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KIRKLAND ON TRIAL AGAIN IN GIN DEATH

Quiz Prospective Jurymen as Gary Boy Faces Court Once More.

FIRST 9 MEN EXCUSED

Barrett O'Hara Withdraws From Cause Because of Defense Argument.

By United Press
VALPARAISO, Ind., April 29.—Virgil Kirkland, 20-year-old Gary athlete, went on trial today a second time, charged with murdering Arlene Draves, his 18-year-old sweetheart, during a drinking party. His life was not necessary at stake, although the state qualified prospective jurors for the death penalty.

Prosecutor John Underwood began examining talemens without carrying out his previous announcement that the indictment would be reduced to two counts, but declared that if the reduction was made, the death penalty would not be mandatory, as generally understood.

The two counts on which Underwood indicated the state would elect to proceed with Kirkland's retrial accuse the young ice truck driver of causing Miss Draves' death by attack or attempted attack.

Conviction of first degree murder under either of these counts would carry a mandatory death penalty.

Conviction Was Set Aside

Underwood pointed out, however, that the jury may choose to return a verdict of criminal attack, manslaughter, assault and battery in commission of an attack or simple assault and battery if it finds Kirkland guilty and believes death in the electric chair too severe.

Kirkland was convicted of first degree murder in his first trial under another count charging he killed Arlene by striking a blow. The conviction, recommending life imprisonment, was set aside by Judge Grant Crumpacker as not warranted by the evidence. The fourth count is similar to that under which Virgil was indicted.

Selecting a jury to try young Kirkland will be a difficult task, it was indicated today when the first nine men to be questioned were excused for cause, seven by the state, one by the defense and one by Judge Crumpacker.

Excused for Fixed Opinions

Louis Betz, 34, farmer, and Paul Titus, 51, farmer, were excused by the state when they admitted having been conscientious scrupulous about imposing the death penalty. Henry Black, 72, farmer, pleaded successfully that he was needed for spring planting. Six others were dismissed when they admitted fixed opinions.

Kirkland came into the court room wearing a new brown suit and smiling. He sat with Mr. and Mrs. Elmer Kirkland, his stepfather and mother. Arlene's father, Charles Draves, and two brothers, Kenneth and Carl, also were in the courtroom. Only a few spectators were present.

With Barrett O'Hara, Chicago attorney, withdrawn because of his conflict with other defense attorneys, the defense staff consisted of Oscar Thiel of Gary, Richard Oldham of Chicago and John Crumpacker of Valparaiso. Crumpacker by Judge Crumpacker's son.

"Lie Detector" Is Used

Underwood, chief deputy prosecutor of Lake county, headed the state's staff, assisted by Robert G. Estill, East Chicago, deputy prosecutor, and Edward Freund, Valparaiso attorney. This is the same group that obtained a conviction in the first trial.

Attorneys admitted that at least one new move was planned by each side, but indicated that otherwise the testimony in the second trial will center around the same witnesses heard in the first, principally friends of Kirkland and others at the party at which Arlene died.

Underwood announced that the state would offer a new witness, whose testimony will "corroborate" that given at the first trial, but will develop no new angles. He declined to discuss reports that this witness will be one of the four other young men indicted with Kirkland.

Thiel admitted that a "lie detector," the machine which registers nervous reactions under questioning, had been used on Kirkland in his cell last Monday night. Thiel said an attempt might be made to have its use during the trial sanctioned, but admitted its legality was doubtful.

NAB BOYS AS SLUGGERS

Three Confess Attempted Robbery, Police Officers Assert.

Confessions that they slugged John Van Shook, 67, of 1145 West Twenty-eighth street, Saturday night in an attempted robbery were obtained from three youths, police said today.

They are: Eugene Edwards, 17, of 1131 West Thirty-third street; Edward Piper, 27, of 869 Uddell street, and Frank Garringer, 18, of 2616 White street. They are charged with conspiracy to commit felony.

Van Shook was attacked near his home and sustained severe head lacerations.

Stabbed in Food Argument

In an argument over food, Mrs. Ida Seasdrook, Negro, 240 West Wyoming street, was seriously cut with a knife by her niece, Miss Nettie Tate, Negro, 236 West Wyoming street. Mrs. Seasdrook was taken to city hospital and Miss Tate was charged with assault and battery with intent to kill.

TRUE SON OF UNCLE SAM Boy Blizzard Hero White House Guest

BY PAUL R. MALLON
United Press Staff Correspondent

WASHINGTON, April 29.—Washington in the spring time is the mecca of thousands of school children. From all parts of the country they arrive by train and bus loads to see the sights of the capital and to return home with countless snapshots. Today, however, there arrived one school boy to be given honors never before accorded a lad of 13. He came unannounced on an early morning

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