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

The Stephenson Decision

Three judges of the supreme court have decided that the conviction of D. C. Stephenson was fair and justified.

Two judges, and it might be suggested that they carry a preponderance of other factors than numbers, declare that he should have a new trial.

The dissent becomes more important than the affirmation except, of course, to Stephenson, who finds in it an end to any hope of liberty and a life time of servitude behind bars.

The dissenting judges are Clarence W. Martin and Walter E. Treanor. Their reputations as jurists, as students of and courageous interpreters of the law, are well established. It is not flattery to assert that they have the confidence of the legal profession and of citizens generally.

The long delay in deciding this case invited criticism of the high court. It did much to destroy confidence in that court. It brought to the street the suspicion that there was something lacking in the administration of justice in this state.

That was true because Stephenson occupied an unusual place in the history of this state.

There was a time when very large numbers of citizens followed blindly his preachments of hate, when he had built an organization of prejudice into a throne of power, when he had transformed that power into patronage and when the great and mighty fawned upon him for favors.

It is within the record that he nominated governors and law makers, that senators listened to his advice on patronage, that legislatures yielded to his commands and that he named congressmen and mayors who signed away their powers on dotted lines in return for his political support.

The exposure of his political activities and relationships sent many men into the hiding of shame and others into their natural obscurity from which they had come.

But the people also remember that there came a time when the men who had been puppets of Stephenson during his era of power were greatly interested in preventing his exposure of their friendships and were very eager to keep him behind prison bars that the records of the past might be forgotten.

When a grand jury in this county attempted to dig up the facts of the corruption of which Stephenson was a part, official power was applied to silence the prisoner in his cell.

For that reason the delay from election to election of any decision became, to the popular mind, somewhat significant.

For the people remembered that Stephenson had quarreled with his fellow vipers or goblins and had charged that the powerful national organization in which he once thrived and grew rich, feared an exposure of their criminal activities in many states.

For that reason it is unfortunate that any decision concerning Stephenson comes with a divided vote and especially with a division in which the minority occupies so large a place in public confidence, from judges whom the people believe to be above partisan control or prejudice, whose political background had no part in the era of Stephensonism.

A divided opinion still leaves the question one of debate and argument in which the man who once boasted that he was "the law in Indiana" will be discussed again and again, painted as a political sacrifice to the men he made or a villain whose crime was infamous beyond description.

Unquestionably, there will be such unfortunate discussions and arguments as to the merits of the conflicting opinions of judges, arguments which do not make for confidence in the exactness of law as a science or in the exactness of judges in applying laws.

And to the casual observer, the long delay in this particular case will not be attributed to indolence of judges. The decision has been finally made. But there is still a question mark about other things than the guilt of Stephenson.

Freedom of the Press

(From the Knoxville (Tenn.) News-Sentinel, a Scripps-Howard Newspaper.)

Judge Henry R. Prewitt's rapid changes in his orders from the bench of the Mt. Sterling circuit court have brought an end to the judicial proceedings to test his right to exclude reporters of a newspaper whose editorial comments he did not like.

By amending his order—barring News-Sentinel reporters from his courtroom for all time—to bar them only during the trial of Harlan county felony cases, and then through transfer of those cases back to Harlan county, Judge Prewitt again has opened his courtroom to this newspaper's reporters. Thus, the issue involved in the News-Sentinel's appeal to Kentucky's highest court was made a moot question.

Judge Prewitt may contend that he did not attempt to avoid the issue in the News-Sentinel case.

A review of the jurist's extremely rapid changes of position speaks for itself:

Dec. 30—He called John T. Moutoux, News-Sentinel reporter, into chambers and talked of putting him in jail under \$5,000 bond for contempt of court.

Dec. 31—When Moutoux appeared, represented by able counsel, the contempt procedure was dropped as quickly as it was proposed. Later, on affidavit of J. B. Snyder of prosecution counsel, Moutoux was cited to show cause why he should not be barred from the courtroom.

Jan. 2—Judge Prewitt refused to let Jack Bryan of the News-Sentinel report proceedings in his court. Although a hearing on whether Moutoux should be barred was set for the following Monday, Prewitt ruled that no News-Sentinel reporter ever could sit in any court over which he presided.

Jan. 4—Attorney Snyder's charges against Moutoux were heard, he was cleared of contempt, but the all-time ban against the News-Sentinel was maintained.

Jan. 5—Judge Prewitt knew of News-Sentinel preparations of appeal.

Jan. 6—Judge Prewitt ordered his decree in the Bryan case expunged from the records of his court.

Jan. 11—As preparations were being made to submit application for a permanent writ of prohibition of Kentucky's highest court, Judge Prewitt modified his order barring News-Sentinel reporters for all time, to bar them only during the trial of Harlan county felony cases.

Jan. 13—Judge Prewitt remanded all Harlan county cases on his docket back to Harlan county. This cleared his docket of cases involved under the amended order of Jan. 11.

Jan. 15—Judge Prewitt pleaded his own acts to the Kentucky court of appeals to show that nothing remained involved in the News-Sentinel suit.

Thus, through the judge's own orders, his court again is open to News-Sentinel reporters.

We regret that the various amendments and changes in the original order barring News-Sentinel reporters for all time now make it impossible for the issues first involved in the case to be reviewed by

higher courts. We believe those courts would have affirmed the right of newspapers freely to report the proceedings in any courtroom.

But although no review now can be obtained, we feel that the case has been beneficial.

It again has demonstrated that conduct of courts should be subject to scrutiny of the public, and the force of public opinion. If this safeguard is not maintained, it is not hard to anticipate the day when a certain type of judges would hide all procedure in their courtrooms from the public by closing their courtroom doors, not only to the press, but to the public.

The case also has called attention again to one of the great weaknesses of court procedure—the intolerant and unfair performances of some lawyers in pleading before a jury.

The effect in this field already is visible. W. C. Hamilton, the prosecutor, who devoted much of his closing argument in the Jones case to extraneous matter concerning "Reds" and "Communism" and inspired the News-Sentinel's first editorial, did not mention "Reds" in the trial of William Hightower at Mt. Sterling.

The original News-Sentinel editorial to which Judge Prewitt objected called attention to the prosecutor's speech on extraneous subjects. Then it commented:

"No fair-minded man who has followed the Jones trial can help wondering in his own mind whether the Harlan county labor leader was convicted and sentenced to life imprisonment for murder, or for being a labor leader."

"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."

That was the criticism.

It is a criticism on which we stand—a criticism made to appear just by the fact that the prosecutor did not repeat his oratorical joust with the "Reds" in arguing the Hightower case.

Furthermore, it is a criticism that we direct not only against Judge Prewitt's court, but against most, if not all, of the courts in our land.

One of the most common things in courtroom procedure, which almost invariably impresses the average citizen who for one reason or another comes into court, is the performance of the overzealous advocate.

In his pleading before the jury, he talks about anything under high heaven that he thinks might have some influence on the not-too-brilliant minds of the twelve men, good and true.

Any one who has watched the progress of court trials has seen the spectacle we describe in a great or lesser degree.

It is the thing we criticized in our editorial on the Jones case Dec. 11—and it is a thing we will continue to criticize.

Whether such criticism is contemptuous is for the courts to decide.

All we know is that in the Jones case—and this may interest Judge Prewitt—we did not have contempt in mind when we expressed ourselves, but, on the contrary, we did have in mind our right under Article 1 of the Bill of Rights of the Constitution of the United States to advance an opinion about court practice which we regarded, and still regard, as opposed to the best interests of justice.

We shall continue to exercise that right of expression and when occasion makes it necessary, we shall be prepared to defend that right against the rash, angry orders of any court.

Dawes, Federal Banker

There are two distinct advantages in the President's appointment of Charles G. Dawes as head of the prospective United States reconstruction finance corporation.

No one can predict how ably he will function on the technical side, nor precisely how much he will accomplish in this tremendous undertaking. But he has two obvious qualifications.

First, he knows instinctively how to dramatize anything he attempts and how to "sell" a proposition to the country. Second, he is one of the financial group which has the power to make or break, to use or misuse, this reconstruction project.

Dawes has the confidence of business men, and his appointment doubtless will increase their confidence in the reconstruction finance corporation's ability to help business conditions.

Moreover, by naming a member of the big banking group to head the new organization, the President has put the responsibility where it belongs.

It was not adequate—partly because of the selfishness and short-sightedness of some bankers who were not interested sufficiently in saving their embarrassed competitors.

Certainly the country will be pulling for success.

Just Every Day Sense

BY MRS. WALTER FERGUSON

IN spite of their mistakes, we continue to expect great things of men. We do not condemn the male sex wholesale because a good many of its members are prone to err.

It is not, therefore, a confession of narrow-mindedness when we persist in regarding women with any less charity.

It may be excusable for men to show symptoms of intolerance upon this subject—although it is no mark of intelligence to do so—but for women constantly to be casting aspersions upon their sex marks them as mere bootlickers of men, and as wholly lacking in personal pride.

We may be much less than perfect. But this does not detract from our possibilities. And it is the possibilities of womanhood we should regard, and not the petty shortcomings that are ours.

The greatest contribution to twentieth century civilization is the modern woman. Whether that contribution is good or bad must remain a matter of personal opinion.

But there is no question that she is a new kind of creature, and by all odds the sole human phenomenon of our age. To close our eyes to her capabilities or her influence is to argue ourselves dumb indeed.

THE customary assumption is that if you praise modern woman you are criticizing modern man. This is a wholly false deduction. Yet we continue to strike this childish attitude and contend that as we learn men must grow more ignorant, and as we progress in intelligence and power they must retrogress.

One hears this idea on every side. And no one hears it more often than the woman who dares bestow a few compliments upon her kind.

Is it not logical to believe that as woman improves the race will move forward? Breeders of animals do not mate inferior females with pedigreed males. It is only where our children are concerned that we assume the intelligence of paternity to be all-sufficient.

Woman's purpose and work never will follow strictly the pattern set by men. But surely it borders upon folly to preach that feminine hands should be idle and feminine brains lie fallow.

M. E. Tracy

Says:

Shall We Rail at France for Playing a Steady, Clever Game of International Finance, or Admit That We Have Been Dumb?

NEW YORK, Jan. 20.—It was unnecessary for Premier Laval to remind the world that France would not consent to a cut in German reparations, unless granted a corresponding cut in her own debts, and would not disarm, unless given guarantees of security.

That has been the French position all along.

After twelve years of reiteration, there is no excuse for misunderstanding it.

France adopted a very simple and very human formula at the conclusion of the war. It included little but making the best possible use of victory for France.

France for France

WHILE other nations talked idealism, France took German ships, German cables and German colonies, and while they rearranged the map of Europe for the alleged purpose of liberating oppressed minorities, she saw to it that the result conformed to her diplomatic and military ideas.

France joined the League of Nations, it is true, but only after making sure that the "new order" but chiefly because of the smoke screen he provided for her financial and political strategists.

France has permitted M. Briand to pose as defender of the "new order" but only after making sure that the cash soon would land in her lap.

French Finesse

IN the confusion that has reigned since Versailles, French finesse stands out as a shining example of what the leaders of a nation can do by keeping their feet on the ground and their heads clear.

With the possible exception of Russia, France lost more in the war than any allied country. One-fifth of her territory had been devastated, her treasury had been drained and her borrowing power exhausted, not to mention the frightful toll of life.

It was taken for granted that France would find recovery difficult, and the idea assiduously cultivated by her own hired propagandists.

A Generous World

THE whole world was delighted to help France reconstruct her "devastated areas" to let her default on payment of her debts, while she collected to the limit from Germany, to make no demands for money, though she had plenty to spare for Poland and operations in Asia Minor.

The world even loaned Germany money in order that Germany could pay France, thus creating a situation which enabled France to take the gold reserves of England and the United States.

At the very moment Premier Laval was over here telling his troubles to President Hoover, French bankers quietly were setting the stage for still another raid, and it is justifiable to assume that they were doing so with the hope of causing the same kind of a financial disturbance in New York that they previously had caused in London.

We're in the Soup

WITH all this clearly in mind, shall we rail at France for playing a steady, clever game, or admit that we have been dumb, and quit the silly, fickle, vaporous attitude that has left us open to every kind of trick?

We are pretty sore right now, which means that we are likely to make still worse mistakes if we aren't careful.

Congress has shown its temper by adopting a useless resolution in opposition to the reduction, or cancellation of war debts, and President Hoover has displayed equally poor judgment by declining to send an observer to Lausanne.

Such moves are childish. We're in the soup, and we can't expect to get out of it by sulking in the corner. Our cue is to take hold of the problem in a firm, unemotional way, and look for a solution which will be to our own advantage and short-sightedness of some bankers who were not interested sufficiently in saving their embarrassed competitors.

We have shouted idealism from a safe distance long enough.

Questions and Answers

When a man is walking with two women should he walk between them?
He should walk on the outside just the same as with one woman.

Are there more women than men in the United States?
There were 62,137,080 males and 60,637,966 females in the United States in 1930.

Where was Abraham Lincoln born?
Near Hodgenville, Hardin county, Kentucky.

What does the initial "F" on Indian head nickels stand for, and the initial "W" on Liberty Head dimes?
The "F" on the Indian head nickels stands for Fraser, the designer of the coin, and "W" on the Liberty head dimes stands for Weinman, the designer.

What relation is my mother's cousin to me?
First cousin once removed.

Is the guillotine still used as the means of execution in France?
Yes.

What is a hygrometer used for?
To measure the humidity of the atmosphere.

Where is Carter Lake National Park and how large is it?
It is in southwestern Oregon, and has an area of 249 square miles.

Daily Thought

And all the earth sought to Solomon, to hear his wisdom which God had put in his heart.—I Kings 10:24.

Wisdom comes to no one by chance.—Seneca.

'None So Blind—'



DAILY HEALTH SERVICE

Rest Only Safe Remedy for Fatigue

BY DR. MORRIS FISHBEIN

Editor of the American Medical Association and of Health, the Health Magazine.

ALTHOUGH every one realizes that the employee who becomes tired may be a menace to himself and to those around him because of the delayed reactions and subsequent accidents, the study of fatigue in industry continues to be a most difficult and complicated problem.

No scientific method exists for detecting the onset of a harmful amount of fatigue. A feeling of tiredness gradually may increase to the point of danger, but the difference between just being tired and being fatigued to the point of danger is a broad difference.

If a person is in fairly good health, he should not feel tired for more than one-fifth of his total waking hours.

Perhaps one of the most important causes of fatigue in industry is the outside occupation and the using of time outside of the working place for work of a similar or even a more difficult character.

A great many married women in industry are confronted with this situation.

They are concerned not only with the eight hours of working during the day, but with the preparation of breakfast for the family and the cleaning of the house before coming to work, and with the preparation of dinner and numerous household duties after return from work.

Such occupations not only bring about added fatigue, but also interfere with the total amount of sleep which is equally important.

Boredom and a feeling of tiredness may result from a mental or emotional attitude toward work, but

boredom is not the same as physical fatigue.

Dr. V. M. Palmieri, a French physician, found that a normal amount of activity on the part of women in industry stimulated their metabolism and increased their bodily tone, but that overactivity brought about fatigue with disturbances of metabolism, anemia, irritability and digestive disturbances, and in the case of many women disturbances of their feminine functions.

The only safe treatment for fatigue and exhaustion is rest. Chronic fatigue is shown by a diminished amount of red coloring matter in the blood, a diminished amount of red blood cells, and a lowered power of the blood to overcome infectious diseases.

These obviously are serious effects and must be guarded against in every industry.

Ideals and opinions expressed in this column are those of the author and are not necessarily those of the American Medical Association or of the Health Magazine. The editor of this paper, The Editor.

IT SEEMS TO ME BY HEYWOOD BROWN

PEOPLE sometimes scoff at the power of the press, but the embattled editors now can point with pride to the achievement they have managed to get the Delaware and George Washington out of the cellar of the Metropolitan Museum in New York.

At least, the museum heads have promised to let Leutze's picture see the light again for a little while. This favor is to be a sort of biennial birthday present for the Father of His Country.

As the tumult abates I must explain my tardiness in joining the fray. The fact is I felt both sides were wrong. Unfortunately this happens to be my sincere opinion concerning many conflicts, and I am beginning to find my little house in no man's land no better than a hermit's hut.

Could Be Wrong

BUT please consider the folly of the arguments advanced by the combatants in this case. On the one hand, many editors asserted that it was unpatriotic to put a picture of George Washington in the cellar.

It showed, they said, a disrespect for our first President. But any such rule would hamper history, fiction and the drama as well as art. I myself might write a ten-act tragedy called "Valley Forge" and dare any critic to say a word against it under penalty of committing sedition against the name and fame of Washington.

This was not, you understand, the general himself who was escorted below stairs, but merely his painted likeness. Washington might have been one of the first to say "away with it!"

Mr. Bryan on Art

JOHN REED once interviewed William Jennings Bryan and asked him to name his favorite painting, "The Madonna and Child," ventured Mr. Bryan.

"But you know, there are a number," Reed objected. "Which do you mean?"

"Any 'Madonna and Child,'" answered Mr. Bryan with that touch of universality which made him a great political leader.

It seems to me that even a patriot has a right to pick and choose among his Washingtons, rejecting some and acclaiming others. Decatur's injunction should not be extended to read "The artist right or wrong."

But the museum authorities took no such ground in explaining the exile of the canvas. In the press, at any rate, they advanced the argument that the picture was not historically accurate. And here, I think, they introduced a point quite as irrelevant as patriotism. Neither accuracy nor sweet intent is the essential motivation of a masterpiece.

I have heard it said that George Washington did not stand up in the boat and that Leutze painted his sword upon the wrong side. A photographer, of course, would have made neither mistake. But this was before the days of flashlight bulbs or rotogravure sections.

If it were my museum, I would not hang the picture for so much as half an hour, and the explanation

could be stated as briefly as this: "It's too blame big."

Nobody paid any attention to the upkeep.

I have no sure way of knowing nature's intentions for the next million years, but I believe we are still too big. There is a prophetic quality in art, and already literature turns toward the bee and leaves the elephant to his jungle fastness and his bag of peanuts.

If I were a museum painter I would not glory in the fact that some passerby remarked: "What a whale of a picture!" I'd much prefer to be identified with the humming bird or the flying fish.

The Mirror and Art

IT is one of the functions of art to hold the mirror up to nature, then art should take a tip from the history of the animal kingdom.

It is no secret that in the beginning a prodigious and inexperienced nature turned out several generously proportioned lines of mammals and amphibians. In the primeval swamps roamed lizards as big as a Bronx express. And beasts which might have flicked an elephant aside with the little finger of the front paw favored in the forests.

Those were the days of evolutionary initiation before the coming of the crash. Nature, like our modern

People's Voice

Editor Times—Under economic conditions which the panic-stricken country is passing through, millions out of employment and thrown on charity for support, and thousands of tax-ridden people losing their homes and driven out of business, the laborer is almost a thing of the past.

He walks the streets day after day seeking work to support his dependents, but there is nothing for him. These are crime-breeding conditions. Every office holder in Indiana from the Governor down to the holder of the least important office, draws too much salary for these conditions.

Every officer should do his bit, be patriotic and red-blooded enough to turn half of his salary to the treasury or donate it to the unemployed benefit fund.

What is the cause of all this political greed and graft? To get something for nothing? We have public officials serving now in our courthouse as our servants, drawing more than \$8 an hour for every hour they actually serve.

When a man is elected to public office, he is expected to perform his duty as the servant of the public, but as soon as he takes his seat in his swivel chair, he automatically becomes a dictator, and the public becomes his servant.

I believe in the Golden Rule. "Do unto others as you would have them do unto you." I believe in using common sense and honesty in all transactions in my line of duty. Rocky Ripple. JAKE MILLER.

Was Frank Caride, one of the so-called "Four Horsemen" of Notre Dame?

He was a great Notre Dame football player, but was not one of the "Four Horsemen" They were Harry Stuhldreher, Elmer Layden, Don Miller and Jim Crowley.

SCIENCE

BY DAVID DIETZ

Professor States Theory Explaining Action of the Brain! Consciousness, He Says, Has Four Dimensions.

WHAT goes on within the brain? How are "events in the brain" related to the sensations of consciousness? Those are two of the most baffling questions facing psychologists today.

A new theory concerning them was recently advanced by Professor Edwin G. Boring, the famous psychologist of Harvard university.

Professor Boring points out that in psychology, we deal with phenomena which may be localized into three divisions. First there are the sense-organs. Secondly, there is the brain. Third, there is consciousness.

The sense organs pick up stimuli from the outside world. Rays of light strike the eye, sound-waves beat upon the ear-drums, and so on.

These various sense-organs are activated by stimuli from the outside world and in their turn set certain nerves into action. Nerve currents, electro-chemical in nature, travel along the nerves. They enter the brain.

As a result, certain concepts emerge in consciousness. The sound waves become sounds, perhaps music, perhaps noise. The rays of light are united into images of the outer world.

The question involved, however, is that of what the brain actually does. What is the actual nature of the phenomena, the events—to use Professor Boring's term—in the brain?