, graduate of Princeton, and the Union Theological Seminary, was one of those investigators," Rev. Nicely related. "He told me before he left the city that the Dearth court is so rotten it stinks to the high heavens."

Cooper again contended that this was "hearsay," so the minister continued. He told of how Dearth called the Muncie ministers together and after citing about one hundred cases of law violations declared he wanted their co-operation in launching a clean-up.

Judge Against Clean-up

"I was willing to take part and gave the judge about twenty names of my parishioners who would volunteer," Rev. Nicely declared. "Some months elapsed and nothing was done. A second meeting was called at the Presbyterian parish house. It was there that Rev. William Graham Everson, pastor of the First Baptist Church, told me that he had no faith in Dearth. The judge appeared and told us that Sheriff McAuley was all right now and that Muncie was in good condition and a clean-up wasn't needed."

"Judge Dearth has no judicial poise. He wavers. That is one of the reasons I doubt his honesty and integrity as a judge."

Chief Defense Counsel Frederick Van Nuys asked if Prosecutor Joe Davis of Delaware County was a member of Nicely's church. The pastor declared that he was and that Van Ogle of defense counsel and Attorney Wilbur Ryman, friend of Dearth, also belonged.

"Did you ever take the matter of a clean-up up with Davis?" Van Nuys asked.

"He is now making an honest effort in this matter," came the reply. Dearth on leaving the witness stand at noon had blamed his impeachment on Davis, Editor George Dale of the Muncie Post-Democrat and Attorney Thomas Miller. He contended that "all the good Christians and good citizens are for me."

and the bootleggers and disgruntled politicians against me."

When the State asked rebuttal witnesses whether or not this was so, defense objected. Senators voted 26 to 14 to permit the question to be answered and all of the witnesses declared that such was not the case.

Rev. Butler's experience with Dearth, upon which he based the claim that the judge's honesty and integrity was "bad" came through his appointment to the Muncie board of charities. Among the duties of that body was to inspect the poor farm presided over by Superintendent Shroyer, whose relatives were among those who serve on Dearth juries, according to former testimony.

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being turned out to wander on the streets of Muncie penniless and of a janitor at the place attacking an inmate, the Rev. Butler said. They went to investigate. They couldn't get in at a side door and were told to "go around in

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front." As they did so they met "Billy" Williams, postmaster and Republican boss of Muncie, emerging. Shroyer was irate and would not let them in, charging it was a "Democratic political plot." The First Christian Church pastor is no longer on the board and he declared that the judge went down to the Muncie Star at 11 o'clock that night and got them to insert what he considered a "libelous" story regarding the incident.

On cross-examination by the defense he denied that he was offended regarding his dismissal from the board and again told of how, when Dearth offered him the place originally, he told the judge that he was already over-burdened with duties.

"Are the good people of Muncie back of Judge Dearth?" was the question which Senator Howard A. Cann (Rep.), Frankfort, asked Rev. Daugherty, after that pastor had declared the judge's honesty and integrity "bad."

"They are back of him to get him off the bench," Daugherty declared. "Are the bootleggers against him?"

"I do not know the attitude of bootleggers, I do not associate with them."

Rev. Daugherty admitted to defense questioning that Attorney Francis Shaw was a member of his church and that he had sent a telegram to Governor Jackson asking that Shaw be appointed judge. He denied that he knew anything of a general movement for such appointment, or that a delegation had waited on the Governor for it.

"I never talked to Mr. Shaw regarding the matter," he testified.

As other character witnesses took the stand against Dearth the defense attempted to prove that they had been reading the Muncie Post-Democrat and were thus poisoned against the judge. The judge is charged with suppression of an issue of this paper and of jury irregularities.

Many of the witnesses stated that they belonged to the Muncie Municipal League and that it is a "non-partisan organization for defense of the taxpayers." Shaw is counsel for the league.

Dearth left the stand shortly after the session resumed at noon. He was followed by several defense character witnesses who testified to his honesty and integrity. The rebuttal offensive was launched after a short recess.

Among the defense witnesses were Attorney Will J. White, father of Dearth's court reporter and whom the judge often appointed to the bench, and Frank J. Ball, millionaire Muncie manufacturer.

Reporter L. J. Parkinson of the Muncie Star was called to tell of his informing Attorney Van Ogle that J. Glen Harris, chairman, sent an invitation to the judge or his attorneys to appear before Judiciary A committee of the House and offer any evidence against impeachment. They did not take advantage of the opportunity.

Last witness of the day was

Arthur L. Llewellyn, a farmer, who testified that he had known Dearth for twenty years and that his reputation for honesty and integrity was "bad."

The State rested and Lieutenant Governor F. Harold Van Orman announced that closing arguments would be heard today.

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