

Fourth Trial Under Way on Draft Charges

2 Await Sentence Here; Another Waives Jury Hearing

A fourth man charged with violation of the Selective Service Act was on trial in Federal Court today.

Gerald Hayes, 26, formerly of Ontario, Cal., now of Richmond, had pleaded not guilty to the charge when arraigned last March.

Instead of registering for the peacetime draft last August, authorities said Hayes informed draft board authorities and President Truman that he was not going to comply with the law.

Two other men found guilty on similar charges yesterday were under pre-sentence investigation by Federal Probation officers.

Two Found Guilty

William Edwards Wildman, 26, Richmond, former Earlham College student, and Amos G. Brokaw, 23, student at Ball State Teachers College, were found guilty of failure to register for the peace time draft by juries which deliberated only 10 minutes each.

Another defendant, Richard Shuffelbarger, 26, Martinsville, waived jury trial and will appear before Federal Judge Robert C. Baltzell.

Both Wildman and Brokaw testified they told their local draft boards they would not register. Brokaw said he had also advised the district attorney here.

During both cases, Harrop Freeman, law professor at Cornell University, Ithaca, N. Y., and defense attorney, contend that the draft boards could have registered the defendants without their signatures. He argued that the law did not prescribe appearance in person for registry.

B. Howard Caughran, U. S. District Attorney, countered with: "The draft officials are not on trial here."

Hard to Draw Line
When asked if his religious beliefs directed him to disobey the law, Wildman said:

"It is difficult to draw the line sometimes between whether to obey the state or higher laws (Laws of God). But I believe the higher laws come first."

He testified that according to his convictions, the draft law is morally wrong.

Brokaw had described the system as "un-Christian, unconstitutional and furthering a policy that is certain to lead to another war."

In his summation before the jury, Mr. Caughran said:

"This 'thing' of passive resistance (to the law) is not native here. It is of foreign birth. I have thought a long time before I say such a thing, but it is an American."

"With the last breath of my body I would say stamp it out. We can not have it in a country for which so many young men have been torn, have bled and have been killed."

"I do not find fault with the Society of Friends," Mr. Caughran continued, "they are fine people. . . . I know many of them. But I do not believe they are speaking for that sort of thing."

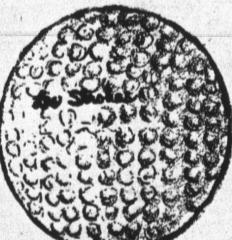
Upholds Religious Rights

Mr. Freeman appealed to the jury on grounds that a greater question than a law violation was at stake. The right of a young man to practice his religious convictions was also involved, he said.

He told jurors that it also concerned the question as to whether or not a citizen must first surrender his beliefs, by registering, before being allowed to practice them, if classified as a conscientious objector.

Three other men, charged with failure to register for the draft, were to face trial in Federal Court today.

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Fire Sweeps Fence Co. Warehouse and Draws Crowd of Onlookers

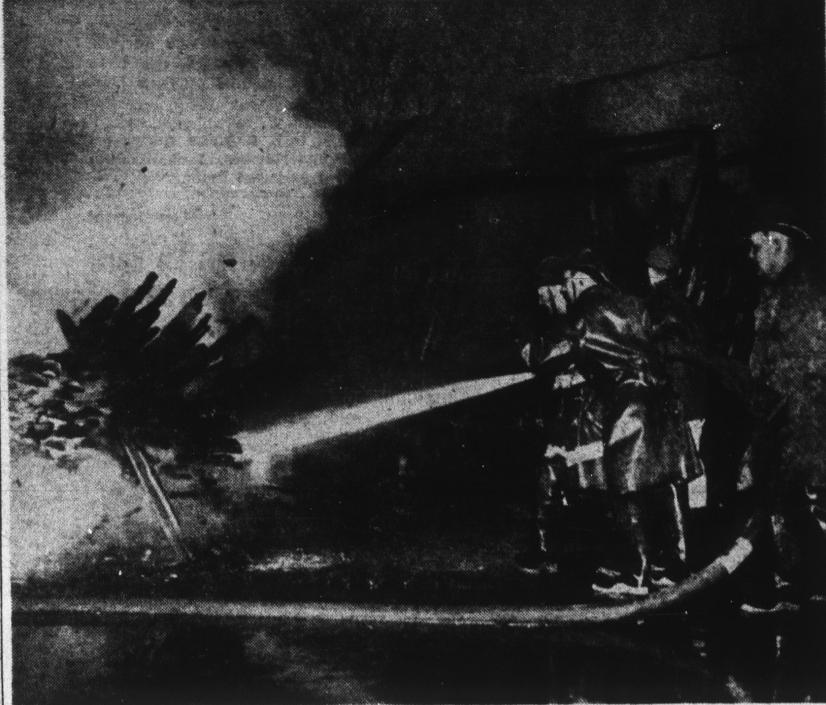


Photo by Henry E. Gleising Jr., Times Staff Photographer.



Photo by John Spicklemire, Times Staff Photographer.

Spectators Cheryl Love and Lawrence Blue, both of 4702 Caroline Ave., were held on the shoulders of James A. Watson and James A. Watson Jr., both of 419 W. 63d St.

Local Pastor To Go to Manila

Accepts Office In Union Church

By EMMA RIVERS MILNER
Times Church Editor

Dr. John B. Ferguson of Indianapolis has accepted the pastorate of the Union Church in Manila, Philippines Islands, where he served as minister more than 25 years ago.

Dr. Ferguson will return as pastor of the Irvington Presbyterian Church with the title "minister emeritus" July 1. He and Mrs. Ferguson will drive to the west coast the latter part of July and board a plane there to cross the Pacific.

Mrs. Ferguson said this morning it will be the first airplane trip either of them ever has taken.

When they went abroad to take over this Manila church back in 1922, they traveled by ship and took with them their five children including an infant 7 months old.

Church Was Bombed

The church includes most of the Protestant denominations in the Philippines with the exception of the Episcopal Church. Sometimes 27 different denominations are represented in the congregation. The edifice was bombed out during the war but is being rebuilt and the new manse in which the Fergusons will live is being erected.

More Americans are living on the islands now than ever before. Mrs. Ferguson reports. She says the Sunday school of Union Church is "overflowing."

Dr. Ferguson has consented to serve the Manila church for a year while they seek a permanent pastor. Mrs. Ferguson said.

On June 26, the Irvington congregation will hear Dr. Ferguson's farewell sermon. Dr. Howard Stone of Franklin, Ind., is his successor.

He told jurors that it also concerned the question as to whether or not a citizen must first surrender his beliefs, by registering, before being allowed to practice them, if classified as a conscientious objector.

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Firemen Battle Four Hours To Control \$45,000 Blaze

Building, Machinery, Cedar Posts Damaged;

Heat Melts Tires Off Nearby Concrete Mixer

A warehouse of the Hoosier Fence Co., 1701 E. 38th St., was swept last night by a fire that required four hours fighting before it was brought under control.

Damages was estimated at \$45,000.

N. E. Boyer, company president, who estimated the damage, said it included loss of building, machinery, fencing and cedar posts.

The fire was discovered by a company salesman, Jack Gardner, who smelled smoke as he worked overtime in the office.

Firemen were summoned at 6:17 p. m. and battled the blaze until a few minutes after 10 p. m. A crowd of about 200 spectators was gathered on the 125th St. property.

Tires Melted Off

The partially roofed, concrete-block structure which burned was 140 feet wide and 280 feet long. A 200-foot section of roof was destroyed by the fire. Heat was high enough to melt tires off a concrete mixer standing near.

Mr. Boyer said that about 20,000 of chain link fence and farm fencing might be salvaged from the fire, which destroyed a large quantity of cedar posts and wood-working machinery.

Mr. Boyer estimated, however, that the company would be able to resume operations within three days.

Fire Companies 22 and 28, Truck 22, Squad 4, District 2, Engine 2 and Engine 21 were used to fight the blaze. Capt. Charles Bevin, acting battalion chief, led operations.

Personal Property Damaged

Mr. Boyer, who was gathering mushrooms on his property at U. S. Highway 31 and 125th St. when the fire was discovered, said that some personal property was damaged in the blaze.

One object was a table made from a wagon wheel and used by his father years ago on a farm north of Westfield. It could be repaired, Mr. Boyer said.

Services at 1:30 p. m. Friday in the G. H. Herrmann Funeral Home will be followed by burial in Washington Park.

IN INDIANAPOLIS

INDIANA WEATHER

The Indiana weather picture today remained much the same as yesterday as southerly winds swept across the state, bringing warm air from the southwest and bright sunshine.

Slight cloudiness was centering in parts of extreme northern Indiana and there was some risk of a few showers today.

More moist air was expected over the southern half of the state. Cooler air from the northwest was expected to bring some relief to the hot spell with temperatures rising to about 80.

See Weather Map on page 20.

Temperatures in Indianapolis one year ago today: High, 58; low, 49.

EVENTS TODAY

Times Special—4th Sees Semi-Finals of World War Memorial National Executive Committee, 10 a. m. Friday. American Legion Headquarters.

4th Annual Indiana Artists Exhibit—Today and tomorrow. Herron Art Institute.

Indianapolis Grade School Children's Art Class—"American Art" through May 11.

Indianapolis Art Academy Oil and Water Color Exhibit—Through May 16. 809-610

American Christian Palestine Committee—Non-Lutheran—Collegiate Club.

Children's Art Competition—Meeting—7:30 p. m. City Hall.

Ladies Auxiliary—Speedway Feb. No. 8200.

Red Cross—Trotter—7:30 p. m. Red Cross Chapter House.

Democrats Community Center—Mystery Tune Ray St. John Show—4 p. m. South Side Community Center.

Ray St. John Show—4 p. m. Children's Chorus and Variety Show—D. M. Club.

Northwest Indiana Boy Scout Council—10 a. m. Butler Fieldhouse.

11th Annual State Competition in Higher Education—Indiana University.

Sierra Club—Annual Meeting—8 p. m. Club Auditorium.

Warren Central High School—Presentations—"Mosses and Mosses" and "School Gymnasium."

Crusaders—High School—Presentations—"Confidential of the Seniors" and "Today and tomorrow." 1:30 p. m.

Franklin Clerk Dies

William E. Franklin, clerk, treasurer of the city of Franklin, died last night in St. Vincent's Hospital. He had been in critical condition several days. Mr. Franklin was elected on the Republican ticket in 1947 for a four-year term.

MARRIAGE LICENSES

John W. Dvor, 25, 2148 N. Delaware; Robert William Magerhimer, 24, 1138 N. Colgate; Joann Lucille Hackett, 21, Robert Edward Moshman, 44, 1221

Copper Pipe Held Not Compulsory

McManamon Rules

On Water Co. Order

Indianapolis Water Co. has no authority to require installation of copper service pipes from the property line to the customer's meter, Atty. Gen. Emmett McManamon ruled today.

The company always has required that home owners pay for copper pipe from the water main to the shut-off valve at the private property line. On Mar. 1, the utility ordered builders to use copper instead of other material on the property line to the customer's meter, Atty. Gen. Emmett McManamon ruled today.

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