



The Indianapolis Times

Generally fair tonight and Sunday; continued cold tonight with lowest temperature 15 to 20, rising temperature Sunday.

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INDIANAPOLIS, SATURDAY, JANUARY 9, 1932

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PROBERS LASH INJUSTICE IN MOONEY TRIAL

Scathing Attack Made on
Law's Method in Report
Given Senate.

PROCESS OF PERJURY

Flagrant Violations Bared
in Findings of Special
Investigators.

BY LYLE C. WILSON

United Press Staff Correspondent
WASHINGTON, Jan. 9.—San Francisco's 1916 Preparedness day bomb has exploded again, in the form of a hitherto suppressed report to the Wickersham commission. In that report, conviction of the alleged bombers was denounced as a process of perjury, concealed evidence and flagrant violation of California laws.

Thomas J. Mooney and Warren K. Billings are the convicts. Mayor James J. Walker of New York recently made a spectacular trans-continental trip in their behalf. They appear to have found more friends in the senate, which has received the Mooney-Billings report which the Wickersham commission refused to receive.

It was prepared by Zechariah Chafee Jr., Carl S. Stern and Walter H. Polak. On motion of Newton D. Baker, the commission resolved that consideration of it would be beyond its province. As late as last Monday, Jan. 4, Chairman George W. Wickersham of the now expired commission wrote Attorney-General Mitchell, suggesting that publication of the report would not be in the public interest.

Judge Urges Pardon

With the report to the senate came a letter from Judge Franklin A. Griffin, who tried Mooney. The judge urged a pardon and denounced the witnesses who swore Mooney and Billings into cells.

"It is now conceded by all," Griffin wrote Judge W. S. Kenyon, a member of the commission, "that three of the four witnesses who testified to Mooney's participation in the crime, testified falsely. In my opinion they were willful and deliberate perjurers."

Griffin said the fourth witness was John McDonald, who recently, he said, was described by the senate pardon board as a "pathological liar." Griffin's criticism was emphasized by the three Wickersham experts, who directly accused the prosecution of falsely presenting testimony.

Witnesses Are Lashed

"Summing up the whole problem with regard to witnesses produced at the trial," they said, "and the character of their testimony, we find that the basic witnesses to events occurring in broad daylight, in or near crowded streets, were these and these only:

"McDonald, a 'psychopathic liar.' 'Crowley, whose testimony, when defending himself unsuccessfully against prosecution, was condemned by the judge who tried the case . . . Oxman (Frank C. Oxman), who testified falsely . . .

"Mrs. Edau, who was a victim of hallucinations . . . Sadie Edau, whose testimony followed her mother's and falls with it . . .

"The testimony of Estelle Smith and McDonald was modified as to the vital issue of time between their appearance before the grand jury and their appearance in the Billings case."

Called Distorted Justice

A detailed citation of allegedly distorted justice is contained in the conclusions of the three Wickersham investigators. They made no recommendation.

The prosecution was charged by the investigators with having produced witnesses under conditions such as "to make their mere production a vouching for perjured testimony."

The report has been referred to the senate judiciary committee. Chairman Norris told the United Press that nothing the senate could do would have an effect on a state court. But the committee will examine the record and may pass its own judgment on the prosecution. In the end, the senate may be asked in a resolution to express its sentiments.

THIEVES LOOT 3 HOMES

Furnishings Money Totaling \$164 Missing, Police Told.

Thieves looted three homes of furnishings and money, totaling \$164 Friday night, police said today. Dan Bresgton, living at the Spin-Arms, reported clothing worth \$100 was taken from his apartment.

A prowler who entered a basement window at the home of Mrs. Della Forster, 2605 College avenue, took bed clothing valued at \$22.

Andrew Roberts, 250 North Tacoma, informed detectives a clock, a watch and money totaling \$42 were stolen from his home.

EARTHQUAKE RECORDED

Shock Registered on Seismograph at Capital; Location Undetermined. *By United Press*

WASHINGTON, Jan. 9.—A sharp earthquake shock was registered on the seismograph at Georgetown university at 5:40 a. m. today. There was a second shock at 5:46 a. m. Scientists estimated the quake occurred about 2,850 miles from Washington. They could not determine its direction.

Society Matron Arrested on Charge of Murder in Honolulu Revenge Crime

Congress Must Give Aid, Warning of Father Cox

In this article Father Cox, who led a march of 20,000 jobless on Washington to ask relief of congress, explains his motives.

BY FATHER JAMES R. COX

(Leader of March of Unemployed on Washington
(Written Exclusively for The Times and NEA Service)

YOU have asked me for a statement to the people of America. I am going to speak plainly and frankly.

If congress doesn't do something about present unemployment conditions, then God help our country.

Eleven million men and women are walking the streets in search of work.

Millions more, their dependents, are without food and shelter.

Countless demands are being made for immediate relief.

This country belongs to the people, not to the politicians or the so-called statesmen or the wealthy.

If they could find 40 billions of dollars during the war to carry on temporary work that did nobody any good, surely they can now appropriate five billions for public works that would be of permanent value to millions and make life happy for these millions.

The big demonstration of jobless men in Washington was made by law-abiding citizens who are willing to die for the flag, but who strenuously object to our present leadership in politics and in business.

Twenty thousand men came to Washington with us and we lost 10,000 more on the way. If we had had the necessary transportation, we could have had millions here.

Most of these men came from Pittsburgh and vicinity. But the thing could have been duplicated in any big city. It is indicative of the spirit of America at the present hour.

If congress fails these men, God help America.

NEA

Father Cox

THIRD DEGREE IS CHARGED IN DEATH TRIAL OF HEIRESS

FLIER IS UNDER KNIFE

Detectives Slug Witness for Defense, Council for Girl Says.

By United Press

BOSTON, Jan. 9.—Russell N. Boardman of Boston, co-holder of the world long distance flight record, underwent an emergency operation for acute appendicitis early today.

Two Boston specialists, Drs. Edwards F. Gleason and William Travers, performed the operation.

Mr. Boardman is resting as comfortably as could be expected, the hospital reported after the operation.

Boardman became co-holder of the world distance record when, last summer, he flew with John P. Landis of Lynn, from New York to Istanbul, Turkey—more than 5,000 miles.

DELAY FOR VEHLING

Selection of Special Judge Is Deferred.

Selection of a special judge to try Coroner Fred W. Vehling was deferred today, with announcement of prosecutors that the indictment against the coroner will be nolled and an affidavit filed against him.

Vehling is charged in criminal court with soliciting a bribe. The affidavit, to be filed later today or Monday, will contain additional charges, it was said.

Attorneys proposed in the trial judge selection are Fred C. Gause, Sidney S. Miller and Charles F. Remy.

The New Tarzan Picture Story

TARZAN THE TERRIBLE

By
EDGAR RICE
BURROUGHS

Starts

Monday, Jan. 11,
in The Times

**

HERE Tarzan penetrates an unknown corner of darkest Africa—the land of Pal-uh-ton. It is barred from the rest of the world by stupendous mountains and vast morasses, in whose slimy depths lurk monstrous beasts. In its forests live the three-dwelling men of prehistoric times when the world was very young. "Tarzan the Terrible" is sensationally thrilling in incident and Tarzan admirers will revel in its excitement.

Timothy P. Sexton, county treasurer, and Charles Hohlt, Decatur township assessor, also addressed the organization.

The tax board reduced valuation of the power plant for taxation purposes from \$5,000,000, as fixed by the Marion county board of review, to \$150,000.

Hourly Temperatures

CUT IN VALUATION OF
UTILITY PLANT HITState Board Action Called Unfair
by County Assessor.

The state tax board slashed valuation of the new Harding street generating plant of the Indianapolis Power and Light Company is most unfair to Marion county taxpayers.

Robert Sloan, county assessor, charged before the South Meridian Street Civic league Friday night.

Duties of the board of county commissioners were outlined in a talk by Dow W. Vorhes, Democratic president of the board.

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Hourly Temperatures

6 a. m. 22 8 a. m. 22

7 a. m. 23 9 a. m. 21

INDIANAPOLIS, SATURDAY, JANUARY 9, 1932

FIGHT WILL BE CONTINUED FOR PRESS LIBERTY

Newspaper Is Denied Writ,
in Ruling of Kentucky
Court of Appeals.

FINAL DECISION TUESDAY

Showing So Far Does Not
Justify Issuance of
Order, Is Verdict.

BY FOSTER EATON

United Press Staff Correspondent

FRANKFORT, Ky., Jan. 9.—Final determination of the Knoxvile (Tenn.) News-Sentinel's case against Circuit Judge Henry C. Prewitt on its merits was to be sought today by counsel for the paper, in a motion to the Kentucky court of appeals.

Judge Prewitt has barred all reporters of the News-Sentinel from his court at Mt. Sterling, Ky., because of untraced editorial comment of the newspaper.

The court of appeals Friday overruled the News-Sentinel's motion for a temporary writ of prohibition against the exclusion order. The action is not prejudicial to the newspaper's major contention in the case, William H. Townsend of Lexington, Ky., counsel for the News-Sentinel, said today.

Townsend will file his new motion to submit the whole issue finally to the determination of the court next Tuesday.

The court of appeals held in its decision Friday, overruling the motion for a temporary writ, that "the showing so far made does not justify the issuance of a temporary writ."

Newton D. Baker of Cleveland, counsel for the newspaper, and Allen Prewitt, son of Judge Prewitt, joined in oral argument before the court Thursday at a plenary session.

The court of appeals decision on the temporary writ was issued by Chief Justice Richard Priest Dietzman, its president. It read:

"This action coming on to be heard, on the petitioner's motion for a temporary writ of prohibition for herein, and the court, being sufficiently advised, is of the opinion that, conceding its right to proceed in this action, should the merits thereof justify it by way of a writ of prohibition, the showing so far made does not justify the issuance of a temporary writ. The motion for a temporary writ is overruled."

Lieutenant Thomas Hedges Massie, who married Thain Fortescue in 1927. He is a member of a prominent Winchester (Ky.) family.

Private E. J. Lord, Walford, Mass.

Another private, A. L. Jones, New Bedford, Mass., is held for questioning.

The victim of the murder charged against him is Miss Kahahawai, a familiar word from Bangkok to Belize.

That Chicago is bankrupt, unable to pay its 14,000 school teachers, its policemen, firemen, and other municipal employees, is news in Arabian caravansaries and Eskimo igloos.

In a series of stories starting Monday in The Times, the United Press tells how the world's fourth largest city, the second metropolis of America, became beached on the shoals of municipal incompetency.

Mayor, Governor, first citizen and unpaid employees are quoted.

FLOOD MEASURES TOPIC

Charles E. Jefferson to Address
Rotary Club Tuesday.

"Indianapolis and Flood Prevention" will be the topic of Charles E. Jefferson, president of the C. E. Jefferson Construction Company, speaking before the Rotary Club Tuesday.

Jefferson will review the 1913 flood disaster, and the problems arising from it.

In charge of the program is James Kallen, chairman of the vocational service committee of the club.

FIND DAMAGING EVIDENCE

In advancing evidence against Mrs. Fortescue and Lieutenant Massie and Lord, police made the following allegations.

Search of the Massie home showed what appeared to be blood stains. A stained towel was found in a closet. Sheets had been taken off a bed. Kahahawai's body had been wrapped in sheets.

The victim was slain in a bathtub, to drown the sound of the revolver shot. He was shot through the heart.

The bedroom door was damaged as though by a struggle, Hoopal said.

A man's shirt and a woman's wrapper, both torn, were found in the house.

Two guns were found in the Massie residence, one a .45 automatic and the other a .32 automatic.

Both Dow W. Vorhes and Thomas Ellis, Democratic commissioners, expressed opinion prior to the hearing that the "matter will be settled before long."

Mann, a Republican, who declares he has a four-year term, two of which are served, has announced he will not quit in favor of John S. Mann, Democratic appointee.

In case commissioners find him guilty of the charges, Mann intends to carry his fight into higher courts for a while.

By United Press

MANN FACES TRIAL

County Commissioners to

Hear Charges Today.

County commissioners were to hear charges against Charles W. Mann, highway superintendent, today, as the first step in their attempt to oust him from office.

The charges were filed two days ago by Gilbert Wilhelm, a contractor.

They include incompetency, malfeasance in office, and neglect of duties.

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