



The Indianapolis Times

Mostly cloudy tonight and Saturday, probably snow flurries; somewhat colder Saturday, lowest temperature tonight about 25.

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HOME

PLEA VOICED BY BAKER FOR FREE PRESS

Issue Is Fought Out Before
Kentucky Court of
Appeals.

RULING IS PROTESTED

Noted Attorney Questions
Right of Jurist to Bar
Newspaper Men.

BY JAMES P. KIRBY

Times Staff Correspondent

FRANKFORT, Ky., Jan. 7.—The issue of freedom of the press in the United States is at stake here.

In an address before the court of appeals of Kentucky, Newton D. Baker, former secretary of war, Thursday pleaded the cause of the Knoxville News-Sentinel, a Scripps-Howard newspaper, against the edict of Judge Henry R. Prewitt of Montgomery circuit court, which barred reporters for that newspaper from his court room.

A decision may be handed down today.

Before an audience that filled every corner of the chamber of the highest court in the state, and which included Governor Ruby Laffoon, Mr. Baker protested the right of the judge to inflict vicarious punishment upon a reporter because of an editorial carried by his newspaper.

Safeguard of Liberty

"The publication of news, the publicity of trials are among the great safeguards of liberty in a free country," Baker declared. "If what Judge Prewitt has done in this case can be done and allowed to stand, then it is within his discretion to exclude any representative of any newspaper and all representatives of all newspapers."

He characterized the editorial as a "temperate, philosophical, and just statement, which well might have been made by this or any other court of final jurisdiction with due regard to the general philosophy and dignity of the judicial proceedings."

"When the last word is said," he said, "from the time of the Declaration of Independence to now, the great safeguard of the people of the United States is an informed public opinion, molded by a vigorous and alert press."

Painter Pointed Out

"If there be an opinion here which concedes to any judge the right to play favoritism among the audience, to decide whether he will let John stay in or keep James out, if that be an implied power of any judicial officer presiding at any trial, then it is not at all difficult to conceive tempestuous times in which the public will be excluded from the trial except where it may sympathize with the proceedings, and the great correctness of public opinion will be withdrawn."

The appeal on behalf of the freedom of the press and free speech evolved out of Kentucky's bitter economic warfare that has centered the eyes of the nation upon the unhappy conditions in the coal fields of the Blue Grass State.

It has as its background the turmoil in that industry, the feuds between capital and labor, the bloodshed in the struggle of the miners for an existence.

Out of Harlan county, where Theodore Dreiser recently was indicted as the result of his bitter strictures upon conditions he found there, came the principals in the murder trial for commenting upon which the News-Sentinel was barred from Judge Prewitt's court room.

Flag Plea Made

The commonwealth attorney who prosecuted the mine death case, W. C. Hamilton, in his final plea to the jury, urged the jurors "not to let the American flag surrender to the red flag."

The News-Sentinel commented editorially upon the prosecutor's impassioned plea to the jury: "So long as our courts permit themselves to be a stage for the tirades of political and social prejudice, they will not obtain the full confidence of those who believe in even-handed justice."

It was to these statements that Judge Prewitt objected. The reporter who had covered the trial, John Moutous, was barred from the court room and later cited for contempt. Later Judge Prewitt withdrew the contempt citation.

Another reporter for the paper, Jack Bryan, who had no connection with the trials, was sent to cover the next trial, that of William Nightower, president of the miners' local, on the same charge. Bryan likewise was barred by Judge Prewitt.

Asks Writ of Prohibition

The newspaper appealed for a writ of prohibition from the highest court of appeals, and it was this Baker argued Thursday.

In his father's defense, Attorney Allen Prewitt charged that the editorial was designed to coerce and embarrass the judge in his decision on Jones' motion for a new trial and on future trials growing out of the same case.

Challenging the jurisdiction of the higher court to review his father's act, he suggested that impeachment by the legislature was the remedy, if he had erred.

Two Die for Murder

OSSINING, N. Y., Jan. 8.—Joseph Ciaro, 27, and Alfonso Carrato, 41, were put to death here Thursday night for the murder of Giovani Volpe in Larchmont a year ago.

Pola Improves



GIFFORD HITS PLAN FOR U. S. AID TO NEEDY

Local Relief Sufficient This
Winter, Is Belief of
Hoover's Aid.

SHIES AT \$5 BUDGET

Job Director Admits That
Sum Not Sufficient for
Family's Weekly Need.

By United Press

WASHINGTON, Jan. 8.—Walter S. Gifford, director of President Hoover's organization for unemployment relief, argued against federal appropriations for the destitute, in testimony today before the Senate committee considering unemployment relief bills.

"It would seem that the combined efforts of communities, counties, and states can take care of the situation this winter," he said.

During the lengthy hearings thus far, the preponderance of evidence has been in favor of federal aid. Representatives of many organizations and communities have asserted that adequate relief could not be provided unless the government took a hand.

Gifford, however, stood firmly behind the administration attitude that each community should care for its own cases of suffering and distress.

Cites "Some" Hardships

"A check of the unemployment relief situation by states, which I just have made, emphasizes again the existence in some parts of the country of great hardships resulting from unemployment," Gifford told the LaFollette-Costigan committee.

"At the same time it indicates that, subject to action by legislatures, in possibly four or five instances, each state will care for its own who must have help this winter."

"While the situation varies in different localities, local governments as a whole always probably have made the largest money contribution."

The measure specifies no changes in rates. It asks President Hoover to call an international tariff conference and strips the chief executive of his power to raise or lower tariff rates 50 per cent upon recommendation of the tariff commission.

It also provides a "consumer's sentinel" to represent the public before the tariff commission.

Replying to Purnell, Representative William B. Bankhead (Dem., Ala.), said Republicans knew the Democratic party could not secure enactment of a bill for revision of tariff rates.

"This is the only gesture our party can make at this time," Bankhead said, adding that President Hoover and the Republican Senate are opposed to any revision.

A test vote showed 214 supporting the measure and 174 against it in the roll call on adoption of a rule for consideration of the bill, when Republicans sought to kill the measure at the outset by defeating the rule.

Communities, counties and states undoubtedly would appropriate less public money. The net result well might be that the unemployed would be in need worse, instead of better off."

Shies at \$5 Budget

Senator La Follette (Rep., Wis.) cited testimony of Allen Burns of the Association of Community Chests and Councils, who said that in cities like Philadelphia, Cleveland and Pittsburgh "we are appalled and wondering how they are going to get funds to get through."

"My information is that they can get through," Gifford said.

"Do you think that a family of two adults and two children could get through on \$5 a week, as do I in Philadelphia?" La Follette asked.

"No," Gifford replied.

FEAR SCHOOLS FAILURE

State Board Says Parochial Students May Be Charged.

Members of the Indiana board of education today notified Indianapolis public school officials they must take over operation of parochial schools in event of their financial failure.

The resolution was passed after a parochial school at Loretto failed and the town had to continue education of 310 pupils. The state is responsible for pupils' education after a school failure under the state law.

George C. Cole, state instructional superintendent, said he feared other parochial schools will collapse.

He said the warning was issued in view of the overcrowded and poor financial conditions of all Indiana public schools.

ANOTHER THRILLING INCIDENT IN THE NEW TARZAN PICTURE STORY

TARZAN took up again the trail of Pan-Atlee. He followed it down the stone pugs to the nearest cave and then further along the upper tier. The ape-man raised his eyebrows when he saw the direction in which it led, and quickened his pace. He almost had reached the third cave when the echoes of Kor-ul-graf were awakened by a shrill sound of terror. It was...

Another thrilling incident in the new Tarzan picture story

TARZAN THE TERRIBLE

by
EDGAR RICE
BURROUGHSBeginning
Monday, Jan. 11.

IN THE TIMES

Attorney in Kentucky to Defend Miners Is Jailed.

By United Press

NEW YORK, Jan. 8.—A protest against the arrest of Allan Taub, New York attorney, has been made to Governor Laffoon of Kentucky by the International Juridical Association here.

Taub was sent to Pineville, Ky., Tuesday by the international labor defense to obtain release on bail for nine labor-press, relief defense and miners' union representatives who were arrested when deputies raided the miners' union office there.

Charges of criminal syndicalism and unlawful conspiracy were lodged against Taub.

Hundreds of head of livestock were drowned and property damage

OUT-FOXED

By Science Service
MCKINLEY PARK, Alaska, Jan. 8.—When the mess gong rings at the Toklat construction camp in Mount McKinley national park, six foxes appear regularly at the mess hall with men of the construction gang, demanding a handout. Two of them are red foxes and four are of the cross species.

The cook at the camp reported to Park Superintendent Liek that, although she shows no partiality in feeding these self-invited guests, there are times when one inadvertently will get a larger portion of meat than the others, and right away a fight starts. When this happens she is compelled to leave the cook house and let the foxes turn it into an arena for a short time.

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She further states that she is thinking seriously of submitting a bill against the national park service for services performed in boarding six of its wild animal wards.

Dean Clarence W. Mendell, in a letter to the committee holding hearings on the 4 per cent beer bill of Senator Hiram Bingham (Rep., Conn.), said beer developed team play by bringing people of divergent types together. Failing to get beer, he said, students turned to hard liquor.

Previously, Professor Yandell Henderson had said that "cutting off beer has had a bad effect upon college student life in promoting the drinking of the highly intoxicating forms of distilled spirits."

Henderson, professor of applied physiology and expert on volatile poisons at Yale, estimated it would take "eight or ten quarts" of 4 per cent beer to cause what he would consider intoxication.

Dean Mendell Writes

Senator Bingham read the letter from Dean Mendell, who will be unable to appear before the committee.

"There hardly can be any doubt," Mendell's letter read, "that the effects of hard liquor on the boy's constitution and especially on his outlook on life are bad. I believe that the effects of beer in such quantities as any normal boy would consume it are harmless."

"It is a dangerous thing and a very ominous thing for the future of the country to have its future living at the high tension at which boys today are living and trained, under a system which gives them unconsciously deep-seated contempt for law."

Henderson said it would be hard to change the present habit of hard liquor drinking, but urged that "we see that the oncoming generations are not forced to know and drink liquor by the kick in contains."

He Likes to See It

He made clear his own preference for beer with the remark, "I'd like to see good beer."

"Then," he added, "I wouldn't have to pour down my throat some of the concoctions my friends offer and which I drink just to be polite."

Two Capitol policemen wandered into the hearing. They displayed interest in the proceedings.

Henderson characterized prohibition as "the worst experiment in design and execution that I ever heard of."

Henderson said alcohol has a sedative effect opposite to that of coffee.

"In my opinion, a man who needs a cup of coffee to wake him up in the morning and in the evening after a hard day's work, needs some beer to quiet him down again," he said.

Bishop Canon, prohibition leader who was in the audience, smiled amid the general laughter.

ARMY LEAVES CAPITAL

Priest Leads Jobless Homeward After Vigorous Relief Plea.

WASHINGTON, Jan. 8.—"Cox's army" of 10,000 unemployed were on their way back to Pennsylvania today after an impressive demonstration in the national capital.

The jobless caravan moved out of Washington by truck and bus as it came—orderly and singing patriotic songs. The "army" was led by Father James Cox of Pittsburgh, a Catholic priest, who presented to congress and to President Hoover a petition asking extensive and immediate unemployment relief.

Daisy De Voe Is Freed

Clara Bow's Ex-Secretary Appeals For Coat Theft Conviction.

By United Press

LOS ANGELES, Jan. 8.—Daisy De Voe, sentenced to eighteen months in the county jail on conviction of stealing a fur coat from Clara Bow, actress who employed her as secretary, was free on \$2,500 bail today. Her release was granted by the district court of appeal.

Walsh and Costigan refused to permit the findings of Wickersham commission experts to be made public immediately, but it was believed the report eventually would be printed in some form.

ARMY LEAVES CAPITAL

Priest Leads Jobless Homeward After Vigorous Relief Plea.

MANCHESTER, N. H., Jan. 8.—Fear that he could not succeed in life because of his views on capital and labor was advanced today as a probable motive for the suicide of William Penn Montgomery IV of Washington, D. C., here Monday night.

Instead of returning to Massachusetts Institute of Technology after the Christmas holidays, the brilliant 20-year-old engineering student came from Washington to Hotel Essex and shot himself to death.

In addition to his father, an army officer who died about a year ago.

He used a service revolver that belonged to his father, an army officer who died about a year ago.

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