

## GOVERNOR CERTAIN TO URGE SENTENCING COURT IN PENAL REFORM PROGRAM, IS BELIEF

McNutt Convinced of Soundness of Idea of Making Punishment Fit Criminal Despite Stand of Commission.

BY JAMES DOSS  
Times Staff Writer

Gov. Paul V. McNutt's determination to institute sweeping changes in Indiana's parole and pardon system has aroused a great deal of conjecture among social welfare students and all social-minded citizens as to what form forthcoming legislation will take.

He has been supplied with voluminous recommendations by the governmental reform commission. Some of the commission suggestions almost are sure to be incorporated in the

administration legislation and, in the light of his expressed views on penology, the legislation will include one idea which did not find favor with the commission.

That is the central sentencing, clemency and parole court.

All of the Governor's ideas on penology, aside from the practical means of remedying existing evils, can be boiled into the theory of "fitting the punishment to the criminal instead of fitting the punishment to the crime."

**Purpose One of Reformation**  
The Governor has pointed out that since the criminal is a socially maladjusted individual the purpose of society is one of reformation.

"But," he argues, "the words 'punishment' and 'reform' smack of a theological age which has passed. Consequently, it has been necessary to adopt terms which are consistent with a scientific conception of crime and the criminal, such as re-education or readjustment."

"The courts and the penal system should try to re-educate a person who, through some unfortunate experience, has failed to realize the mutual relations in society or who is psychologically incapable of making a normal adjustment," he said.

**Dillinger Case Cited**

One of the things which hampers treatment of the convicted offender most is the haphazard method of sentencing he points out, and cites the notorious John Dillinger case. Dillinger's associate in the crime, which sent him to prison for the first time had served a previous sentence, but the associate received a rather mild indeterminate sentence, while Dillinger was given a 10-to-21-year sentence.

"There is no question whatever," the Governor significantly points out, "that this obvious injustice in the much to do with the bitterness which Dillinger developed and which made him for a time the No. 1 Public Enemy. A mistake by a court probably made Dillinger what he was."

There is no consistent policy now on the part of the courts for sentencing offenders with similar records and offenses. The Governor believes that a study of records at the Indiana State prison and the Indiana Reformatory, where approximately 60 per cent of the inmates are recidivists, or repeaters.

**Scientific Touch Needed**  
"Present day penologists recognize the need for differential sentences for the same offense," the Governor has declared, "but they believe that the personality traits of the criminal should have more weight in determining his sentence than the specific offense for which he is convicted."

A scientific determination of sentence should be achieved through a state sentencing, clemency and parole court, the Governor has declared. Such a court, he believes, effectively could coordinate the work of the courts and penal institutions.

The Governor's advisory commission of seven penal experts, including Warden Lewis E. Lawes, of Sing Sing, inspected Indiana penal institutions last summer at the Governor's invitation.

**Experts Urged Trial**

The penal experts recommended such a central court and suggested that its personnel could be comprised of one member of the state Supreme Court, representing the judiciary; the directors of the divisions of classification, education and training and of probation, pardon and parole of the public welfare department.

In addition, in considering recommendations from the classification center, the center superintendent could be a member of the court, and the superintendent of the institution wherein an inmate might be confined could be an ex-officio member of the court in passing on paroles.

Thus, such a court would have the continuous services of psychiatrists, psychologists, social workers and vocational advisors. This technical staff would study the man, assemble their information and present it to the judge with a recommendation for preliminary sentence. No definite sentences would be given. The man might be given a minimum sentence of one year with the understanding that he would come up for parole hearing at the end of that time. During the year, further study of the man could be made and careful records of his development in the institution prepared. Thus, there would be avail-

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Shoulders hunched in a futile attempt for warmth against the bitter, raw wind which flapped their overcoats and bit their faces, this group of Indianapolis residents waited for a street car this morning at Washington and Illinois-sts as the mercury registered 2.

## Whole Atlantic Seaboard Crippled by Raging Blizzard; Nation's Death Toll Will Reach 80 or 90, Is Belief

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traffic accidents or over-exertion of aged men laboring as emergency snow shovelers.

New Jersey concentrated highway workers on the stretch of highway between Trenton and Flemington where the Hauptmann trial is in progress. Most witnesses are quartered in Trenton and a snow-blocked highway might force a delay in the trial.

**Flood Menace Abates**

SEATTLE, Jan. 24.—Freezing temperatures abated a flood menace in the Pacific Northwest today, permitting scores of lowland residents to return to homes they had evacuated in the face of rising waters.

Rail and highway communication was interrupted over a wide area. Shipping and telephone wires provided Vancouver, B. C. with its only contact with the outside world. Major highways in western Washington were under water or were blocked by slides.

**Refugees Fight for Food**

SEATTLE, Miss., Jan. 24.—Gov. Sennett Conner was expected to order National Guardsmen into the flooded area of north Mississippi today where 3000 persons are marooned and facing a serious famine.

Unofficial death toll reached 15 last night when a mother and baby were found frozen to death in a cotton shed near here, and the bodies of six Negroes were recovered from the flood waters at Crenshaw.

Red Cross officials, however, estimated many more deaths in the outlying districts. Many small towns in the area are entirely isolated and communication lines are down.

Refugees who poured into relief quarters at Pritchard, Clayton, Dundee, Sarah, Savage and other towns presented a pitiful picture. Many of the children were barefoot, and all were poorly clad. The temperature over the area ranged from 6 to 12 degrees and the intense cold added to the suffering of the thousands.

**Build Up Levees**  
At Marks and Darling, down river, men worked all night building up the levee. These towns are directly in the path of the flood, and it was feared the levees would go out today.

Gov. Conner was expected to order the prisoners out today to aid in the levee fight.

An area estimated at about 65 miles long and 20 miles wide was already inundated. Flood waters were reported spreading rapidly.

A serious food shortage threatened. Sickness was prevalent and Red Cross workers believed an epidemic would follow unless medical supplies were rushed into the stricken territory at once.

**Water 17 Feet Deep**  
Eighteen motorboats, rushed to Elledge late yesterday, brought in suffering persons from outlying sections. Some of the refugees had clung to rooftops of their homes for more than 48 hours in the bitter cold.

Thousands of head of cattle had been drowned. The bodies piled high among debris and driftwood in the backwash of the flood waters.

In Sludge, water stood 17 feet deep. Refugees were tearing up

furniture and rooftops to feed fires. Only enough food to last until nightfall was on hand, Mayor H. G. Prysock reported.

**8 Above in Philadelphia**

PHILADELPHIA, Jan. 24.—Eastern Pennsylvania was blanketed under 17 inches of snow today and in the grip of the worst winter storm in 20 years.

In Philadelphia, the temperature skidded to 8 degrees above zero and a further drop was forecast for today. At least 7 deaths were attributed to the storm.

**75 Below Forecast**

IRROQUOIS FALLS, Ont., Jan. 24.—Unofficial thermometers approached the Canadian record for low temperatures today after reaching 73 degrees below zero yesterday. Forecasts indicated 75 below today, 3 degrees from the lowest recorded mark.

**11-Inch Snow in Capital**

WASHINGTON, Jan. 24.—Fair and colder weather was predicted today as the Nation's Capital dug out from under an 11-inch snow, the season's record.

Snow which fell for 12 hours slowed down traffic and caused scores of minor accidents. The city put 5000 men to work clearing the streets. Government offices closed early to allow workers to get home. Sleet which preceded the snow tore down power lines and pulled limbs from trees. Many highways were impassable and hundreds of

persons were marooned in their homes.

**Boston Is Hard Hit**

BOSTON, Jan. 24.—A blizzard that lashed New England during the night threatened to continue today.

Snow fell to a depth of 16 to 24 inches, but a swirling gale drifted it waist to shoulder high in exposed spots.

Ship, train and bus services were paralyzed. Thousands of late commuters were forced to remain at hotels, most of which were taxed to capacity.

More than 1000 automobiles were buried under huge drifts in downtown Boston.

At least two deaths were attributed directly to the blizzard.

Thousands of men were at work in railway yards and along tracks, working to keep routes clear for commuters. Trains and trolley cars were delayed, some for hours.

The Gull of the Boston & Maine Railroad was snowed out near Lawrence for several hours.

Schools throughout Greater Boston and other sections of New England were closed.

The gale reached an unofficial velocity of 80 miles along Cape Cod. Although temperatures did not touch the zero mark here, walking was near-torture as result of the hard-driven snowflakes.

Fire, starting from hot ashes near a wooden partition, swept St. Mary of Ostrobrama Church. A priest, accompanied by three firemen, put out a gas mask and brought out the sacrament and holy vessels. Damage was estimated at \$20,000.

The fishing fleet was forced to remain at docks, only one boat, the sloop Victory, put out, but returned with decks high with snow.

**Second District Poll to Provide New Deal Test**

Durgan Pledges Whole-Hearted Support of Roosevelt With Exception of Bonus Issue.

Minor test of New Deal popularity is scheduled Jan. 29, in the special Second District congressional election.

Unqualified support of President Roosevelt on every issue except the soldiers' bonus is promised by George R. Durgan, Lafayette, Democratic candidate.

Charles A. Halleck, Rensselaer, the Republican nominee, also a bonus advocate, is opposed to most of the New Deal features under which Congress granted the President extraordinary powers.

The special election was necessitated by the death of Frederick Landis, Logansport, nine days after he defeated Mr. Durgan in the general election, Nov. 6. Mr. Landis was the only victorious Republican congressional candidate in the state.

Both Mr. Durgan and Mr. Halleck are conducting vigorous campaigns in the 13 counties of the district.

"The people demonstrated by the overwhelming victory of the late Frederick Landis they do not want a rubber stamp in Washington," Mr. Halleck has been telling his audiences. "What I mean to stand for is what I believe best."

## HAUPTMANN TO TELL STORY OF HIS LIFE TODAY

Lindbergh Murder Suspect to Deny State Web of Evidence.

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suit that was new when his trial began 22 days ago, as he came through the door from the court library, his wrists pinioned by a state trooper and Deputy Sheriff Hovey Low, and seated his tall, powerful frame in his accustomed arm chair at the enclosure rail.

**Converses With Wife**

He was freshly shaven, and his general appearance was one of neatness. His trousers bagged at the knees, and he wore heavy brown shoes and brown socks. His shirt was light blue, set off by a dark blue necktie with white spots on it. He seemed more alert than usual after reaching his seat, and there was an occasional touch of color to his pallid countenance. He smiled when the United Press correspondent asked him how he felt, nodded his head vigorously, and said, "Fine."

His wife Anna entered the courtroom a few minutes after her husband, and talked in low tones with the prisoner.

New Jersey has placed Hauptmann, through identifications, near the Lindbergh manor in the Sourlands at the time the baby was stolen.

It has placed him in two Bronx cemeteries as the mysterious "John" who carried through the plot by which Col. Lindbergh was induced to give away \$50,000 for the return of a child already dead.

**Linked to \$44,600**

It has linked him, through the sworn testimony of eight of the nation's leading handwriting experts, to the writing of the series of ransom notes which led to the Bronx extortion.

It has traced into his possession \$44,600—acquired in 30 months while he was not working—and it defies him to explain how he got it legitimately.

It has shown that a hoard of nearly \$15,000 in gold notes, all ransom money, was buried under the floor of his garage and secreted in curiously constructed hiding places in its walls.

The state has demonstrated that a man described as Hauptmann passed ransom money a year before he says he received it "in a shoe box" from the late Isidor Fisch.

**Ladder Evidence Sensational**

Finally, it has shown that the marks of a carpenter's plane on the so-called kidnap ladder—the crude three-sectioned ladder that now rests against the courtroom wall—were made by imperfections in a plane discovered in Hauptmann's tool chest. And that a board missing from Hauptmann's attic corresponds in grain, texture and size to one of the side pieces of the ladder.

There was speculation today upon what sort of appearance Hauptmann would make on the stand.

Through the most damaging of the testimony, his figure seems frozen to the chair. He sits with his arms folded across his chest. His broad back and wide shoulders never seem to move.

Hauptmann is a man who never tells another man a secret. He has been of little assistance to his battery of counsel. Even his chief counsel, the florid "Bull of Brooklyn," Edward J. Reilly, has not been able to get close to his inner emotions.

That he has become more nervous as the state, day after day, pounded him with ransom notes, kidnap ladders and identifications, is unquestioned. For a time it appeared he was about to break, and his outburst against Agent Sisk seemed to mark the limit of endurance. He paces his cell at night, unable to sleep, calling for cigarettes.

Each day he has appeared a little more pale, more hollow-eyed. That

RED CROSS CHIEF DIES



John Barton Payne

Distinguished for his long service as president of the American Red Cross, John Barton Payne died yesterday in Washington. He would have been 80 years old Saturday.

Judge Payne distinguished himself by a career of public service equalled by few men in American history. Nineteen foreign countries decorated him for his humanitarian work.

He became ill of influenza at his home two weeks ago.

His condition was aggravated by acute appendicitis and he underwent an operation Saturday.

President Woodrow Wilson first appointed Mr. Payne chairman of the Red Cross. He was reappointed by Presidents Coolidge, Harding, Hoover and Roosevelt.

Mr. Payne was born on a Pruntytown (W. Va.) farm on Jan. 26, 1855. His early years were spent in severe hardships.

At 18 he became manager of a general store, railroad station, ticket and freight office, express and post-office at Thoroughfare Gap, Va.

He studied law and was admitted to the bar in 1876. Six years later he moved to Chicago.

In 1889 he was elected president of the Chicago Law Institute and in 1895 judge of the Superior Court of Cook County.

As a member of the Park Board he pioneered the modern Chicago playground and park system.

He was named chairman of the United States Shipping Board in 1910 and was appointed Secretary of the Interior by Mr. Wilson in 1920. To this was added the director generalship of railroads.

As chairman of the Red Cross he directed disaster relief during the 1927 Mississippi flood; Florida hurricane in 1926 and 1928; drought relief in 1930-31.

He remained in active charge of Red Cross operations up until his illness.

**SHERIFF RAY REVISES JAIL VISITING HOURS**

Extra Hours Are Added to Calling Schedule for Thursdays.

Visiting hours at the Marion County Jail, unchanged for years, have been revised by Sheriff Otto Ray, who announced today that jail prisoners may be visited between 2 and 3 and 7 and 8 Thursdays, in addition to the now prevailing visiting hours of from 9:30 to 10:30 Wednesday.

No change has been made in the hours for visiting federal prisoners held at the jail. These are from 2 to 3 Wednesday.

Women prisoners will prepare their own meals in the women's division of the jail in the future, under the supervision of Mrs. Pearl Kennett, chief matron, Sheriff Ray said. Meals for all prisoners formerly were prepared in the jail kitchen.

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Washable, assorted colored checks, in all sizes. Each—

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Full size and heavy quality. Each

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