



The Indianapolis Times

(A SCRIPPS-HOWARD NEWSPAPER)
Owned and published daily (except Sunday) by The Indianapolis Times Publishing Co., 214-220 West Maryland Street, Indianapolis, Ind. Price in Marion County, 2 cents a copy; elsewhere, 3 cents—delivered by carrier, 15 cents a week.
BOYD GURLEY, Editor ROY W. HOWARD, President FRANK G. MORRISON, Business Manager
PHONE—Hilber 3551 TUESDAY, OCT. 14, 1930.
Member of United Press, Scripps-Howard Newspaper Alliance, Newspaper Enterprise Association, Newspaper Information Service and Audit Bureau of Circulations.

"Give Light and the People Will Find Their Own Way."

Insanity in the Courtroom

One of the greatest scandals in our scandalous administration of criminal justice has been the abuse of the insanity plea by prosecutor, defense counsel, and jury alike. When Hickman, an insane boy, was hated by the community he was found sane and guilty. When Remus, another insane person, was lionized by the community and favored by the jury, he was found not guilty by reason of insanity.

Time and again we have seen internationally famous psychiatrists in apparently complete disagreement over the sanity of the accused, thus giving the impression that the opinions of any "alienist" can be had for the requisite cash.

This problem is dealt with in highly judicious and competent fashion by Dr. Winfred Overholser, director of the department of mental diseases of Massachusetts—a man familiar with the interrelation between psychiatry and criminal justice. In "Current History" he takes the following stand:

He frankly admits the existence of scandals, shows why they exist, and suggests remedies. One reason for the deplorable condition is that court procedure does not keep pace with science. It still is based on the McNaughten rule of 1843, which states that to be legally insane the accused must be "laboring under such defect of reason from disease of mind as not to know the nature and quality of the act he was doing, or if he did know it, did not know he was doing what was wrong."

Such view was all right in the light of the psychiatry of 1843. But psychiatry has made more progress since 1843 than it did between 10,000 B. C. and 1843 A. D. Today it would reject wholly any such archaic intellectualistic test as this for insanity.

Another leading cause of the abuses lies in the fact that the alienist can testify only according to court procedure. He can submit legal evidence, but not scientific evidence. Hence, by clever hypothetical questions and examination, the lawyers can make two great psychiatrists seem to clash in their opinions when, in reality they agree on all vital points. This was true, for example, in the Loeb-Leopold case.

Again, psychiatric evidence, even if honestly and competently given, is likely to be wasted on the incompetent and untrained lay jury. Though judges in some states are allowed to call in experts for advice, these judges are not always likely to be able to determine when they do or do not need assistance.

The real remedy, Dr. Overholser rightly suggests, would be to have the trial limited to ascertaining whether the man committed the act of which he is accused. Then, if guilty, he should be sent for observation to a reception and classification prison and ultimately transferred to the proper place. This would put an end to insanity pleas in court and insure proper psychiatric handling of all cases.

Until so advanced a stand can be taken, the next best thing is to have a law like the 1921 Briggs law in Massachusetts. Here (1) all persons accused of capital crimes and (2) those accused of a felony and who have been previously convicted of a felony are examined automatically by two physicians from the state department of mental diseases. The report is available at the time of the trial.

This report almost invariably settles the insanity question and there are few or no scandalous duels of experts in Massachusetts.

Circumstantial Evidence

The Cero-Gallo murder trial in Boston has given further evidence of the great fallibility of our criminal court system.

Gangli Cero was arrested June 11, 1927, for the murder of Joseph Fantasia. Indicted four days later, he was tried in the fall and convicted of first-degree murder. The jury found against him on the strength of one witness who testified he was seen running away from the scene of the shooting. No motive was developed at the trial.

Sentenced to death a year later, after denial of motion for a new trial, Cero from his deathhouse cell on Nov. 8, 1928, saw preparations completed in the death chamber for his electrocution. Late that afternoon a young Italian woman, Philomena Romano, appeared before Governor Fuller, and said she was walking with Fantasia when he was shot.

She testified that Samuel Gallo, and not Cero, shot Fantasia. It developed that Gallo and Fantasia had argued over the Romano woman, also that Cero was walking with Gallo when the shooting occurred.

Cero was given a respite and Gallo was tried the following February and found guilty of the same murder for which Cero had been sentenced to death. Only one shot was fired in the murder. The same judge sat on both cases and the same assistant district attorney prosecuted. The judge later granted motions for new trials to both men.

Three weeks ago Cero and Gallo were placed on trial jointly before a different judge and with a different assistant district attorney prosecuting. It was argued that Cero fired the fatal shot at the instigation of Gallo. Though the Romano woman could not be located to take the stand, her testimony at the Gallo trial was admitted. The jury found Gallo guilty and Cero not guilty.

Cero was freed and Gallo's counsel will appeal to the supreme court on constitutional grounds.

There is little wonder that the officials of the Boston Bar Association sat in at the joint trial in a profoundly disturbed state of mind. Nor is there wonder that Bostonians concerned with the Sacco-Vanzetti and Mooney-Billings cases took an active interest. While no question of radicalism was involved, the issue of circumstantial evidence was present in all its patent uncertainty.

Public Sentiment and the Saloon

There can be no question about public sentiment toward the saloon. It was the fight on the saloon that gave the Anti-Saloon League its first hold on public opinion. Aside from the few who might benefit financially by its return, opponents of prohibition are as much against its return as are the prohibitionists. In the stand they have taken against a comeback of the saloon, Al Smith, Dwight Morrow, Governor Roosevelt and Charles H. Tuttle voiced the sentiment of an overwhelming majority.

Probably Dr. Nicholas Murray Butler is just as much opposed to the saloon as they are. But instead of putting another amendment into the Constitution if the eighteenth is repealed, he would have the federal government keep hands off and let the people of each state regulate their own conduct by state legislation.

He proposed this plank on prohibition, after demanding repeal of the eighteenth amendment: "Following the repeal of the eighteenth amendment, the Republican party of the state of New York pledges the adoption of such measures for control of the liquor traffic in the state as will promote temperance, effectively abolish the saloon, whether open or concealed, and bring the liquor traffic under complete public supervision and control."

Butler's plan is far in advance of any yet submitted.

ted. It demands that the police ordinance known as the eighteenth amendment be taken out of the Constitution, and nothing like it substituted.

Then he would have pledged his party in New York to abolish the saloon and keep it abolished and further regulate the liquor traffic within the boundaries of the state without let or hindrance from the federal government or any other state.

Yet as New York is supposed to be, no party that advocated return of the saloon would have a ghost of a chance.

Butler's policy of absolute home rule is feasible and fair, as the people have advanced faster and farther than the politicians in both parties think they have. It isn't a matter of eloquent argument, or what somebody says; it is what the people themselves, even though they have believed in the efficiency of prohibition before, see on every hand.

They don't have to be told how prohibition has utterly failed as a temperance measure. They know.

Public opinion ultimately can bring about such legislation and regulation as it wants within the boundary of any state. It can bring about bone-day prohibition, if that is what it wants, but not in another state that doesn't want it and won't have it.

And not by federal snoots nosing around in the various states. All this can be done with the eighteenth amendment repealed, nothing put in its place, and the federal government attending strictly and only to its federal business.

Politics and Arithmetic

The administration is putting out misleading figures on the condition of federal finances, in an effort to show a surplus and influence voters in the November elections, according to Representative Byrns of Tennessee, ranking Democrat on the house appropriations committee.

This is no new charge from the Democrats. It is made after every session of congress and before every national election. And, of course, Byrns is actuated by the same political motives that he attributed to Mellon.

Mellon dignified Byrns' attack with a denial, explaining that retirement of the public debt during the first quarter of the fiscal year was dictated by the price of government securities on the market.

Nevertheless, the fact remains, as Byrns pointed out, that last year \$237,000,000 was put into the sinking fund, while during the corresponding period of this year only \$65,000,000 of the public debt was retired. Had debt retirement proceeded at the same rate, there would have been a deficit.

It is true as well that government expenses during the first quarter were above those of last year.

Byrns doubted the President's ability to reduce expenditures during the year by \$68,000,000 below original estimates. He called this a "paper saving" and predicted its absorption during the year. With appropriations admittedly much greater than last year, this seems a reasonable forecast.

If Byrns' charges of figure-juggling are correct, his criticisms are well justified. Naturally the treasury wishes to make things look as rosy as possible. But nothing is to be gained from blinking at facts and concealing the true situation from taxpayers.

Our idea of an optimist is the head of a large midwestern lecture bureau who wrote Cal Coolidge in an effort to induce him to go on a lecture tour.

Now that it is announced prices of pianos are to be cut 25 per cent, it will be literally possible to buy one for a song.

What with all the subterfuge in New York, some will even look upon that \$300,000,000 appropriation for parks as a shady deal.

There is a big dispute as to whether the name of the great Roman poet, whose 2000th birthday anniversary is being celebrated, is Vergil or Virgil. After all these years it seems the old boy still is a spellbinder.

In Malaya, they say, fish leave the water to climb trees. They probably bear some relationship to the species that recently climbed trees in back yards of this country.

REASON BY FREDERICK LANDIS

IF it had been announced in Rome that a bricklayer was to marry a cobbler's daughter nobody's life would have been endangered by the crush of enthusiastic multitudes, but six children were trampled to death when the joyous throngs celebrated the betrothal of King Boris of Bulgaria to Princess Giovanna of Italy.

However, the Italians were not celebrating the coming marriage of their princess; they were rejoicing over a union which they thought would strengthen their country in its threatened trouble with the Balkans.

But such unions do not always determine the attitude of countries in time of war.

It is said that Russia has made all plans to invade Rumania and take back the territory which used to belong to Russia and the world wonders what the rest of Europe would do in such an event.

We don't know what the rest of Europe would do, but we do know that the United States would keep out of it.

One more interference in European wars would establish the precedent; it would give us the habit and we would become the shock absorber for all mankind.

Uncle Sam then would be the trouble man for all nations to summon.

So we'll stay home and mind our own business.

AND now Brazil joins the procession of revolutions in South America.

Nothing is said about how powerful the Monroe Doctrine is in determining the destiny of South America in these days of revolution, but if it were not for that little piece of paper, Europe would find a way to get her hooks into South America and once she had them in, she would stay.

You can not blame France for refusing to disarm when you read that the Steel Helmets of Germany have joined hands with Hitler's Fascists to fight for the removal of Germany's war penalties and that it took the Steel Helmets six hours to parade, carrying 6,000 banners of the Kaiser's time.

WITH wars and rumors of wars all over the earth, a man is in luck to be alive and in health and in the United States.

We have unemployment and farm depression and several other things that are not attractive, but alongside the rest of the world we are sitting on a golden cushion, eating angel's food.

You kindly will observe that the League of Nations, pledged to keep the world as it is, has not lifted a hand to suppress any revolution that has occurred. No human organization can put this world in a strait-jacket and forbid political institutions to change.

M. E. Tracy

SAYS:

"Legs" Diamond and Al Capone Will Find Their Place in Literature as Have Robin Hood and Dick Turpin.

I DO not know how it was in New York, but most Ohio editors accepted the shooting of Jack (Legs) Diamond as Monday morning's prize yarn.

Even the suicide of a confessed bride slayer in Cleveland only a few hours before he was to go on trial for his life and the indictment of Mal Daugherty on fifty-seven counts didn't run it off the front page.

It seems fair to assume that Mr. Diamond's unlucky meeting with four of his kind was treated with similar consideration throughout the country, and far be it from me to question the wisdom of such a unanimous verdict.

By some caprice of unscrupulous fate the racket has made a surprising place for itself in our scheme of things. In what other line could a man of 32 achieve such prominence?

He Must Be Clever

MUCH as I admire Mr. Diamond's nerve and originality, I find it impossible to give him all the credit for the news value which attaches to his coming and going. Weighing the situation from the standpoint of an absolutely impartial observer, it occurs to me that he has enjoyed a deal of advertising at the hands of our law enforcement officials.

They have arrested him some twenty times in the last fifteen years, without securing one conviction; have accused him of everything from petty theft to murder, without being able to get more than stories and headlines which ultimately redounded to his glory.

Considering the numerous and colorful crimes with which he has been charged and his invariable ability to squirm out of them, Mr. Diamond must be an exceptionally clever man, or our law enforcement officials have been exceptionally dull.

Since pride, tradition, and loyalty preclude the idea of rating our law enforcement officials so low, it follows quite naturally that Mr. Diamond gets the benefit of the doubt, and not only Mr. Diamond, but all his kind.

Plain Stupidity

WE are, it appears, producing a new breed of heroes to take the place of that once represented by the James boys, the Renos, Daltons, Forreals and Lafittes, and, as generally had happened in the past, such lawless and stupid officials are contributing their full share to the program.

If this same Jack (Legs) Diamond had been living in New York 235 years ago, he probably would have been one of those pirates whom Captain Kidd was sent out to catch, but who enjoyed a lot of favor and some protection because of the silks, jewels and spices they made available for the richer folks in spite of English law.

If he had been living in Boston 160 years ago, he might have rivaled such a redoubtable forerunner as old John Hancock in the smuggling business.

If he had been raised in any of our great seaports 100 years ago, he undoubtedly would have found ample vent for his daredevil spirit in the slave trade.

Whether fortunately or not, Mr. Diamond was not to grapple with not the first, but the latest "noble experiment" humanity has made in its quest of purity through law, but he has reacted to the challenge no differently from men of his stripe on previous occasions and plain people are reacting no differently to his performance.

They'll Live in Story

WHEN the turmoil and tumult of today shall have died, when the prohibition problem shall have been solved, no matter which way, when all the leagues and associations, pro or con, shall have been buried in oblivion, and when we no longer remember the names of politicians, preachers and spouters now in front, the careers of such men as Jack (Legs) Diamond, Scarface Al Capone and other leaders who played the capacity to dominate the racketeering crew will find a lasting place in literature, just as Robin Hood, Rob Roy and Dick Turpin have found it.

There is a reason for it, too, a reason as deep as the elemental sources of human capacity to reason, that goes back as far as the Garden of Eden, and that has kept the story of Cain and Abel fresh 4,000 years.

Such men are our real skeptics and critics. They not only perceive the weakness of sheer idealism, but have the guts to tackle it, have the hands to risk their lives in the name of cynicism, daring to lay hands on our most sacred illusions and drag them through the mud.

When the smoke of battle has cleared we usually have found something to admire in the outlaw, the pirate, smuggler and thief, provided they pitched their work on a sufficiently high scale. They have appealed to the cavern that lurks in the background of every normal mind; and the cavern of ignorance, fear and superstition, but the cavern who dared to go forth and fight alone.

Racketeers, run runners, overlords of vice—no one can excuse, condone or endorse their work. When they finally are beaten it will be by a dog of their own ruthless medicine.

After that we shall not deny them such praise as their misdirected courage and misapplied talents deserve.

What is the meaning of the term bisque in golf?

It means a handicap, with a stipulated number of strokes to be taken at the option of the recipient.

Is Manhattan larger than Staten Island?

Manhattan has an area of twenty-two miles; Staten Island has an area of sixty-three square miles.

What is the population of Los Angeles, Cal.?

The 1930 census population is 1,231,730.

Do camels have one or two humps?

The true or Arabian camel has one hump, the Bactrian camel has two.

Looks Like an Early Frost!



DAILY HEALTH SERVICE

Hemorrhage May Cause Anemia

BY DR. MORRIS FISHBEN, Editor Journal of the American Medical Association and of Hygiene, the Health Magazine.

ANEMIA is a term used to describe any condition in which the number of red cells in the blood or the amount of red coloring carried by the cells is reduced greatly.

Such a reduction may occur as the result of hemorrhage following a wound or following the rupture of an ulcer or some tissue within the body. Sometimes the blood is destroyed by the action of a poison circulating in the blood, such as polio, or by the action of bacteria.

The chemical poisons may be actual inorganic chemical substances found in industry or may be organic or protein substances resulting from the tissue changes.

Sometimes the number of red cells or the amount of red coloring matter is reduced, due to the fact that the organs concerned in formation of such cells are not acting up to their proper capacity and an insufficient number of cells are formed.

There is evidence that the bone marrow is concerned in the formation of cells and there also is evidence that the spleen, the liver and the wall of the stomach are concerned in giving proper stimulus to the entire biologic process.

Since the mechanism of cell formation is so complicated it is not properly understood. More has been learned in the last ten years than in the previous ten centuries, but even now thousands of research workers in laboratories all over the world are concerning themselves with the details of this intricate process.

The details are vitally important, since a proper number of red blood cells and a proper amount of red coloring matter is absolutely essential to health and indeed to life itself.

If a person has severe hemorrhage or extensive bleeding at any point in the body, the first step to be taken is to control the hemorrhage, or to plug the hole in the blood vessel responsible.

It might be impossible to reach the blood vessel because of its deposit in the tissue; in such a case, a ligature or tourniquet is placed around the tissue containing the vessel and the application of pressure causes a discontinuance of the bleeding.

Such hemorrhages as result from nose bleed, hemorrhoids, cuts of the skin, the generative organs of women, and obstetrical conditions usually are easily controllable.

There are on the other hand hemorrhages resulting from changes in the blood, from infestation with intestinal worms, from rupture of dilated blood vessels, and similar conditions which may be uncontrollable by any easy method. Hemorrhages from the nose may be stopped by packing the nose with gauze, which exerts pressure at the spot of hemorrhage. There are certain steps which should invariably be taken in the case of difficult hemorrhages.

This includes absolute rest in bed, elevation of the foot of the bed, and keeping the patient warm by the use of hot water bottles, electric pad, or plenty of blankets.

A severe hemorrhage usually is associated with symptoms of fear, and this must be controlled by quieting the patient through psycho logic measure or by the giving of sedative drugs.

That it was a sort of rarified air which existed above the earth beyond the limits of the ordinary atmosphere.

The Greeks used the word in the general sense of a sort of "upper air."

Professor Spinney says, "The writings of St. Thomas Aquinas, whom we may regard as the spokesman of the religio-scientific thinkers of the thirteenth century, indicate a general acceptance at that time of the Ptolemaic system of astronomy."

"This system was founded upon that assumption that as 'man' was the object of creation, so the earth was the center of the universe, and around it revolved concentric spheres of air, ether, and force—the flaming walls of the world—which carried round the sun, stars and planets."

The Copernican theory overthrew the Ptolemaic system and it became necessary to find a new method to explain the motions of the planets.

Descartes, the philosopher, advanced a theory that space was filled with a medium and that the planets were carried by vortices in this medium. Newton's theory of gravitation, of course, overthrew this idea.

As Professor Spinney points out, Descartes' theory was a sort of ether theory.

The modern theory arose with attempts to explain the transmission of light through the vast reaches of celestial space. It first was employed, Professor Spinney says, by Hooke and Huygens toward the end of the seventeenth century.

Daily Thought

The laborer is worthy of his reward.—Timothy 5:18.

Labor is life; from the inmost heart of the worker rises his God-given force, the sacred celestial essence breathed into him by Almighty God.—Carlyle.

How many Jews are there in Russia?

The American Jewish Year Book says "that in the present day Russia (Union of Soviet Socialist Republics) there are 2,820,429 Jews, constituting .02 per cent of the total population."

(Copyright, 1930, by The Times)

IT SEEMS TO ME BY HEYWOOD BROWN

THE case of Captain Flag was up Wednesday, and so I wandered over to the court to see what penalty would be inflicted on a dog which ventures into New York streets without a muzzle.

Some of my newspaper friends suggested that I might like to see the domestic relations court, which is housed in the same building.

Honorable Louis B. Brodsky kindly invited me to sit with him and watch the workings of this most tragic of all tribunals.

The famous advice of Punch to those about to marry was a simple "Don't," but it would be just as effective to say, "Pay a visit to the domestic relations court."

Here the ghost of romance walks. What must have been arduous once upon a time has now become shrill or sullen. "Judge, he ought to pay me \$15 a week."

Husband Pays

IN this court, society decrees that those who have given hostages to fortune must meet the price. There seems to be a sort of tacit agreement among the men. Each defendant whom I saw followed the same formula.

Every husband looked straight at the judge and never gave so much as a glance toward the wife of his bosom, who asked for separation allowances and support.

It's a pretty horrible business watching the embers raked over in

semi-publicity. Cases are not reported by name in the newspapers, but with what lawyers and the rest some ten or twelve are there to hear what price may finally be set upon the lamp of love when the flame has flickered out. Lovers once-litigants now. It's not pretty.

Of course, there are children. Invariably there seem to be children—two, three, four or five. For them provision must be made. Under stress the cost of living sounds unbelievable to a stranger within the court.

"How much rent do you pay?" "Twelve dollars a month, judge, and he's got a good job."

Worthy of Solomon

SURELY the problem involved are sure to puzzle Solomon in all his glory and his wisdom.

This husband is a wrestler. How can a magistrate, even an astute one, determine just what may fairly be set down as the average income of a middleweight wrestler?

"I'm too small for the big fellows," says the defendant apologetically. "Wrestling isn't what it used to be."

There is a knotty point for a judicial officer of the city of New York. There is no means of telling whether the man, who would pay less or nothing, is good in his profession or mediocre.

You can't quite say, "Wrestle with somebody here in the courtroom and let me judge your ability and your earning power."

In fact, I rather think that under the circumstances any child could have thrown the wrestler-defendant. His hope of easement lay in the plea that he was not so much

and that he could not possibly contribute \$20 every week to his frail wife.

Chance to Win

I HAD half a mind to challenge him myself. This was surely the spot in which to chalk up a victory.

Indeed, although his wife was frail, I doubt that Mr. X won many decisions against her, even in his palmyest prime.

For her there might wait radio rewards, for Floyd Gibbons at full speed hardly could match four words to the plaintiff with one of his.

Nor did she talk to insufficient purpose. The defendant began to build up a stumbling case for personal economy based upon his own financial helplessness and professional ineptitude.

"Is that so, judge? Listen to him. Let me show you."

A little violent fumbling in a handbag and out came a mass of clippings. Mr. X, it would seem, in addition to being a somewhat too small wrestler, also engaged in playing the part of a gorilla in theatrical entertainments.

Here were press notices, clippings—Mr. X swinging from a tree, Mr. X grimacing most horribly at hunters, Mr. X in the act of kidnapping a native princess.

She got the \$20. It seemed no more than just. The notices were much too good. When printed they were, without doubt, his pride and joy, and now they came to haunt him and provoke extra alimony.

(Copyright, 1930, by The Times)

Questions and Answers

Is okra used as a vegetable or as a salad?

It is used both as a vegetable and in salads, also in soups.

Where is Tannou Touva?

It is an independent republic of northern Mongolia, Asia, in close relation with the Russian Soviet government.

On what ship did President Wilson and his party sail to the peace conference?

The George Washington.

Who wrote "Gulliver's Travels"?

Jonathan Swift.</