



The Indianapolis Times

HOME

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

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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 CorrespondentFRANKFORT, 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
Knob News-Sentinel, a Scripps-
Howard newspaper, against the
dictum of Judge Henry R. Prewitt
of Montgomery circuit court, which
barred reporters from 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 Laf-
oon, Mr. Baker protested the right
of the judge to inflict vicarious pun-
ishment upon a reporter because of
an editorial carried by his news-
paper.

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 judi-
cial proceedings."

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

Danger Pointed Out

"If there be an opinion here
which concedes to any judge the
right to play favorites 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 find it more
from the trial court where it may
sympathize with the proceedings,
and the great corrective of public
opinion will be withdrawn."

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

It has as its background the tur-
moil in that industry, the feuds be-
tween capital and labor, the blood-
shed in the struggle of the miners
for an existence.

Out of Harlan county, where
Theodore Dreiser recently was in-
dicted 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 them-
selves to be a stage for the tirades
of political and social prejudice,
they will not obtain the full con-
fidence of those who believe in evan-
gelical justice."

It was to these statements that
Judge Prewitt objected. The re-
porter who had covered the trial,
John Moutoux, 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 edi-
torial 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
Caricari, 27, and Alfonso Carrato,
41, were put to death here Thurs-
day night for the murder of Gio-
vanni Volpe in Larchmont a
year ago.

Pola Improves



Convalescing from a recent
operation, Pola Negri, world-
famous film star, is shown here,
right, with her nurse, Edith An-
derson, leaving the hospital at
Santa Monica, Cal.

BRANDS TARIFF BILL 'GESTURE'

Purnell Opens G. O. P. Fight
on Democratic Measure.

By United Press

WASHINGTON, Jan. 8.—The
house began work on the Demo-
cratic tariff bill today under an ac-
cusation from Republican ranks
that their measure is "merely an
empty gesture" dictated by political
expediency.

Opening debate against the bill,
Representative Fred S. Purnell
(Rep., Ind.) declared the house
"ought not to make a gesture nor
play politics with a great national
emergency." If Democrats really
believe the tariff is a party to the
depression, then they should specify
certain rates and change them, he
said.

The measure specifies no changes
in rates. It asks President Hoover
to call an international tariff con-
ference and strips the chief execu-
tive of his power to raise or lower
tariff rates 50 per cent upon recom-
mendation of the tariff commission.
It also provides a "consumer's coun-
cil" to represent the public before
the tariff commission.

Replying to Purnell, Representa-
tive 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 Presi-
dent Hoover and the Republican
senate are opposed to any revision
of the measure and 174 against it.
A test vote showed 214 support-
ing 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.

BODIES SENT HOME

Husbands Prepare Funerals
for Women Fliers.

By United Press

HARRISBURG, Pa., Jan. 8.—The
broken bodies of Mrs. Ruth Stew-
art and Mrs. Debbie Stanford, so-
ciety matrons, killed in an airplane
crash fifty miles from here, were
to be sent home today.

Alcee Stewart, wealthy St. Louis
lumber manufacturer, claimed his
wife's body.

W. L. Stanford, Camden, N. Y., a
rural village fifty miles north of
Syracuse, was driving here today to
take his wife's body back to Cam-
den.

Fate of the two women who
started out from St. Louis ten days
ago on a pleasure trip to Buenos
Aires, via New York and Havana,
was discovered by Paul Comly
French, a United Press staff corre-
spondent on the peak of the moun-
tain.

TARZAN took up again
the trail of Pan-
tee. He followed it down
the stone steps to the
cave and then further
along the upper tier. The
ape-man raised his eye-
brows when he saw the di-
rection in which it led,
and quickened his pace.
He almost had reached the
third cave when the
echoes of Kor-ul-gryt were
awakened by a shrill
scream of terror. It was...

Another thrilling incident
in the new Tarzan
picture story

TARZAN
THE
TERRIBLE

by

EDGAR RICE
BURROUGHS

Beginning

Monday, Jan. 11,

IN THE TIMES

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 unemploy-
ment relief, argued against federal
appropriations for the destitute, in
testimony today before the senate
committee considering unemploy-
ment relief bills.

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

During the lengthy hearings thus
far, the preponderance of evidence
has been in favor of federal aid.
Representatives of many organiza-
tions and communities have as-
serted that adequate relief could
not be provided unless the govern-
ment took a hand.

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

Cites "Some" Hardships

"A check of the unemployment re-
lief situation by states, which I just
have made, emphasizes again the
existence in some parts of the coun-
try of great hardships resulting from
unemployment," Gifford told the La-
Follette-Costigan committee.

"At the same time it indicates
that, subject to action by legisla-
ture in possibly four or five in-
stances, each state will care for its
own who must have help this win-
ter."

"While the situation varies in dif-
ferent localities, local governments
as a whole always probably have
made the largest money contribu-
tion to the relief of the unemployed
operating with them have, in gen-
eral, taken care of problems which
the governmental agencies operat-
ing with a certain rigidity under
statutes can not handle so well."

Sees U. S. Aid as Harmful

Gifford said that federal appropria-
tions would lessen community
and state responsibility and tend to
diminish the sincere and whole-
hearted efforts of the hundreds of
thousands of volunteers engaged
both in raising and administering
relief funds.

"Individuals would tend to with-
draw much of the invisible aid they
now are giving; private funds raised
by popular subscription would be-
come less; efforts to spread work
and to provide work that would not
be done except for the emergency
would be lessened; business organi-
zations would tend to do less for
former employees."

Communities, counties and states
undoubtedly would appropriate less
public money. The net result, he
said, might be that the unemployed
who are in need would be worse, in-
stead 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, Cleve-
land and Pittsburgh "we are ap-
palled 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 they
do in Philadelphia?" La Follette
asked.

Gifford said he thought that was
rather low.

"Would you like to try that for
your own family?" La Follette
asked.

"No," Gifford replied.

FEAR SCHOOLS FAILURE

State Board Says Parochial Stu-
dents May Be Charges.

By United Press

Members of the Indiana board of
education today notified Indian-
apolis public school officials they
must take over operation of pa-
rochial schools in event of their
financial failure.

The resolution was passed after
a parochial school at Loogootee
failed and the town had to con-
tinue education of 310 pupils. The
state is responsible for pupils' edu-
cation after a school failure under
the state law.

George C. Cole, state instruction
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 In-
diana public schools.

FIGHT LAWYER'S ARREST

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 Associa-
tion here.

Taub was sent to Pineville, Ky.,
Tuesday by the international la-
bor defense to obtain release on
bail for nine labor-press relief de-
fense and miners' union representa-
tives who were arrested when de-
puties raided the miners' union office
there.

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

Out-Foxed

By Science Service

MCKINLEY PARK, Alaska,
Jan. 8.—When the mess gong
rings at Toklat construction
camp in Mount McKinley na-
tional 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 re-
ported to Park Superintendent
Lieke 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.

She further states that she
is thinking seriously of sub-
mitting a bill against the Na-
tional park service for services
performed in boarding six of
its wild animal wards.

**MINERS SCORE
IN DEATH TRIAL**

Officers Shot First, Says

'Ambush' Witness.

By United Press

MT. STERLING, Ky., Jan. 8.—
The first shots in the "ambush"
gun fight between Harlan county
deputy sheriffs and striking miners
at Evans, May 5, came from the
automobile occupied by the officers,
J. W. Freeman, non-union miner,
testified today in the murder con-
spiracy trial of William Hightower,
Evans mine union local president.

Freeman denied that Hightower
or any other officer of the local
tried to arouse strikers to violence.

Freeman, who said he was a "non-
union coal digger," testified that W.
B. Jones, union secretary, sentenced
to life imprisonment on a charge
similar to that against Hightower,
"never had more threats while I
heard him speak."

Defense counsel sought to show
through questioning that miners
were not incited to violence in the
ambush of deputies last spring in
the Harlan strike area, the basis of
the trials here.

Freeman was asked:
"Did Carl Williams (a miner)
draw a pistol and ask 100 men to
go to Black Mountain and kill Jim
Daniels (deputy slain) adding that
he had served in the World war and
had seen men falling all around
him?"

"No such statement was made,"
Freeman replied.

GIVEN MOONEY DATA

Senate Finally Gets Report

of Wickersham Probe.

By United Press

WASHINGTON, Jan. 8.—The
Mooney-Billings report for which
the Wickersham commission de-
voted responsibility, was submitted to
the senate today in response to a re-
solution offered by Senators Costi-
gan (Dem., Colo.), Walsh (Dem.,
Mont.), and Cullin (Rep., N. M.).

Walsh and Costigan refused to
permit the findings of Wickersham
commission experts to be made pub-
lic 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.

By United Press

WASHINGTON, Jan. 8.—"Cox's
army" of 10,000 unemployed were
on their way back to Pennsylvania
today after an impressive demon-
stration 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 Pitts-
burgh, a Catholic priest, who pre-
sented to congress and to Presi-
dent Hoover a petition asking ex-
tensive and immediate unemploy-
ment relief.

DAISY DE VOE IS FREED

Clara Bow's Ex-Secretary Appeals

Fur Coat Theft Conviction.

By United Press

LOS ANGELES, Jan. 8.—Daisy
De Voe, sentenced to eighteen
months in the county jail on con-
viction 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 pend-
ing decision on an appeal of her
grand theft conviction.

THOUSANDS NEED FOOD IN FLOOD-SWEPT REGION

By United Press

SUMNER, Miss., Jan. 8.—An ap-
pel for United States troops to pa-
trol the crumbling levee sector in
the flooded Tallahatchie river val-
ley was sent to the war department
today by citizens of Glendora, one
of the hardest hit of the dozen
towns in the inundated area.

Appeals for food, clothing and
shelter have been broadcast for the
2,000 inhabitants of East Tal-
lahatchie county, made homeless by
a levee break Wednesday. A wall of
water 150 feet wide roared through
the fissure, flooding 50,000 acres of
farming land from three to eleven
feet deep. The break occurred on
the Sharkey plantation, eight miles
from Glendora.

Hundreds of head of livestock
were drowned and property damage

was increased by many thousands
of dollars by this latest break.

Refuge camps were taxed anew
today by hundreds of homeless trok-
ers through the mud or were brought
by boats to makeshift shelters. Har-
rowing experiences were reported by
relief workers, who appealed for
more boats.

Water was six to ten feet deep
around many Negro cabins and re-
sidents were found clinging to roof-
tops or splashing on rafts as aid
arrived.

Four villages were abandoned to-
day. Tippecanoe, Macel, Vance and
Gaynes, all settlements of a few
hundred persons. At Sumner, Glen-
dora and Webb, the larger towns in
this area, water was from three to
four feet deep. Only a few homes
on higher ground were occupied.

'GIVE US BEER,' SENATE URGED BY EDUCATORS

'It's Harmless and Can
Save Our Youth From
Booze,' Say Yale Experts.

BACK 4 PER CENT TYPE

Brew Is Aid to Social Life,
High in Food Values,
Professors Assert.

By United Press

WASHINGTON, Jan. 8.—Two
Yale professors went on record be-
fore a senate beer committee today
as favoring the return of beer in
an effort to save the country's youth
from hard liquor.

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 Hen-
derson had said that "cutting off
beer has had a bad effect upon col-
lege 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 produce what he would
consider intoxication.

Dean Mendell Writes

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

"There hardly can be any doubt,"
Mendell's letter read, "that the ef-
fects 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 con-
tempt 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 po-
lite."

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

Henderson characterized prohibi-
tion as "the worst experiment in de-
sign and execution that I ever have
heard of."

Henderson said alcohol has a se-
dative 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.

STUDENT SHOOTS SELF

Feared Capital-Labor Views Bar to

His Success in Life.

By United Press

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 Massa-
chusetts 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.

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

GOLF PARLEY CALLED

City Municipal Links Group Heads

to Confer Today.

Conference between city park
board officials and representatives
of the Municipal Links Association
was to be held at 4 today to dis-
cuss plans for operation of munici-
pal golf links this summer.

The conference was to be at-
tended by A. C. Sallee, parks su-
perintendent; A. G. Lockwood, golf
supervisor, and four representa-
tives of the association—John Nib-
lack, Harry Schorenstein, Jack
Crawford and Christian Emhardt.

PLANE WRECK HUNTED

Goodyear Blimps Search in Ever-

glades for Flier.

By United Press

MIAMI, Fla., Jan. 8.—Two Goodyear blimps were ordered out over
the Everglades swamps in search
of a wrecked plane sighted today
by a flier from Tampa about twenty-
five miles from the Miami air-
port.

Airport authorities believe the
plane might be that of a flier named
Rigney from Tampa, who was re-
ported to be carrying a passenger.

EXILE 'DISCOVERED'

Leslie Finds Lad Is Not Hopeless



John Tooley, 13, the "exiled" boy of Gibson county.

SIX months ago, John Tooley,
13, of Princeton, was sen-
tenced to the Indiana boys school
at Plainfield by Circuit Judge
Claude Smith of Gibson county
for stealing tools worth \$2 from
a blacksmith.

Six months ago Judge Smith is-
sued his famous exile ruling, ban-
ishing the boy from Gibson coun-
ty. The sentence to Plainfield fol-
lowed when the boy disobeyed
the exile edict by returning to his
home to obtain clothing to leave
the county.